

**Side-by-Side of current school safety requirements vs. AOE proposed language, School Safety Policy Initiative
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2.2.23 (draft 1.1)**

Proposed amendments or additions to current law in yellow

<p align="center">Chapter 33: <i>Fire and Emergency Preparedness Drills and Safety Patrols</i> Current Law</p>	<p align="center">AOE School Safety Policy Initiative</p>
<p>No similar provision</p>	<p>§ 1480. EMERGENCY OPERATIONS PLANS (a) Each supervisory union or supervisory district shall adopt an all-hazards emergency operations plan that is at least as comprehensive as the template maintained by the Vermont School Crisis Planning Team. The plan shall be updated on an annual basis, including collaboration with local emergency first responders and emergency management officials. (b) The Vermont School Crisis Planning Team shall maintain a template emergency operations plan and update the template as appropriate.</p>
<p>§ 1481. FIRE AND EMERGENCY PREPAREDNESS DRILLS (a) The principal or person in charge of a public or independent school or another educational institution, other than a university or college, shall drill the students so they are able to leave the school building or perform other procedures described in the school’s emergency preparedness plan, or both, in the shortest possible time and without panic or confusion.</p>	<p>§ 1481. FIRE AND EMERGENCY PREPAREDNESS DRILLS (a) The principal or person in charge of a public or independent school or another educational institution, other than a university or college, shall drill the students so they are able to leave the school building or perform other procedures described in the school’s emergency preparedness plan, or both, in the shortest possible time and without panic or confusion. Each supervisory union or supervisory district that operates a school shall adopt a policy mandating each school site to conduct an options-based response drill each year in the fall and spring of the academic year. The policy shall require that drills be</p>

<p>(b) A drill shall be held at least once in each month during the school year and a record of the date and time of the drill, together with the time consumed in completing the procedure, shall be kept in the official school register, and such register shall be open at all times for inspection by representatives from the Fire Safety Division of the Department of Public Safety or the Agency of Education.</p> <p>(c) A school district, independent school, or educational institution whose administrative personnel neglect to comply with the provisions of this section shall be fined not more than \$500.00.</p>	<p><u>conducted following the template developed by the Vermont School Safety Center jointly with the Vermont School Crisis Planning Team. A superintendent shall report completion of the bi-annual drills to the Agency of Education in a format approved by the Secretary.</u></p> <p>(b) A drill shall be held at least once in each month during the school year and a record of the date and time of the drill, together with the time consumed in completing the procedure, shall be kept in the official school register, and such register shall be open at all times for inspection by representatives from the Fire Safety Division of the Department of Public Safety or the Agency of Education. <u>Each approved or recognized independent school or other educational institution, other than a university or college, shall conduct an options-based response drill each year in the fall and the spring of the academic year. Drills shall be conducted following the template developed by the Vermont School Safety Center jointly with the Vermont School Crisis Planning Team. The head of school shall report completion of the biannual drills to the Agency of Education in a format approved by the Secretary.</u></p> <p>(c) A school district, independent school, or educational institution whose administrative personnel neglect to comply with the provisions of this section shall be fined not more than \$500.00.</p> <p><u>(d) Annually, the Vermont School Safety Center and Agency of Education shall review the reports submitted according to this section and shall ensure compliance and identify future planning and training needs.</u></p>
<p>§ 1482. SAFETY PATROLS</p> <p>(a) In the exercise of authorized control and supervision over students attending schools and other educational institutions in</p>	<p>No similar provision</p>

this State, both public and independent, the school board or other directing authority of a school or institution may organize and supervise school safety patrols and the appointment, with the permission of parents, of students as members for the purpose of influencing and encouraging other students to refrain from crossing public highways at points other than at regular crossings and for the purpose of directing students not to cross highways at times when the presence of traffic would make crossing unsafe.

(b) The school board or other directing authority shall obtain and keep in force adequate accident insurance to protect students acting as safety patrols during the performance of their services.

(c) The Commissioner of Public Safety shall, upon the request of a school board or other directing authority of any public or independent educational institution, assign an officer or officers of the State Police to assist the school authorities to organize and supervise school safety patrols, advise and make recommendations concerning the elimination of traffic hazards endangering the safety of students, and otherwise assist in promoting safety education in the schools of the State. Within the appropriation of the Department of Public Safety, the Commissioner shall furnish any equipment, material, and supplies that he or she deems necessary for the proper functioning of the school safety patrols. Nothing in this section shall be construed to authorize or permit any safety patrol member to direct vehicular traffic.

(d) Liability shall not attach either to a school, educational institution, governing board, individual director, trustee, superintendent, teacher, or other school authority, parent, sponsor, sponsoring organization, or representative of a sponsor, or to the Department of Public Safety or to any of its employees, by virtue of the organization, maintenance, or operation of a school safety patrol and school safety patrol field day activity

<p>organized, maintained, and operated under the authority of this section because of injuries sustained by any student or person, whether a member of the patrol or otherwise, by reason of the operation and maintenance.</p>	
<p>§ 1483. CHAPTER PRINTED IN MANUALS OR HANDBOOKS</p> <p>This chapter shall be printed in manuals or handbooks prepared for the guidance of teachers in a school or institution subject to the provisions of this chapter.</p>	<p>No similar provision</p>
<p>No similar provision</p>	<p>§ 1484. ACCESS CONTROL AND VISITOR MANAGEMENT POLICY</p> <p>(a) Each supervisory union or supervisory district shall adopt a policy that, at minimum, requires that all school sites and supervisory union and supervisory district offices lock exterior doors during the school day. The policy shall require that all visitors sign in at a centralized location prior to gaining full access to the school or office site.</p> <p>(b) Each approved independent school shall adopt written procedures consistent with the requirements in subsection (a) of this section.</p>
<p>No similar provision</p>	<p>§ 1485. BEHAVIORAL THREAT ASSESSMENT TEAMS</p> <p>(a) Each supervisory union or supervisory district and each approved independent school shall appoint a behavioral threat assessment team to be comprised of, at a minimum, administrators, mental health professionals, a school counselor, a school nurse, and local law enforcement officials. Members of</p>

	<p>the team shall be trained at least annually in best practices of conducting behavioral threat assessments. Superintendents and heads of independent schools shall report data related to behavioral threat assessment results to the Agency in a format approved by the Secretary.</p> <p>(b) Annually, each supervisory union, supervisory district, or approved independent school shall report the names of the members of its behavioral assessment team to the Agency of Education in a format approved by the Secretary.</p>
<p>Chapter 25: Attendance and Discipline Current Law</p>	<p>AOE School Safety Policy Initiative</p>
<p>§ 1161a. DISCIPLINE</p> <p>(a) Each public and each approved independent school shall adopt and implement a comprehensive plan for responding to student misbehavior. To the extent appropriate, the plan shall promote the positive development of youths. The plan shall include:</p> <p>(1) The school’s approach to classroom management and response to disruptive behavior, including the use of alternative educational settings.</p> <p>(2) The manner in which the school will provide information and training to students in methods of conflict resolution, peer mediation, and anger management.</p> <p>(3) Procedures for informing parents of the school’s discipline policies, for notifying parents of student misconduct, and for working with parents to improve student behavior.</p> <p>(4) The school’s response to significant disruptions, such as threats or use of bombs or weapons.</p> <p>(5) A description of how the school will ensure that all staff and contractors who routinely have unsupervised contact</p>	<p>No similar provision</p>

<p>with students periodically receive training on the maintenance of a safe, orderly, civil, and positive learning environment. The training shall be appropriate to the role of the staff member being trained and shall teach classroom and behavior management, enforcement of the school’s discipline policies, and positive youth development models.</p> <p>(6) A description of behaviors on and off school grounds that constitute misconduct, including harassment, bullying, and hazing, particularly those behaviors that may be grounds for expulsion. The plan shall include a description of misconduct as listed in subdivisions 11(a)(26)(A)-(C) and (32) of this title that, although serious, does not rise to the level of harassment or bullying as those terms are defined in these subdivisions.</p> <p>(7) Standard due process procedures for suspension and expulsion of a student.</p> <p>(b) For the purpose of this chapter, “corporal punishment” means the intentional infliction of physical pain upon the body of a pupil as a disciplinary measure.</p> <p>(c) No person employed by or agent of a public or approved independent school shall inflict or cause to be inflicted corporal punishment upon a student attending the school or the institution. However, this section does not prohibit a person from using reasonable and necessary force:</p> <ol style="list-style-type: none"> (1) to quell a disturbance; (2) to obtain possession of weapons or other dangerous objects upon the person of or within the control of a student; (3) for the purpose of self defense; or (4) for the protection of persons or property. 	
<p>§ 1162. SUSPENSION OR EXPULSION OF STUDENTS</p> <p>(a) A superintendent or principal may, pursuant to policies adopted by the school board that are consistent with State Board</p>	<p>No similar provision</p>

rules, suspend a student for up to 10 school days or, with the approval of the board of the school district, expel a student for up to the remainder of the school year or up to 90 school days, whichever is longer, for misconduct:

(1) on school property, on a school bus, or at a school-sponsored activity when the misconduct makes the continued presence of the student harmful to the welfare of the school;

(2) not on school property, on a school bus, or at a school-sponsored activity where direct harm to the welfare of the school can be demonstrated; or

(3) not on school property, on a school bus, or at a school-sponsored activity where the misconduct can be shown to pose a clear and substantial interference with another student's equal access to educational programs.

(b) Nothing contained in this section shall prevent a superintendent or principal, subject to subsequent due process procedures, from removing immediately from a school a student who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process of the school, or from expelling a student who brings a weapon to school pursuant to section 1166 of this title.

(c) Principals, superintendents, and school boards are authorized and encouraged to provide alternative education services or programs to students during any period of suspension or expulsion authorized under this section.

(d) Notwithstanding anything to the contrary in this chapter, a student enrolled in a public school, approved independent school, or prequalified private prekindergarten program who is under eight years of age shall not be suspended or expelled from the school; provided, however, that the school may suspend or expel the student if the student poses an imminent threat of harm or danger to others in the school.

<p>§ 1163. TRANSFER OF SUSPENSION OR EXPULSION TO OTHER SCHOOLS</p> <p>(a) If a student transfers from one Vermont public or independent school to another, then upon application by the student and after a review of whether the school can provide the student with appropriate services, the new school may choose to continue a suspension or expulsion imposed by the original school.</p> <p>(b) During a period of suspension or expulsion imposed under section 1162 of this title, a student, or parent or guardian, shall not be subject to the provisions of subchapter 3 of this chapter regarding compulsory attendance at school, unless the conditions of the suspension or expulsion include participation in a program in the school or an alternative program outside the school. Further, nothing in this section shall prohibit a suspended or expelled student from applying to a different Vermont public or independent school during the period of suspension or expulsion and attending if accepted.</p> <p>(c) A school district that provides for the education of a suspended or expelled student by paying tuition to a public or approved independent school may, at the discretion of the school board, provide for the education of the student during the period of suspension or expulsion by paying tuition to another public or approved independent school.</p>	<p>No similar provision</p>
<p>§ 1165. ALCOHOL AND DRUG ABUSE</p> <p>(a) The State Board, in consultation with local school boards, the alcohol and drug division, the law enforcement authorities, and the juvenile court system shall formulate a general policy for the education, discipline, and referral for rehabilitation of</p>	<p>No similar provision</p>

<p>students who are involved with alcohol or drug abuse on school property or at school functions.</p> <p>(b) The State Board shall adopt rules for all school districts that include standards consistent with due process of law for discipline, suspension, or dismissal of students and recommended procedures for education and for referral for treatment and rehabilitation.</p> <p>(c) Each school district shall adopt its own policy consistent with the State Board’s rules setting forth recommended procedures for education; referral for treatment, counseling, and rehabilitation; and standards consistent with due process of law for discipline, suspension, or dismissal of students in accordance with section 1162 of this title. Nothing in this section is intended to mandate local school districts to employ counselors for treatment or rehabilitation.</p> <p>(d) [Repealed.]</p> <p>(e) No municipality, school district, or officer or employee of the school district shall be liable for civil damages in connection with the implementation of the purposes of this section so long as they have acted in good faith and not knowingly in violation of the constitutional or civil rights of any person.</p> <p>(f), (g) [Repealed.]</p>	
<p>§ 1166. POSSESSION OF A FIREARM AT SCHOOL</p> <p>(a) In this section, the terms “to school” and “firearm” shall have the same meaning that the terms have in 18 U.S.C. § 921. The school board may expand the definitions, however, provided they remain consistent with federal law.</p> <p>(b) Each school board shall adopt and implement policies regarding a student who brings a firearm to or possesses a firearm at school, which at a minimum shall include:</p>	<p>No similar provision</p>

(1) A provision that any student who brings a firearm to or possesses a firearm at school shall be referred to a law enforcement agency. In addition to any other action the law enforcement agency may take, it may report the incident to the Department for Children and Families.

(2) A provision that the superintendent or principal, with the approval of the school board following opportunity for a hearing, shall expel from the school for not less than one calendar year any student who brings a firearm to or possesses a firearm at school; provided, however, the school board may modify the expulsion on a case-by-case basis. Modifications may be granted in circumstances such as:

(A) The student is unaware that he or she has brought a firearm to or possessed a firearm at school.

(B) The student did not intend to use the firearm to threaten or endanger others.

(C) The student has a disability and the misconduct is related to the student's disability.

(D) The student does not present an ongoing threat to others and a lengthy expulsion would not serve the best interests of the student.

(c) Annually at a time and on a form determined by the Secretary, each superintendent shall provide the Secretary with a description of the circumstances surrounding expulsions imposed under this section, the number of students expelled, and the type of firearm involved.

<p>§ 1167. SCHOOL RESOURCE OFFICER; MEMORANDUM OF UNDERSTANDING</p> <p>(a) Neither the State Board nor the Agency shall regulate the use of restraint and seclusion on school property by a school resource officer certified pursuant to 20 V.S.A. § 2358.</p> <p>(b) School boards and law enforcement agencies are encouraged to enter into memoranda of understanding relating to:</p> <ul style="list-style-type: none"> (1) the possession and use of weapons and devices by a school resource officer on school property; and (2) the nature and scope of assistance that a school resource officer will provide to the school system. 	
<p>Chapter 31: <i>Medical Inspection Generally; Health Services</i> Current Law</p>	<p>AOE School Safety Policy Initiative</p>
<p>§ 1386. HEALTH SERVICES FOR CHILDREN</p> <p>In any school year, a school board may expend from its funds a sum not to exceed three percent of that year's school budget for any necessary health service for a student whose parents are unable to pay for it. Expenditures for this purpose may include the purchase of eyeglasses and the provision of dental and other health services approved by the school nurse. The right to determine who is covered under this section shall be in the discretion of the school board.</p>	<p>No similar provision</p>
<p>§ 1388. STOCK SUPPLY AND EMERGENCY ADMINISTRATION OF EPINEPHRINE AUTO-INJECTORS</p> <p>(a) As used in this section:</p>	

(1) “Designated personnel” means a school employee, agent, or volunteer who has been authorized by the school administrator to provide and administer epinephrine auto-injectors under this section and who has completed the training required by State Board policy.

(2) “Epinephrine auto-injector” means a single-use device that delivers a premeasured dose of epinephrine.

(3) “Health care professional” means a physician licensed pursuant to 26 V.S.A. chapter 23 or 33, an advanced practice registered nurse licensed to prescribe drugs and medical devices pursuant to 26 V.S.A. chapter 28, or a physician assistant licensed to prescribe drugs and medical devices pursuant to 26 V.S.A. chapter 31.

(4) “School” means a public or approved independent school and extends to school grounds, school-sponsored activities, school-provided transportation, and school-related programs.

(5) “School administrator” means a school’s principal or headmaster.

(b)(1) A health care professional may prescribe an epinephrine auto-injector in a school’s name, which may be maintained by the school for use as described in subsection (d) of this section. The health care professional shall issue to the school a standing order for the use of an epinephrine auto-injector prescribed under this section, including protocols for:

(A) assessing whether an individual is experiencing a potentially life-threatening allergic reaction;

(B) administering an epinephrine auto-injector to an individual experiencing a potentially life-threatening allergic reaction;

(C) caring for an individual after administering an epinephrine auto-injector to him or her, including contacting emergency services personnel and documenting the incident; and

(D) disposing of used or expired epinephrine auto-injectors.

(2) A pharmacist licensed pursuant to 26 V.S.A. chapter 36 or a health care professional may dispense epinephrine auto-injectors prescribed to a school.

(c) A school may maintain a stock supply of epinephrine auto-injectors. A school may enter into arrangements with epinephrine auto-injector manufacturers or suppliers to acquire epinephrine auto-injectors for free or at reduced or fair market prices.

(d) The school administrator may authorize a school nurse or designated personnel, or both, to:

(1) provide an epinephrine auto-injector to a student for self-administration according to a plan of action for managing the student's life-threatening allergy maintained in the student's school health records pursuant to section 1387 of this title;

(2) administer a prescribed epinephrine auto-injector to a student according to a plan of action maintained in the student's school health records; and

(3) administer an epinephrine auto-injector, in accordance with the protocol issued under subsection (b) of this section, to a student or other individual at a school if the nurse or designated personnel believe in good faith that the student or individual is experiencing anaphylaxis, regardless of whether the student or individual has a prescription for an epinephrine auto-injector.

(e) Designated personnel, a school, and a health care professional prescribing an epinephrine auto-injector to a school shall be immune from any civil or criminal liability arising from the administration or self-administration of an epinephrine auto-injector under this section, unless the person's conduct constituted intentional misconduct. Providing or administering an epinephrine auto-injector under this section does not constitute the practice of medicine.

(f) On or before January 1, 2014, the State Board, in consultation with the Department of Health, shall adopt policies for managing students with life-threatening allergies and other individuals with life-threatening allergies who may be present at a school. The policies shall:

(1) establish protocols to prevent exposure to allergens in schools;

(2) establish procedures for responding to life-threatening allergic reactions in schools, including postemergency procedures;

(3) implement a process for schools and the parents or guardians of students with a life-threatening allergy to jointly develop a written individualized allergy management plan of action that:

(A) incorporates instructions from a student's physician regarding the student's life-threatening allergy and prescribed treatment;

(B) includes the requirements of section 1387 of this title, if a student is authorized to possess and self-administer emergency medication at school;

(C) becomes part of the student's health records maintained by the school; and

(D) is updated each school year;

(4) require education and training for school nurses and designated personnel, including training related to storing and administering an epinephrine auto-injector and recognizing and responding to a life-threatening allergic reaction; and

(5) require each school to make publicly available protocols and procedures developed in accordance with the policies adopted by the State Board under this section.

§ 1431. CONCUSSIONS AND OTHER HEAD INJURIES

(a) Definitions. As used in this subchapter:

(1) “Coach” means a person who instructs or trains students on a school athletic team.

(2) “Collision sport” means football, hockey, lacrosse, or wrestling.

(3) “Contact sport” means a sport, other than football, hockey, lacrosse, or wrestling, defined as a contact sport by the American Academy of Pediatrics.

(4) “Health care provider” means an athletic trainer, or other health care provider, licensed pursuant to Title 26, who has within the preceding five years been specifically trained in the evaluation and management of concussions and other head injuries. Training pursuant to this subdivision shall include training materials and guidelines for practicing physicians provided by the Centers for Disease Control and Prevention, if available.

(5) “School athletic team” means an interscholastic athletic team or club sponsored by a public or approved independent school for elementary or secondary students.

(6) “Youth athlete” means an elementary or secondary student who is a member of a school athletic team.

(b) Guidelines and other information. The Secretary of Education or designee, assisted by members of the Vermont Principals’ Association selected by that association, members of the Vermont School Boards Insurance Trust, and others as the Secretary deems appropriate, shall develop statewide guidelines, forms, and other materials, and update them when necessary, that are designed to educate coaches, youth athletes, and the parents and guardians of youth athletes regarding:

(1) the nature and risks of concussions and other head injuries;

No similar provision

(2) the risks of premature participation in athletic activities after receiving a concussion or other head injury;

(3) the importance of obtaining a medical evaluation of a suspected concussion or other head injury and receiving treatment when necessary;

(4) effective methods to reduce the risk of concussions occurring during athletic activities; and

(5) protocols and standards for clearing a youth athlete to return to play following a concussion or other head injury, including treatment plans for such athletes.

(c) Notice and training. The principal or headmaster of each public and approved independent school in the State, or a designee, shall ensure that:

(1) the information developed pursuant to subsection (b) of this section is provided annually to each youth athlete and the athlete's parents or guardians;

(2) each youth athlete and a parent or guardian of the athlete annually sign a form acknowledging receipt of the information provided pursuant to subdivision (1) of this subsection and return it to the school prior to the athlete's participation in training or competition associated with a school athletic team;

(3)(A) each coach of a school athletic team receive training no less frequently than every two years on how to recognize the symptoms of a concussion or other head injury, how to reduce the risk of concussions during athletic activities, and how to teach athletes the proper techniques for avoiding concussions; and

(B) each coach who is new to coaching at the school receive training prior to beginning his or her first coaching assignment for the school; and

(4) each referee of a contest involving a high school athletic team participating in a collision sport receive training

not less than every two years on how to recognize concussions when they occur during athletic activities.

(d) Participation in athletic activity.

(1) Neither a coach nor a health care provider shall permit a youth athlete to continue to participate in any training session or competition associated with a school athletic team if the coach or health care provider knows or should know that the athlete has sustained a concussion or other head injury during the training session or competition.

(2) Neither a coach nor a health care provider shall permit a youth athlete who has been prohibited from training or competing pursuant to subdivision (1) of this subsection to train or compete with a school athletic team until the athlete has been examined by and received written permission to participate in athletic activities from a health care provider.

(e) Action plan.

(1) The principal or headmaster of each public and approved independent school in the State or a designee shall ensure that each school has a concussion management action plan that describes the procedures the school shall take when a student athlete suffers a concussion. The action plan shall include policies on:

(A) who makes the initial decision to remove a student athlete from play when it is suspected that the athlete has suffered a concussion;

(B) what steps the student athlete must take in order to return to any athletic or learning activity;

(C) who makes the final decision that a student athlete may return to athletic activity; and

(D) who has the responsibility to inform a parent or guardian when a student on that school's athletic team suffers a concussion.

(2) The action plan required by subdivision (1) of this subsection shall be provided annually to each youth athlete and the athlete's parents or guardians.

(3) Each youth athlete and a parent or guardian of the athlete shall annually sign a form acknowledging receipt of the information provided pursuant to subdivision (2) of this subsection and return it to the school prior to the athlete's participation in training or competition associated with a school athletic team.

(f) Health care providers; presence at athletic events.

(1) The home team shall ensure that a health care provider is present at any athletic event in which a high school athletic team participates in a collision sport. If an athlete on the visiting team suffers a concussion during the athletic event, the health care provider shall notify the visiting team's athletic director within 48 hours after the injury occurs.

(2) Home teams are strongly encouraged to ensure that a health care provider is present at any athletic event in which a high school athletic team participates in a contact sport.

(3) A school shall notify a parent or guardian within 24 hours of when a student participating on that school's athletic team suffers a concussion.