

TO: House Education Committee

FROM: Sue Ceglowski, Executive Director, Vermont School Boards Association
Chelsea Myers, Executive Director, Vermont Superintendents Association

RE: Miscellaneous Education Draft Bill 25-0959: Threat Assessment

DATE: March 13, 2025

I. Act 29 of 2023 Behavioral Threat Assessment Requirements

[Act 29 of 2023](#) is school safety legislation that requires fire and emergency preparedness drills, emergency operations plans, access control and visitor management policies, and behavioral threat assessment teams. This testimony focuses on the behavioral threat assessment team sections of Act 29, the timeline for implementation, and the changes to that timeline proposed in the current version of Draft Bill 25-0959.

Section 4 of the Act requires the model policy and procedures to address the following:

- (1) the criteria that shall be used to assess a student's threatening behavior;
- (2) the process for reporting threatening behavior;
- (3) The civil rights and due process protections to which students are entitled in school settings;
- (4) When and how to refer to or involve law enforcement in the limited instances when such referral is appropriate, which shall not include student behavior that is a violation of the school conduct code but that is not also a crime; and
- (5) The support resources that shall be made available, including mental health first aid, counseling and safety plans.

16 VSA Section 1485(b)(2)(A)-(E).

Further, Section 4 of Act 29 requires each school district and each approved or recognized independent school to "develop, adopt and ensure implementation of a policy and procedures for use of behavioral threat assessment teams that is consistent with and at least as comprehensive as the model policy and procedures developed by the Secretary. Any school board or independent school that fails to adopt such a policy or procedures shall be presumed to have adopted the most current model policy and procedures adopted by the Secretary. 16 VSA Section 1485(b)(3). Section 4 takes effect on July 1, 2025.

Section 5 of Act 29 required the Agency of Education to create a model policy under the following timeline:

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

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

Section 5 also provided these timelines:

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

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

Section 5 took effect on July 1, 2023.

II. Proposed Timeline Changes in Miscellaneous Education Bill

The current version of the House Education Committee’s miscellaneous education bill proposes to change the effective date of Section 4 to July 1, 2027. Therefore, it changes the date by which school districts must develop, adopt, and ensure implementation of a policy and procedures for use of behavioral threat assessment teams that is consistent with and at least as comprehensive as the model policy and procedures developed by the Secretary.

The miscellaneous education bill does not change the effective date of Section 5 of Act 29. Therefore, it does not change the date by which school districts currently using behavioral threat assessment teams must update and implement a policy on the use of behavioral threat assessment teams consistent with the Agency of Education model policy, not later than the 2024–2025 school year. Nor does it change the date by which school districts not already using behavioral threat assessment teams must take all actions necessary to establish a threat assessment team, not later than July 1, 2025.

III. The Agency of Education’s “Behavioral Threat Assessment Teams” model policy

There are several shortcomings in the recently issued “[Behavioral Threat Assessment Teams](#)” [model policy](#) by the Agency of Education. The Agency was required to consult with several parties, including the VSBA. Section 4 of Act 29 (codified as 16 VSA Section 1485) states, “the Secretary of Education, in consultation with stakeholder groups, including the Commissioner of the Department of Children and Families, the Vermont School Boards Association, and the Vermont Legal Aid Disability Project, shall develop, and from time to time update, a model behavioral threat assessment team policy and procedures.” 16 VSA Section 1485(b)(2).

An initial draft was circulated by AOE in late 2023. In turn, the VSBA, VSA, and VPA provided [detailed joint feedback on November 8, 2023](#). The AOE did not respond to this feedback. This does not constitute a meaningful consultation.

Act 129 also requires that “the Secretary shall follow guidance issued by the Vermont School Safety Center on best practices in the use of behavioral threat assessment teams.” 16 V.S.A. § 1485(b)(2). However, the model policy does not adhere to this guidance. Refer to the Vermont School Safety Center’s [“Behavioral Threat Assessment and Management \(BTAM\) Best Practice Considerations for K–12 Schools.”](#) For example, the Best Practices state, “The core BTAM team must include an administrator, at least one school mental health professional (e.g., school psychologist), and an SRO/law enforcement officer.” The model policy does not comply with these requirements. It fails to incorporate the concept of a core team and permits including a law enforcement officer only “[w]here law enforcement referral is considered...”

In fact, the model appears to envision *ad hoc* threat assessment teams, rather than establishing a core team and adding necessary team members as needed on a case-by-case basis, as detailed in the Best Practices.

Crucially, as issued, the model policy would be difficult to adopt and implement due to its wordiness. There are significant portions devoted to policy drivers and commentary such that it will be difficult for school districts to understand their actual obligations.

In addition, to the best of our knowledge, model procedures have not been issued.

IV. Implementation Considerations

It cannot be stressed enough that the school safety efforts highlighted in Act 29 of 2023 are critically important. Intentional implementation and support is imperative for this work to be done right. An appropriate sequence of actions helps to ensure that the intent of the law is realized, marked by the release of the model policy, procedures, and guidance; the training underway in local school districts and by the Agency of Education; and appropriate guidance related to data collection processes.

V. Conclusion

An extension to Sections 4 and 5 of Act 29 would allow for the appropriate timeline for the Agency of Education to meaningfully consult with interested parties, make needed changes, and publish the model policies and procedures, and for school boards to adopt and administrators to manage the aligning procedures.