

1 S.138

2 An act relating to school safety

3 It is hereby enacted by the General Assembly of the State of Vermont:

4 Sec. 1. 16 V.S.A. § 1481 is amended to read:

5 § 1481. FIRE AND EMERGENCY PREPAREDNESS DRILLS

6 (a) ~~The principal or person in charge of a public or independent school or~~
7 ~~another educational institution, other than a university or college, shall drill the~~
8 ~~students so they are able to leave the school building or perform other~~
9 ~~procedures described in the school's emergency preparedness plan, or both, in~~
10 ~~the shortest possible time and without panic or confusion. Each school board~~
11 in a district that operates a school shall adopt a policy mandating each school
12 site to conduct options-based response drills at each school site in the fall and
13 spring of each academic year. The policy shall require age-appropriate options-
14 based response drills, including fire drills, to be conducted following the
15 guidance issued by the Vermont School Safety Center jointly with the Vermont
16 School Crisis Planning Team and shall require notification to parents and
17 guardians not later than one school day before an options-based response drill
18 is conducted. In issuing the guidance, the Vermont School Safety Center and
19 the Vermont School Crisis Planning Team shall include trauma-informed best
20 practices for implementing options-based response drills. A superintendent
21 shall report completion of the biannual drills to the Agency of Education in a
22 format approved by the Secretary.

1 ~~(b) A drill shall be held at least once in each month during the school year~~
2 ~~and a record of the date and time of the drill, together with the time consumed~~
3 ~~in completing the procedure, shall be kept in the official school register, and~~
4 ~~such register shall be open at all times for inspection by representatives from~~
5 ~~the Fire Safety Division of the Department of Public Safety or the Agency of~~
6 ~~Education.~~ Each approved or recognized independent school or other
7 educational institution, other than a university or college, shall adopt a policy
8 mandating the school to conduct options-based response drills and fire drills in
9 the fall and spring of each academic year, consistent with the requirements of
10 subsection (a) of this section. The head of school shall report completion of
11 the biannual drills to the Agency of Education in a format approved by the
12 Secretary.

13 (c) A school district, independent school, or educational institution whose
14 administrative personnel neglect to comply with the provisions of this section
15 shall be fined not more than \$500.00.

16 (d) Annually, the Vermont School Safety Center and Agency of Education
17 shall review the reports submitted according to this section and shall ensure
18 compliance and identify future planning and training needs.

1 Sec. 2. 16 V.S.A. § 1480 is added to read:

2 § 1480. EMERGENCY OPERATIONS PLANS

3 (a) Each supervisory union or supervisory district shall adopt and maintain
4 an all-hazards emergency operations plan for each school site that is at least as
5 comprehensive as the template maintained by the Vermont School Safety
6 Center. The plan shall be reviewed and updated on an annual basis, in
7 collaboration with local emergency first responders and local emergency
8 management officials.

9 (b) Each approved and recognized independent school shall adopt and
10 maintain an all-hazards emergency operations plan consistent with the
11 requirements of subsection (a) of this section.

12 (c) The Vermont School Safety Center shall maintain an emergency
13 operations plan template and update the template as appropriate.

14 Sec. 3. 16 V.S.A. § 1484 is added to read:

15 § 1484. ACCESS CONTROL AND VISITOR MANAGEMENT POLICY

16 (a) Each supervisory union board, member district board, or supervisory
17 district board shall adopt an access control and visitor management policy that,
18 at a minimum, requires that all school sites and supervisory union and
19 supervisory district offices lock exterior doors during the school day. The
20 policy shall require that all visitors sign in at a centralized location prior to
21 gaining full access to the school or office site. If a school recognizes a need to

1 leave a specific structure unlocked as needed for agricultural, recreational, or
2 other reasonably practical purposes directly related to a school's mission or
3 curriculum, it may justify leaving that structure unlocked in its visitor policy.

4 (b) Each approved and recognized independent school shall adopt a written
5 access control and visitor management policy consistent with the requirements
6 in subsection (a) of this section.

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

8 § 1485. BEHAVIORAL THREAT ASSESSMENT TEAMS

9 (a) Legislative intent.

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

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

21 (b) Policy.

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

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

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

16 (B) the process for reporting threatening behavior;

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

19 (D) when and how to refer to or involve law enforcement in the
20 limited instances when such referral is appropriate, which shall not include

1 student behavior that is a violation of the school conduct code but that is not
2 also a crime; and

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

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

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

16 (c) Discipline and student support.

17 (1) Consistent with the legislative intent in subsection (a) of this section,
18 if a behavioral threat assessment team recommends, in addition to providing
19 support resources, any action that could result in removal of a student from the
20 student's school environment pending or after a behavioral threat assessment,
21 the recommendation shall only be carried out in a manner consistent with

1 existing law, regulation, and associated procedures on student discipline
2 pursuant to section 1162 of this title and Agency of Education, Pupils (CVR
3 22-000-009), as well as federal and State law regarding students with
4 disabilities or students who require additional support.

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

10 (d) Training.

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

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

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

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

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

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

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

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

14 (e) Data reporting and collection. Annually, each supervisory union,
15 supervisory district, and approved or recognized independent school shall
16 report data related to completion of and outcomes of all behavioral threat
17 assessments and manifestation determination reviews to the Agency in a
18 format approved by the Secretary. At a minimum, the annual report shall
19 include:

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

- 1 (2) the number of behavioral threat assessments and manifestation
2 determination reviews conducted in the preceding year and for each
3 assessment or review conducted:
- 4 (A) a description of the behavior requiring an assessment;
5 (B) the age, grade, race, gender, disability status, and eligibility for
6 free or reduced-price school meals of the student requiring the assessment; and
7 (C) the results of each assessment or review;
- 8 (3) the number of students subjected to more than one behavioral threat
9 assessment or manifestation determination review;
- 10 (4) the amount of time a student is out of school pending completion of
11 a behavioral threat assessment;
- 12 (5) information regarding whether a student subject to a behavioral
13 threat assessment was also subject to exclusionary discipline for the same
14 behavior, including the length of such discipline;
- 15 (6) information regarding whether law enforcement was involved in a
16 behavioral threat assessment;
- 17 (7) information regarding whether the threatening behavior was also
18 reported to law enforcement; and
- 19 (8) any additional data the Secretary of Education determines may be
20 necessary.

1 Sec. 5. BEHAVIORAL THREAT ASSESSMENT TEAMS;

2 IMPLEMENTATION

3 (a) Creation of model policy.

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

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

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

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

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

18 (A) identifying and training team members, which shall include
19 group bias training and the training requirements contained in 16 V.S.A.
20 § 1485(d);

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

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

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

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

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

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

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

18 (d) Reports.

19 (1) On or before January 15, 2024, 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) the development of the model policy;

4 (B) updates to training and guidance documents;

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

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

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

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

16 (2) On or before January 15, 2025, the Agency of Education, in
17 consultation with the Vermont School Safety Center, shall issue a written
18 report on the status of the implementation of the duties and requirements
19 established pursuant to 16 V.S.A. § 1485, including the status of:

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

1 (B) completion of the development of the model policy; and
2 (C) additional guidance, training, and other measures to prevent
3 disproportionate impacts on historically marginalized students, including
4 students with disabilities, as well as plans for future training and guidance.

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

10 Sec. 5a. WORKING GROUP ON STUDENT PROTECTIONS FROM
11 HARASSMENT AND DISCRIMINATION IN SCHOOLS; REPORT

12 (a) Creation. There is created the Working Group on Student Protections
13 from Harassment and Discrimination in Schools to study and give
14 recommendations for how to address harassment and discrimination
15 experienced by students.

16 (b) Membership. The Working Group shall be composed of the following
17 members:

18 (1) the Secretary of Education or designee;

19 (2) the Executive Director of the Vermont Human Rights Commission
20 or designee;

1 (3) the Executive Director of the Vermont Network Against Domestic
2 and Sexual Violence or designee;

3 (4) the Executive Director of the Vermont National Education
4 Association or designee;

5 (5) the Executive Director of the Vermont School Boards Association or
6 designee;

7 (6) the Executive Director of the Vermont Principals' Association or
8 designee;

9 (7) the Executive Director of the Vermont Superintendents Association
10 or designee;

11 (8) the Executive Director of Outright Vermont or designee;

12 (9) the Executive Director of Racial Equity or designee;

13 (10) the Executive Director of the Vermont chapter of the National
14 Association of Social Workers or designee;

15 (11) the Executive Director of Vermont Legal Aid or designee; and

16 (12) the Chair of the Harassment, Hazing, and Bullying Prevention
17 Advisory Council.

18 (c) Powers and duties. The Working Group shall study the current
19 protections for students against harassment and discrimination in schools and
20 make recommendations for legislative action to ensure Vermont students have
21 the appropriate protections from harassment and discrimination. In conducting

1 its analysis, the Working Group shall consider and make recommendations on
2 the following issues:

3 (1) eliminating the severe and pervasive standard for harassment and
4 discrimination for students in educational institutions;

5 (2) compulsory educational attendance requirements for students who
6 have been victims of harassment; and

7 (3) the resources required for schools to develop harassment prevention
8 initiatives as well as supports for students who have experienced harassment.

9 (d) Assistance. The Working Group shall have the administrative,
10 technical, and legal assistance of the Agency of Education.

11 (e) Report. On or before December 1, 2023, the Working Group shall
12 submit a written report to the House Committees on General and Housing and
13 on Education and the Senate Committees on Economic Development, Housing
14 and General Affairs and on Education with its findings and any
15 recommendations for legislative action.

16 (f) Meetings.

17 (1) The Secretary of Education shall call the first meeting of the
18 Working Group to occur on or before July 15, 2023.

19 (2) The Working Group shall select a chair from among its members at
20 the first meeting.

21 (3) A majority of the membership shall constitute a quorum.

1 (4) The Working Group shall cease to exist on February 1, 2024.

2 Sec. 6. EFFECTIVE DATES

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

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

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

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