

Comparison of Harassment/Bullying/Proposed Bullying Statutes
 Testimony before House Committee on Education
 Jim DesMarais, Office of Legislative Council
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	Subject	Harassment	Bullying (Current)	Bullying (Proposed)
1.	Who is protected	Protected classes, based on categories such as race, gender or disability	Students	Same as current bullying statute
2.	From whom	Anyone (in context of school)	Students	Students, teachers, administrators, school staff
3.	Policy	Required, including a description of procedure for investigating complaints, which must include requirement that investigation begin no later than one school day from filing complaint, and conclude within five school days from filing of complaint.	Required, but not required to include timeframes for investigation	Same as for harassment requirements
4.	Independent Review	Student may request independent review, by neutral person (list maintained by AOE). Review to proceed expeditiously.	Not required	Same as for harassment requirements
5.	Further Review	Student may bring claim before Vermont Human Rights Commission, after exhaustion of other administrative remedies (unless excused). To prevail, must prove that the student was subject to unwelcome conduct based on protected class, and resulted in denial of equal access to educational opportunities/benefits.	No further review	Similar to harassment statute, but claim to superior courts. Must prove bullying and school negligent.
6.	Tuition option	Not available	Not available	Available after favorable finding from Independent Review