

1 S.144

2 Introduced by Senator Chittenden

3 Referred to Committee on

4 Date:

5 Subject: Education; discipline; harassment, hazing, bullying

6 Statement of purpose of bill as introduced: This bill proposes to (1) require  
7 notice to parents and guardians of students involved in complaints of  
8 harassment, hazing, and bullying within one school day from the filing of a  
9 complaint; (2) require harassment prevention policies to describe how a  
10 complaint of harassment will be handled if the alleged conduct falls under the  
11 definition of sexual harassment as defined in Title IX; (3) require harassment  
12 prevention policies to include a procedure for offering supportive measures to  
13 students involved in a complaint of harassment; and (4) create a definition of  
14 supportive measures for harassment prevention policies.

15 An act relating to increased notice and communication in school  
16 harassment, hazing, and bullying prevention policies and procedures

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

18 Sec. 1. 16 V.S.A. § 570a is amended to read:

19 § 570a. HARASSMENT

1 (a) Policies and plan. The harassment prevention policy required by  
2 section 570 of this title and its plan for implementation shall include:

3 (1) A statement that harassment, as defined in subdivision 11(a)(26) of  
4 this title, is prohibited and may constitute a violation of the public  
5 accommodations act as more fully described in article 2 of this subchapter 5.

6 (2) Consequences and appropriate remedial action for staff or students  
7 who commit harassment. At all stages of the investigation and determination  
8 process, school officials are encouraged to make available to complainants  
9 alternative dispute resolution methods, such as mediation, for resolving  
10 complaints.

11 (3) A procedure that directs students, staff, parents, and guardians how  
12 to report violations and file complaints.

13 (4) A description of the circumstances under which harassment may be  
14 reported to a law enforcement agency.

15 (5) A procedure for investigating reports of violations and complaints.

16 The procedure shall provide that, unless special circumstances are present and  
17 documented by the school officials, an investigation is initiated ~~no~~ not later  
18 than one school day from the filing of a complaint and the investigation and  
19 determination by school officials are concluded ~~no~~ not later than five school  
20 days from the filing of the complaint with a person designated to receive  
21 complaints under subdivision (7) of this subsection. Parents and guardians of

1 all students involved shall be notified not later than one school day from the  
2 filing of a complaint filed pursuant to this section, regardless of whether an  
3 investigation under this section is initiated. All internal reviews of the school's  
4 initial determination, including the issuance of a final decision, shall, unless  
5 special circumstances are present and documented by the school officials, be  
6 completed within 30 days after the review is requested.

7 \* \* \*

8 (10) A description of how a complaint of harassment will be handled if  
9 the alleged conduct falls under the definition of sexual harassment as defined  
10 in Title IX of the Education Amendments of 1972, Pub. L. No. 92-318, as  
11 amended.

12 (11) A procedure for offering supportive measures to all students  
13 involved in a complaint of harassment under this subchapter.

14 \* \* \*

15 Sec. 2. 16 V.S.A. § 570b is amended to read:

16 § 570b. HAZING

17 The hazing prevention policy required by section 570 of this title and its  
18 plan for implementation shall include:

19 (1) a statement that hazing, as defined in subdivision 11(a)(30) of this  
20 title, is prohibited and may be subject to civil penalties pursuant to article 3 of  
21 this subchapter 5;

1 (2) a procedure that directs students, staff, parents, and guardians how to  
2 report violations and file complaints;

3 (3) a procedure for investigating reports of violations and complaints,  
4 including a procedure for providing notification to parents and guardians of all  
5 students involved not later than one school day from the filing of a complaint;

6 \* \* \*

7 Sec. 3. 16 V.S.A. § 570c is amended to read:

8 § 570c. BULLYING

9 The bullying prevention policy required by section 570 of this title and its  
10 plan for implementation shall include:

11 (1) a statement that bullying, as defined in subdivision 11(a)(32) of this  
12 title, is prohibited;

13 (2) a procedure that directs students, staff, parents, and guardians how to  
14 report violations and file complaints;

15 (3) a procedure for investigating reports of violations and complaints,  
16 including a procedure for providing notification to parents and guardians of all  
17 students involved not later than one school day from the filing of a complaint;

18 \* \* \*

1 Sec. 4. 16 V.S.A. § 570f is amended to read:

2 § 570f. HARASSMENT; NOTICE AND RESPONSE

3 (a)(1) An educational institution that receives actual notice of alleged  
4 conduct that may constitute harassment shall promptly investigate to determine  
5 whether harassment occurred. ~~After~~ Not later than one school day after  
6 receiving notice of the alleged conduct, the school shall provide a copy of its  
7 harassment policy, including its harassment investigation procedure, to the  
8 alleged victim and the alleged perpetrator. If either the alleged victim or the  
9 alleged perpetrator is a minor, the copy of the policy shall be provided to the  
10 person's parent or guardian. Nothing in this section shall be construed to  
11 prohibit educational institutions from investigating and imposing disciplinary  
12 consequences upon students for misconduct. Elementary and secondary school  
13 officials shall strive to implement the plan developed in accordance with  
14 subdivision 1161a(a)(6) of this title in order to prevent misconduct from  
15 escalating to the level of harassment.

16 \* \* \*

17 Sec. 5. 16 V.S.A. § 570i is amended to read:

18 § 570i. DEFINITIONS

19 As used in this subchapter:

20 \* \* \*

1           (5) “Supportive measures” means nondisciplinary, nonpunitive,  
2           individualized services, offered as appropriate, as reasonably available, and  
3           without fee or charge to students involved in a complaint made pursuant to  
4           section 570a of this title. Supportive measures shall be designed to restore or  
5           preserve equal access to educational programming without unreasonably  
6           burdening other parties to the complaint, including measures designed to  
7           protect the safety of all parties or the educational environment or to deter  
8           sexual harassment. Supportive measures shall remain confidential to the extent  
9           that maintaining confidentiality would not impair the ability of the school  
10           district to provide the supportive measures. Supportive measures may include:

11           (A) counseling;

12           (B) extensions of deadlines or other course-related adjustments;

13           (C) modifications of work or class schedules;

14           (D) school escort services;

15           (E) mutual restrictions on contact between the parties;

16           (F) leaves of absence; and

17           (G) increased monitoring of certain areas of the school.

18           Sec. 6. EFFECTIVE DATE

19           This act shall take effect on July 1, 2023.