

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Education to which was referred Senate Bill No. 138  
3 entitled “An act relating to school safety” respectfully reports that it has  
4 considered the same and recommends that the House propose to the Senate that  
5 the bill be amended as follows:

6 First: In Sec. 1, 16 V.S.A. § 1481, in subsection (a), by striking out “The  
7 policy shall require options-based response drills, including fire drills, to be  
8 conducted following the guidance issued by the Vermont School Safety Center  
9 jointly with the Vermont School Crisis Planning Team” and inserting in lieu  
10 thereof “The policy shall require age-appropriate options-based response drills,  
11 including fire drills, to be conducted following the guidance issued by the  
12 Vermont School Safety Center jointly with the Vermont School Crisis  
13 Planning Team and shall require notification to parents and guardians not later  
14 than one school day before an options-based response drill is conducted”

15 Second: By striking out Sec. 4, 16 V.S.A. § 1485, in its entirety and  
16 inserting in lieu thereof a new Sec. 4 to read as follows:

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

18 § 1485. BEHAVIORAL THREAT ASSESSMENT TEAMS

19 (a) Legislative intent.

20 (1) It is the intent of the General Assembly that behavioral threat  
21 assessment teams be used for the purpose of preventing instances of severe and

1 significant targeted violence against schools and school communities, such as  
2 threats related to weapons and mass casualties and bomb threats. The goal of  
3 these teams is to assess and appropriately respond to potential reported threats  
4 to school communities.

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

10 (b) Policy.

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

14 (2) The Secretary of Education, in consultation with stakeholder groups,  
15 including the Commissioner of the Department for Children and Families,  
16 Vermont School Boards Association, and Vermont Legal Aid Disability Law  
17 Project, shall develop, and from time to time update, a model behavioral threat  
18 assessment team policy and procedures. In developing the model policy and  
19 procedures, the Secretary shall follow guidance issued by the Vermont School  
20 Safety Center on best practices in the use of behavioral threat assessment  
21 teams. The model policy and procedure shall require law enforcement contact

1 in the case of imminent danger to individuals or the school community and  
2 shall address the following:

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

5 (B) the process for reporting threatening behavior;

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

8 (D) when and how to refer to or involve law enforcement in the  
9 limited instances when such referral is appropriate, which shall not include  
10 student behavior that is a violation of the school conduct code but that is not  
11 also a crime; and

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

14 (3) Each school district and each approved or recognized independent  
15 school shall develop, adopt, and ensure implementation of a policy and  
16 procedures for use of behavioral threat assessment teams that is consistent with  
17 and at least as comprehensive as the model policy and procedures developed  
18 by the Secretary. Any school board or independent school that fails to adopt  
19 such a policy or procedures shall be presumed to have adopted the most current  
20 model policy and procedures published by the Secretary.

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

5           (c) Discipline and student support.

6           (1) Consistent with the legislative intent in subsection (a) of this section,  
7           if a behavioral threat assessment team recommends, in addition to providing  
8           support resources, any action that could result in removal of a student from the  
9           student’s school environment pending or after a behavioral threat assessment,  
10          the recommendation shall only be carried out in a manner consistent with  
11          existing law, regulation, and associated procedures on student discipline  
12          pursuant to section 1162 of this title and Agency of Education, Pupils (CVR  
13          22-000-009), as well as federal and State law regarding students with  
14          disabilities or students who require additional support.

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

20          (d) Training.

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

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

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

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

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

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

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

17                  (2) The Agency of Education, in consultation with the Department of  
18                  Public Safety, shall develop guidance and resources to assist supervisory  
19                  unions, supervisory districts, and independent schools in providing the annual  
20                  training required under this subsection. In developing the guidance on bias

1 training for behavioral threat assessment teams, the Agency and Department  
2 shall consult with the Vermont Office of Racial Equity.

3 (e) Data reporting and collection. Annually, each supervisory union,  
4 supervisory district, and approved or recognized independent school shall  
5 report data related to completion of and outcomes of all behavioral threat  
6 assessments and manifestation determination reviews to the Agency in a  
7 format approved by the Secretary. At a minimum, the annual report shall  
8 include:

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

10 (2) the number of behavioral threat assessments and manifestation  
11 determination reviews conducted in the preceding year and for each  
12 assessment or review conducted:

13 (A) a description of the behavior requiring an assessment;

14 (B) the age, grade, race, gender, disability status, and eligibility for  
15 free or reduced-price school meals of the student requiring the assessment; and

16 (C) the results of each assessment or review;

17 (3) the number of students subjected to more than one behavioral threat  
18 assessment or manifestation determination review;

19 (4) the amount of time a student is out of school pending completion of  
20 a behavioral threat assessment;

1           (5) information regarding whether a student subject to a behavioral  
2           threat assessment was also subject to exclusionary discipline for the same  
3           behavior, including the length of such discipline;

4           (6) information regarding whether law enforcement was involved in a  
5           behavioral threat assessment;

6           (7) information regarding whether the threatening behavior was also  
7           reported to law enforcement; and

8           (8) any additional data the Secretary of Education determines may be  
9           necessary.

10          Third: By striking out Sec. 5, effective dates, in its entirety and inserting in  
11          lieu thereof a new Sec. 5 to read as follows:

12          Sec. 5. BEHAVIORAL THREAT ASSESSMENT TEAMS;

13                   IMPLEMENTATION

14           (a) Creation of model policy.

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

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

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

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

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

9                   (A) identifying and training team members, which shall include  
10                  group bias training and the training requirements contained in 16 V.S.A.  
11                  § 1485(d);

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

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

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

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

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



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

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

9           (d) Reports.

10           (1) On or before January 15, 2024, the Agency of Education, in  
11           consultation with the Vermont School Safety Center, shall issue a written  
12           report on the status of the implementation of the duties and requirements  
13           established pursuant to 16 V.S.A. § 1485, including the status of:

14           (A) the development of the model policy;

15           (B) updates to training and guidance documents;

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

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

19           (E) the guidance issued, training developed, and measures  
20           implemented to prevent a disproportionate impact of behavioral threat  
21           assessments on historically marginalized students, including students with

1 disabilities, to ensure that use of behavioral threat assessments does not  
2 increase use of school removals or law enforcement referrals for these  
3 populations, as well as plans for future training and guidance; and

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

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

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

12 (B) completion of the development of the model policy; and

13 (C) additional guidance, training, and other measures to prevent  
14 disproportionate impacts on historically marginalized students, including  
15 students with disabilities, as well as plans for future training and guidance.

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

1        Fourth: By adding a new section to be Sec. 6 to read as follows:

2        Sec. 6. EFFECTIVE DATES

3        (a) This section and Sec. 5 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.

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13        (Committee vote: \_\_\_\_\_)

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Representative \_\_\_\_\_

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FOR THE COMMITTEE