

Act 29 Update

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January 18, 2024

Considerations/Quick Definitions

- Hierarchies
- State law (e.g. Act 29/Title 16)
 - Policies- passed by school boards (can be based on model policies developed by AOE/VSSC, other state entities)
 - Procedures- adopted by school boards or schools (can be based on model policies developed by AOE/VSSC, other state entities)
 - Guidelines and Best Practices- usually created by AOE/VSSC/other entities so support schools in implementing policies and procedures

Act 29: Overview

- Amends 16 V.S.A. § 1481
- Addresses:
 - Options-based response to violent intruder and Fire drills
 - All-hazards emergency operations plans
 - Access controls and visitor management policies
 - Behavior Threat Assessment Teams
 - Creates the Working Group on Student Protections from Harassment and Discrimination in Schools (not included in this presentation)
- Earliest timelines for implementation began July 1, 2023

SOV Responsibilities

- Agency of Education (in consult with VSSC, DPS, and Office of Racial Equity):
 - Publish guidance related to Emergency Drills best practices
 - Develop model BTAT policy and procedures
 - [Public comment period is open through December 1, 2023](#)
 - Develop technical resources to support BTAT training
- Vermont School Safety Center (in partnership with AOE and ORE):
 - Maintain and update Emergency Operations Plan template
 - Issue guidance on the best practices of behavioral threat assessment teams, including best practices on reducing incidents of bias

2023 - 2024 Act 29 Assurances

- Intended to allow respondents to certify their compliance with several key elements of Act 29.
- In acknowledgement that several of the effective dates included in Act 29 were challenging, if not impossible, for school systems to meet, the 2023-2024 assurances allow for respondents to certify their anticipated compliance with Act 29 requirements for the 2023-2024 School Year.
- Assurances were due October 15, 2023
- As of January 15, 2024:
 - AOE had received 124 responses
 - 46/52 SU/SDs and 78/128 independent schools

Section 1: Emergency Drills

- Each School Board that operates a school and Independent School shall adopt a policy mandating options-based response to violent intruder and fire drills
- Policies must:
 - Require age-appropriate, trauma-informed, and options-based drills
 - Must follow the guidance issued by the VSSC and VTSCPT – may include additional requirements for fire drills issued by the National Fire Prevention Association
 - Requires notification to parents not later than one school day before a scheduled drill
- Must conduct options-based response to violent intruder drills in fall and spring semesters each year
- Must report completed drills to the AOE using Drill Reporting Tool

Required Actions: Drills

- ✓ Establish Drill Policy
- ✓ Conduct drills in accordance with guidance issued by AOE and Vermont School Safety Center: [Updated Guidance Regarding Egress Evacuation and Options Based Response Drills for the 2023-2024 Academic Year \(2023\)](#)
- ✓ Report completed drills using AOE's [Drill Reporting Tool](#)
- ✓ Effective August 1, 2023

Work complete to date

- Partnership with VSBA to develop model policy to for school boards
- Partnership with VSSC and Department of Fire Safety to develop annual guidance and drill requirements to meet Act 29
- Presentation and tools for independent schools and ongoing partnership with independent schools to support development of policies
- Creation of assurances for 2023-2024 school year for SU/SDs and independent schools aligned with Act 29

Work planned for 2024

- Based on feedback from school partners, there may be a need to create a small schools working group led by VSSC to support development of procedures to support student safety, while balancing challenges specific to very small public and independent schools
- Review of drill reporting data and follow up with schools to ensure compliance with Act 29 requirements (AOE and VSSC)
- Review of assurances to ensure that all SU/SDs and independent schools have met the requirements of Act 29 and follow up with technical assistance (AOE and VSSC)
- Per Act 29, the Vermont School Safety Center and Agency of Education will review the reports submitted by schools/districts to ensure compliance and identify future planning and training needs

Section 2: Emergency Operations Plans

- Each SU/SD and Independent School shall adopt and maintain an all-hazards emergency operations plan
- EOP must be reviewed and updated on an annual basis
- Must be at least as comprehensive as All-Hazards Emergency Operations Plan template provided by Vermont School Safety Center (under development)
- Must be developed and updated in collaboration with local emergency first responders and local emergency management officials

Required Actions: EOPs

- ✓ Coordinate with local emergency responders and local emergency management officials to develop all-hazards Emergency Operations Plan
- ✓ [Emergency Management Director \(EMD\) Public Contact Information](#)
- ✓ [Emergency Management Partners](#)
- ✓ Review VT School Safety Center template all-hazards EOP (pending updates): [School Safety Planning | Vermont School Safety Center](#)
- ✓ Effective July 1, 2024

Work completed to date

- Major revision of EOP guidance will be completed in early winter (partnership between Governor's Director of Violence Prevention, VSSC, VEM and AOE)
- Readiness and Emergency Management for Schools (REMS) trainings scheduled through spring 2024

Work planned for 2024

- REMS trainings for schools and local disaster management and first responders
- Ongoing technical assistance from VSSC (specific supports for small schools)
- Align District Quality Standards scales (Rule 112.2) with Act 29 requirements, including EOP, facilities standards related to access controls, threat assessments and drill exercises.

Section 3: Access Control and Visitor Management

- Each SU/SD, member district board, and Independent School shall adopt and maintain a written access control and visitor management policy
- Policy must, at a minimum, require that all school sites lock exterior doors during the school day
- Policy must require that all visitors sign in at a centralized location prior to gaining full access to the school or office site

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

Required Actions: Access Control

- ✓ Establish access control and visitor management policy
- ✓ Enforce compliance with policy
- ✓ Effective August 1, 2023

Work completed to date

- Partnership with VSBA to develop model policy to for school boards
- Presentation and tools for independent schools and ongoing partnership with independent schools to support development of policies.
- Creation of assurances for 2023-2024 school year for SU/SDs and independent schools

Work planned for 2024

- Based on feedback from school partners, there may be a need to create a small schools working group led by VSSC to support development of procedures to support student safety, while balancing challenges specific to very small public and independent schools
- Review of assurances to ensure that all SU/SDs and independent schools have met the requirements of Act 29 and follow up with technical assistance (AOE and VSSC)

Section 4: Behavioral Threat Assessment Teams (Intent)

- Intended to prevent instances of severe and significant targeted violence against schools and school communities
- Goal of BTAT is to appropriately assess and respond to potential reported threats
- BTAT shall not contribute to increased school exclusion or unnecessary referrals to law enforcement or student discipline systems
- Shall not disproportionately impact students from historically marginalized backgrounds, including students with disabilities

Section 4: BTA Policy

- **Behavioral Threat Assessment** is defined by Act 29 as “a fact-based, systematic process designed to identify, gather information about, assess, and manage dangerous or violent situations”
- Each SU/SD and Independent School shall develop, adopt, and ensure implementation of policy and procedures for use by Behavioral Threat Assessment Teams
- Policy must be at least as comprehensive as model policy and procedures developed by the Agency of Education
- Behavioral Threat Assessments shall be structured and used in a way intended to minimize interaction with criminal justice system. Referral to law enforcement may only be appropriate in some cases.

Section 4: BTAT Training

- Each SU/SD and Independent School must ensure BTAT training, annually
- Must include best practices of conducting Behavioral Threat Assessments and bias training
- Training must include:
 - Rules governing exclusionary discipline
 - The purpose, use, and proper implementation of the manifestation determination review process
 - Civil Rights law including Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990
 - Negative consequences of exclusion from school
 - Impact of trauma on brain development
 - Group bias training

Section 4: BTAT Data Reporting and Collection

- Each SU/SD and Independent School must report data related to completion of, and outcomes of, all Behavioral Threat Assessments and manifestation determination reviews
 - Includes determinations of no present threat
 - Specific reporting requirements defined in Act 29, including total number of assessments completed, student demographic information for student requiring the assessment, time out of school, whether the student was also subject to exclusionary discipline, law enforcement referrals, and the outcome of assessment
- Must be submitted annual in format prescribed by the AOE (under development)

Required Actions: BTAT

- ✓ Current BTA teams must develop or update BTAT policy and procedures by SY24-25
 - 82 BTA teams currently operate (45 SU/SD, 37 Independents)
- ✓ All other SU/SDs and Independent schools: establish BTA Teams by July 1, 2025
- ✓ Develop and implement annual BTAT training
- ✓ Complete data collection and reporting for BTA activity and outcomes beginning with SY23-24 (current BTA teams)
- ✓ Provide education to school community on purpose and use of BTATs
- ✓ Effective July 1, 2025 for all SU/SDs and Independent Schools

Work completed

- AOE Model Policy Development
- Stakeholder engagement for model policy development
- Draft of model policy and public comment period
- AOE Model Policy published
- BTA Training
- Engagement with Office of Racial Equity to review current BTA

Work planned for 2024

- The AOE will cross walk registration records for the BTA training with the list of schools that currently operate a BTA team.
- The AOE will ensure that all districts or independent schools that currently operate BTA teams have adopted the AOE-issued model policy by July 31, 2024, per Section 5(a)3 of Act 29 of 2023.
- The AOE will develop an interim data collection tool or mechanism in spring 2024 to collect and analyze data derived from BTA incident reports. This data collection tool will follow the requirements of Section 4(e) of Act 29 of 2023 and a summary report will be developed for the Legislature in January 2025. This data will also be used to inform updates to the current BTA trainings and resources and professional development requirements and will inform the development of a state-level BTA program.

Work planned for 2024 (cont)

- AOE to apply for State Homeland Security Grant to support BTA training and BTA consultant for Act 29 implementation (will receive award decision in late summer 2024)
- AOE/VSSC to review all published BTA guidance and update tools and resources per Act 29 and to support BTA implementation
- AOE/VSSC and partners (ORE, Governor's Office) to hold one day conference for current BTA teams (late spring/early summer):
 - an introduction and discussion around the BTA model policy and necessary updates to current procedures and practices;
 - Act 29 responsibilities related to BTA (including data collections that will commence in late spring/early summer 2024); and
 - a training session dedicated to DEI needs relevant to BTA Teams
- Funding: \$50,000 in FY 24 BAA

Implementation Timelines

- All Hazards Emergency Operations Plan – current deadline is July 1, 2024
- Requires engagement with local first responders and disaster management officials and SU/SDs and independent schools should build their EOP plans in coordination with REMS trainings
- To ensure that SU/SDs and independent schools have the necessary time to engage in a comprehensive and planful process the AOE, VSSC and DPS recommend that the deadline for § 1480 be extended to **July 1, 2025**.