

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Education to which was referred Senate Bill No. 138
3 entitled “An act relating to school safety” respectfully reports that it has
4 considered the same and recommends that the House propose to the Senate that
5 the bill be amended as follows:

6 First: In Sec. 1, 16 V.S.A. § 1481, in subsection (a), following “to be
7 conducted following the guidance issued by the Vermont School Safety Center
8 jointly with the Vermont School Crisis Planning Team” by inserting “, and
9 shall require notification to parents and guardians not later than one school day
10 before an option-based response drill is conducted”

11 Second: By striking out Sec. 4, 16 V.S.A. § 1485, in its entirety and
12 inserting in lieu thereof a new Sec. 4 to read as follows:

13 Sec. 4. 16 V.S.A. § 1485 is added to read:

14 § 1485. BEHAVIORAL THREAT ASSESSMENT TEAMS

15 (a) Legislative intent.

16 (1) It is the intent of the General Assembly that behavioral threat
17 assessment teams be used for the purpose of preventing instances of severe and
18 significant targeted violence against schools and school communities, such as
19 threats related to weapons and mass casualties and bomb threats. The goal of
20 these teams is to assess and appropriately respond to potential reported threats
21 to school communities.

1 (2) It is the intent of the General Assembly that use of behavioral threat
2 assessment teams shall not contribute to increased school exclusion or
3 unnecessary referrals of students to the criminal justice and school discipline
4 systems and shall not disproportionately impact students from historically
5 marginalized backgrounds, including students with disabilities.

6 (b) Policy.

7 (1) As used in this section, “behavioral threat assessment” means a fact-
8 based, systematic process designed to identify, gather information about,
9 assess, and manage dangerous or violent situations.

10 (2) The Secretary of Education, in consultation with stakeholder groups,
11 including the Vermont School Boards Association and Vermont Legal Aid
12 Disability Law Project, shall develop, and from time to time update, a model
13 behavioral threat assessment team policy and procedures. In developing the
14 model policy and procedures, the Secretary shall follow guidance issued by the
15 Vermont School Safety Center on best practices in the use of behavioral threat
16 assessment teams. The model policy and procedure shall require law
17 enforcement contact in the case of imminent danger to individuals or the
18 school community and shall address the following:

19 (A) the criteria that shall be used to assess a student’s threatening
20 behavior;

21 (B) the process for reporting threatening behavior;

1 (C) the civil rights and due process protections to which students are
2 entitled in school settings;

3 (D) when and how to refer to or involve law enforcement in the
4 limited instances when such referral is appropriate, which shall not include
5 student behavior that is a violation of the school conduct code but that is not
6 also a crime; and

7 (E) the support resources that shall be made available, including
8 mental health first aid, counseling, and safety plans.

9 (3) Each school district and each approved or recognized independent
10 school shall develop, adopt, and ensure implementation of a policy and
11 procedures for use of behavioral threat assessment teams that is consistent with
12 and at least as comprehensive as the model policy and procedures developed
13 by the Secretary. Any school board or independent school that fails to adopt
14 such a policy or procedures shall be presumed to have adopted the most current
15 model policy and procedures published by the Secretary.

16 (4) The Vermont School Safety Center shall issue guidance on the best
17 practices of behavioral threat assessment teams. The guidance shall include
18 best practices on bias and how to reduce incidents of bias, developed in
19 consultation with the Office of Racial Equity.

20 (c) Discipline and student support.

1 (1) Consistent with the legislative intent in subsection (a) of this section,
2 if a behavioral threat assessment team recommends, in addition to providing
3 support resources, any action that could result in removal of a student from the
4 student’s school environment pending or after a behavioral threat assessment,
5 the recommendation shall only be carried out in a manner consistent with
6 existing law, regulation, and associated procedures on student discipline
7 pursuant to section 1162 of this title and Agency of Education, Pupils (CVR
8 22-000-009), as well as federal and State law regarding students with
9 disabilities or students who require additional support.

10 (2) Behavioral threat assessments shall be structured and used in a way
11 that is intended to minimize interaction with the criminal justice system. Law
12 enforcement referral and involvement may be appropriate only in cases
13 involving threats, which shall not include student behavior that is a violation of
14 the school conduct code but that is not also a crime.

15 (d) Training.

16 (1) Each supervisory union, supervisory district, and approved or
17 recognized independent school shall ensure behavioral threat assessment team
18 members receive training at least annually in best practices of conducting
19 behavioral threat assessments, as well as bias training. The annual training
20 shall include the following topics:

1 (A) the rules governing exclusionary discipline, Agency of
2 Education, Pupils (CVR 22-000-009);

3 (B) the purpose, use, and proper implementation of the manifestation
4 determination review process;

5 (C) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794;
6 the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq.; and
7 other civil rights laws;

8 (D) the negative consequences of exclusion from school;

9 (E) the impact of trauma on brain development; and

10 (F) group bias training, specifically focused on bias in carrying out
11 the duties of the behavioral threat assessment team.

12 (2) The Agency of Education, in consultation with the Department of
13 Public Safety, shall develop guidance and resources to assist supervisory
14 unions, supervisory districts, and independent schools in providing the annual
15 training required under this subsection. In developing the guidance on bias
16 training for behavioral threat assessment teams, the Agency and Department
17 shall consult with the Vermont Office of Racial Equity.

18 (e) Data reporting and collection. Annually, each supervisory union,
19 supervisory district, and approved or recognized independent school shall
20 report data related to completion of and outcomes of all behavioral threat
21 assessments and manifestation determination reviews to the Agency in a

1 format approved by the Secretary. At a minimum, the annual report shall
2 include:

3 (1) the names of the members of the behavioral assessment team;

4 (2) the number of behavioral threat assessments and manifestation
5 determination reviews conducted in the preceding year and for each
6 assessment or review conducted:

7 (A) a description of the behavior requiring an assessment;

8 (B) the age, grade, race, gender, disability status, and eligibility for
9 free or reduced-price school meals of the student requiring the assessment; and

10 (C) the results of each assessment or review;

11 (3) the number of students subjected to more than one behavioral threat
12 assessment or manifestation determination review;

13 (4) the amount of time a student is out of school pending completion of
14 a behavioral threat assessment;

15 (5) information regarding whether a student subject to a behavioral
16 threat assessment was also subject to exclusionary discipline for the same
17 behavior, including the length of such discipline;

18 (6) information regarding whether law enforcement was involved in a
19 behavioral threat assessment;

20 (7) information regarding whether the threatening behavior was also
21 reported to law enforcement; and

1 (8) any additional data the Secretary of Education determines may be
2 necessary.

3 Third: By striking out Sec. 5, effective dates, in its entirety and inserting in
4 lieu thereof a new Sec. 5 to read as follows:

5 Sec. 5. BEHAVIORAL THREAT ASSESSMENT TEAMS;

6 IMPLEMENTATION

7 (a) Creation of model policy.

8 (1) On or before November 1, 2023, the Agency of Education shall issue
9 for public comment a draft model policy and procedures for use by behavioral
10 threat assessment teams required pursuant to 16 V.S.A. § 1485(b)(2).

11 (2) On or before December 15, 2023, the Agency shall issue, publicly
12 post, and communicate to school districts and independent schools the final
13 model policy and procedures required pursuant to 16 V.S.A. § 1485(b)(2).

14 (3) School districts and independent schools currently using behavioral
15 threat assessment teams shall update and implement a policy on the use of
16 behavioral threat assessment teams consistent with the model policy created
17 pursuant to 16 V.S.A. § 1485(b)(2) not later than the 2024–2025 school year.

18 (b) Establishment of behavioral threat assessment teams; training.

19 (1) School districts and independent schools not already using
20 behavioral threat assessment teams shall take all actions necessary to establish
21 a team not later than July 1, 2025, including:

1 (A) identifying and training team members, which shall include
2 group bias training and the training requirements contained in 16 V.S.A.
3 § 1485(d);

4 (B) adopting a behavioral threat assessment team policy;

5 (C) establishing procedures for proper, fair, and effective use of
6 behavioral threat assessment teams;

7 (D) updating and exercising emergency operations plans; and

8 (E) providing education to the school community on the purpose and
9 use of behavioral threat assessment teams.

10 (2) School districts and independent schools currently using behavioral
11 threat assessment teams shall certify compliance with the training requirements
12 contained in 16 V.S.A. § 1485(d) on or before the first day of the 2023–2024
13 school year.

14 (3) The Agency of Education and Department of Public Safety shall
15 issue guidance and offer training necessary to assist school districts and
16 independent schools with implementation of this subsection.

17 (c) The Agency of Education shall establish guidelines necessary to collect
18 the data required pursuant to 16 V.S.A. § 1485(e). Each supervisory union,
19 supervisory district, and independent school using behavioral threat assessment
20 teams as of July 1, 2023 shall comply with the data collection requirements
21 under 16 V.S.A. § 1485(e) beginning in the 2023–2024 school year.

1 (d) Reports.

2 (1) On or before January 15, 2024, the Agency of Education, in
3 consultation with the Vermont School Safety Center, shall issue a written
4 report on the status of the implementation of the duties and requirements
5 established pursuant to 16 V.S.A. § 1485, including the status of:

6 (A) the development of the model policy;

7 (B) updates to training and guidance documents;

8 (C) updates on training and professional development requirements
9 for behavioral threat assessment teams;

10 (D) data collected or voluntarily reported to the Agency or Center;

11 (E) the guidance issued, training developed, and measures
12 implemented to prevent a disproportionate impact of behavioral threat
13 assessments on historically marginalized students, including students with
14 disabilities, to ensure that use of behavioral threat assessments does not
15 increase use of school removals or law enforcement referrals for these
16 populations, as well as plans for future training and guidance; and

17 (F) any grants or funding secured to support the implementation or
18 proper use of behavioral threat assessment teams.

19 (2) On or before January 15, 2025, the Agency of Education, in
20 consultation with the Vermont School Safety Center, shall issue a written

1 report on the status of the implementation of the duties and requirements
2 established pursuant to 16 V.S.A. § 1485, including the status of:

3 (A) data collected from supervisory unions, supervisory districts, and
4 independent schools for the 2023–2024 school year;

5 (B) completion of the development of the model policy; and

6 (C) additional guidance, training, and other measures to prevent
7 disproportionate impacts on historically marginalized students, including
8 students with disabilities, as well as plans for future training and guidance.

9 (3) On or before January 15, 2024, the Agency of Education shall
10 submit a written report with any recommended legislative language from the
11 policy stakeholder work undertaken during the creation of the model policy
12 and accompanying guidance and training materials required pursuant to 16
13 V.S.A. § 1485.

14 Fourth: By adding a new section to be Sec. 6 to read as follows

15 Sec. 6. EFFECTIVE DATES

16 (a) This section and Sec. 5 shall take effect on July 1, 2023.

17 (b) Secs. 1 (16 V.S.A. § 1481) and 3 (16 V.S.A. § 1484) shall take effect
18 on August 1, 2023.

19 (c) Sec. 2 (16 V.S.A. § 1480) shall take effect on July 1, 2024.

20 (d) Sec. 4 (16 V.S.A. § 1485) shall take effect on July 1, 2025.

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(Committee vote: _____)

Representative _____

FOR THE COMMITTEE