

1 S.138

2 Introduced by Committee on Education

3 Date: March 21, 2023

4 Subject: Education; school safety

5 Statement of purpose of bill as introduced: This bill proposes to require (1)
6 public and approved independent schools to adopt a policy mandating biannual
7 options-based response drills; (2) public schools and approved independent
8 schools to adopt all-hazards emergency operation plans; (3) public and
9 approved independent schools to adopt an access control and visitor
10 management policy; and (4) public and approved independent schools to
11 submit certain data to the Agency of Education if the school utilizes a
12 behavioral threat assessment team.

13 An act relating to school safety

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

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

16 § 1481. FIRE AND EMERGENCY PREPAREDNESS DRILLS

17 (a) ~~The principal or person in charge of a public or independent school or~~
18 ~~another educational institution, other than a university or college, shall drill the~~
19 ~~students so they are able to leave the school building or perform other~~

1 ~~procedures described in the school's emergency preparedness plan, or both, in~~
2 ~~the shortest possible time and without panic or confusion.~~ Each school board
3 in a district that operates a school shall adopt a policy mandating each school
4 site to conduct options-based response drills at each school site in the fall and
5 spring of each academic year. The policy shall require option-based response
6 drills, including fire drills, to be conducted following the guidance issued by
7 the Vermont School Safety Center jointly with the Vermont School Crisis
8 Planning Team. In issuing the guidance, the Vermont School Safety Center
9 and the Vermont School Crisis Planning Team shall include trauma-informed
10 best practices for implementing options-based response drills. A
11 superintendent shall report completion of the biannual drills to the Agency of
12 Education in a format approved by the Secretary.

13 (b) ~~A drill shall be held at least once in each month during the school year~~
14 ~~and a record of the date and time of the drill, together with the time consumed~~
15 ~~in completing the procedure, shall be kept in the official school register, and~~
16 ~~such register shall be open at all times for inspection by representatives from~~
17 ~~the Fire Safety Division of the Department of Public Safety or the Agency of~~
18 ~~Education.~~ Each approved or recognized independent school or other
19 educational institution, other than a university or college, shall adopt a policy
20 mandating the school to conduct options-based response drills and fire drills in
21 the fall and spring of each academic year, consistent with the requirements of

1 subsection (a) of this section. The head of school shall report completion of
2 the biannual drills to the Agency of Education in a format approved by the
3 Secretary.

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

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

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

11 § 1480. EMERGENCY OPERATIONS PLANS

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

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

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

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

4 § 1484. ACCESS CONTROL AND VISITOR MANAGEMENT POLICY

5 (a) Each supervisory union board, member district board, or supervisory
6 district board shall adopt an access control and visitor management policy that,
7 at a minimum, requires that all school sites and supervisory union and
8 supervisory district offices lock exterior doors during the school day. The
9 policy shall require that all visitors sign in at a centralized location prior to
10 gaining full access to the school or office site. If a school recognizes a need to
11 leave a specific structure unlocked as needed for ~~agricultural or recreational~~
12 ~~purposes~~ *agricultural, recreational, or other reasonably practical purposes*
13 *directly related to a school's mission or curriculum*, it may justify leaving that
14 structure unlocked in its visitor policy.

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

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

19 § 1485. BEHAVIORAL THREAT ASSESSMENT TEAMS

20 (a) Each supervisory union or supervisory district and each approved
21 independent school that utilizes a threat assessment team shall ensure members

1 of the team receive training at least annually in best practices of conducting
2 behavioral threat assessments, as well as bias training. In providing bias
3 training, school officials shall consult with the Office of Racial Equity to
4 ensure the training conforms to best practices and acceptable standards for
5 such trainings.

6 (b) Behavioral threat assessments shall not be used for a punitive or
7 disciplinary purpose.

8 (c) For students on an individual education program, a behavioral threat
9 assessment shall not replace the manifestation determination review process
10 required under the Individuals with Disabilities Education Act, 20 U.S.C.
11 § 1415(k) and Agency of Education, Pupils (CVR 22-000-009), Rule 4313.

12 For students who are not eligible for special education services but who are or
13 may be qualified individuals with disabilities under Section 504 of the
14 Rehabilitation Act of 1973, 29 U.S.C. § 794, a behavior threat assessment shall
15 not replace the manifestation determination review process required under
16 Agency of Education, Pupils (CVR 22-000-009), Rule 4312.

17 (d) Annually, each supervisory union, supervisory district, and approved
18 independent school shall report data related to completion of and outcomes of
19 all behavioral threat assessments and manifestation determination reviews to
20 the Agency in a format approved by the Secretary. At a minimum, the annual
21 report shall include:

- 1 (1) the names of the members of the behavioral assessment team;
2 (2) the number of behavioral threat assessments and manifestation
3 determination reviews conducted in the preceding year and for each
4 assessment or review conducted:
5 (A) a description of the behavior requiring an assessment;
6 (B) the age, grade, race, gender, disability status, and eligibility for
7 free or reduced-price school meals of the student requiring the assessment; and
8 (C) the results of each assessment or review; and
9 (3) the number of students subjected to more than one behavioral threat
10 assessment or manifestation determination review.

11 Sec. 5. EFFECTIVE DATES

- 12 (a) This section shall take effect on July 1, 2023.
13 (b) Secs. 1 (16 V.S.A. § 1481) and 3 (16 V.S.A. § 1484) shall take effect
14 on August 1, 2023.
15 (c) Secs. 2 (16 V.S.A. § 1480) and 4 (16 V.S.A. § 1485) shall take effect on
16 July 1, 2024.