
TESTIMONY

Testimony To: Senate Committee on Education
Respectfully Submitted by: Courtney O'Brien, Interim Director of Operations
Subject: **H.480: Misc. ed amendments**
Date: April 10, 2025

Thank you for the opportunity to provide testimony on the topic of H. 480, specifically those sections referring to requested technical changes to effective dates for Emergency Operations Plans and school Behavioral Threat Assessment reporting. We appreciate your attention to the importance of these safety provisions for schools.

Of note, the AOE and VSSC have observed an increase in the frequency of critical incidents related to school threat assessment in 2025. We've observed many incidents in the past 4-6 weeks alone. It is more important than ever that we support schools in the effective, rigorous implementation of school BTA teams to prevent and mitigate acts of violence, and to ensure that students are receiving necessary supports when in, or approaching, crisis. Educators continue to report an increase in the frequency and severity of behavioral challenges in schools. School Behavioral Threat Assessment is complex, but is the best available method for objectively addressing and mitigating threats of violence in schools.

Background

Together, team members from AOE and Department of Public Safety staff the Vermont School Safety Center (VSSC). The VSSC provides coordinated technical resources, critical incident response and support, trainings and guidance, and makes recommendations to leadership in both Agencies about school safety policy needs. In this collaborative manner, we ensure that trainings, guidance, directives, and policy appropriately represent the interests and expertise of both public safety and education fields, and ensure that safety and security initiatives are carried out in a way that is reasonable and accessible in Vermont's school systems.

In 2023, Act 29 (now recognized as [Title 16 V.S.A. § 1480-1485](#)), introduced new requirements for all public and Approved and Recognized Independent schools related to comprehensive, all-hazards Emergency Operations Plans (EOPs), school Behavioral Threat Assessments, options-based response to violent intruder drills, and access control/visitor management policies. The law did not provide for additional resources or positions to support this work and also marked a shift in the AOE's accountability for school safety and security. As a result, AOE worked to quickly establish an Operations team to support the implementation of this



Act, to enhance coordination with our VSSC partners in public safety, and to ensure that implementation of the provisions of Act 29 was achieved with rigor and fidelity.

Requested Technical Corrections

Of note, the EOP and BTA provisions were the two most comprehensive components of Act 29. AOE and the VSSC were tasked with developing and publishing a comprehensive, all-hazards Emergency Operations Plan template and planning guide for schools and districts. The EOP planning guide and template were released in February 2024, and our VSSC teams continued to engage with districts and Independent schools to ensure that plans were developed in collaboration with their local emergency response teams. Our observation was that while many schools attempted to prioritize this work, additional time was required to build genuinely comprehensive, effective EOPs. As a result, we recommended in 2024 that the original deadline be extended to allow schools and districts the needed time to build their plans in compliance with the provisions of the law. While there was widespread support for this change, the request was included in the Miscellaneous Education bill of 2024 which did not move forward. We request that this change be again considered this year to provide our schools and districts with acknowledgement that additional time was needed beyond the original intended effective date.

The implementation of school BTA teams, and the associated provisions of Act 29, is far less straightforward. As written, Act 29 requires all Vermont schools (public districts and Independent schools) to implement school BTA teams. Beyond establishing a team, this requires all schools to establish policy related to the use of BTA teams, establish their school or district BTA team and develop standard procedures, complete annual training, and prepare for standard data reporting related to school BTA.

The AOE and VSSC realized early on that school threat assessment work is nuanced, complex, and required additional expertise. In the absence of additional state-level resources to fund this work, the Agency pursued federal grant funding for a statewide School BTA Consultant to provide the necessary expertise in school threat assessment. This expertise informed (and continues to inform) the development of the BTA resources required by Act 29, including a model policy, model procedures, and a best practices guide. In addition, the consultant provides individualized support to new and existing school BTA teams, holds weekly open office hours with school BTA teams and leaders, and is supporting the AOE in developing additional FAQs and other technical resources for school threat assessment. This contract went into effect at the start of the 2025 calendar year. For the past several years, DPS has funded a contract for basic BTA training for school BTA teams and leaders.

Our requested technical corrections are related to the timing of required data collection, only. The AOE and DPS are in strong agreement with the importance of implementing school BTA teams in alignment with the current effective dates of Act 29, with the exception of data collection. As teams near implementation, our focus is on ensuring that all schools are approaching this work with robust effort and attention. Since engaging in this work in 2023, AOE has seen variability in how critical incidents are managed in schools, which in turn has highlighted for us the variability in BTA teams (or

a lack of these teams in a school system). Our proposed technical correction is to shift the effective date of *reporting only* to July 1, 2027, to allow schools and districts ample time to build and implement their BTA processes, thus ensuring that any data collected will be uniform and consistent. This recommendation came as a direct result of conversations with the VT Superintendents Association and VSSC this winter. AOE and VSSC feel strongly that any further delay on the implementation of BTA teams poses significant risk to districts. VSA provided compelling arguments for delaying reporting until schools and districts fully understand and implement the BTA process, and thus can provide uniform and consistent data. Absent that uniformity and consistency, the information gleaned from any detailed level of reporting will likely be inconsistent, or incomplete. Accurate data is critical to the state's refinement of support and trainings. Instead, we proposed to amend the effective date of only Section 6: (e) Sec. 4 (16 V.S.A. § 1485) to take effect on July 1, 2027. The rest of Section 4 would still apply with an effective date of July 1, 2025. In the interim years, we are collecting a reduced scope of data related to the basic functions of BTA teams (titles of team members, use of SROs, total cases completed, and cases requiring elevated law enforcement support).

Lastly, during BTA Office Hours on 3/11/25, representatives from VSBA identified concerns with the language of Section 4 (b) (3), and its reference to boards having the authority and responsibility to establish district procedures in School BTA in addition to policy. Typically, school boards are not responsible for the implementation of district procedures, and we would not suggest that school boards be the named designated entity to develop detailed procedures for their assigned district(s).

Our suggested amendment to the language is as follows (updated language in *italics*):

Sec. 4. 16 V.S.A. § 1485: (b) Policy (3):

Each school district and each approved or recognized independent school shall 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 published by the Secretary. Any Superintendent or independent school that fails to adopt such procedures shall be presumed to have adopted the most current model procedures published by the Secretary.*

Completed Work

To support effective development of comprehensive EOPs, the AOE and VSSC have provided the following technical support and training opportunities:

- Release of the Planning Guide and EOP Template.
- EOP Webinar for Independent Schools (March 19, 2024) to review requirements and available resources.
- Delivery of free, day-long training on EOP development and implementation on 04/05/2023, 02/06/2024 (cancelled due to low registration), and 2/18/2025 provided through Readiness and Emergency Management for Schools (REMS).

- 2025 Monthly office hours hosted by VSSC/VEM – office hours are designed to support specific annex development by topic, as well as offer general support.
- Regular engagement with schools by VSSC/VEM partners to review and exercise EOPs.

Following the approval of the School BTA Consultant, the AOE and DPS have made significant efforts to provide all schools with the needed technical resources, practical tools, and direct access to a subject matter expert to ensure that teams are in place this July. Those efforts include:

- Development of BTA Model Policy: The BTA Model Policy was developed through an open public engagement process, of which VSBA and other named partners, participated. Over six weeks in September and October 2023, the Agency facilitated five separate meetings with a range of stakeholders, inclusive of VSBA, to discuss the use of behavioral threat assessment teams (BTATs) in schools across the state. Following the public engagement meetings, the Agency issued [a detailed memo](#) inclusive of themes, comments, and concerns shared by participants. A draft model policy was also shared at this time, and the Agency continued to gather feedback and commentary on the suggested model policy. Based on the comments received, the AOE revised the draft model policy and it was released in February 2025.
 - It is important to note the distinction between model policy and model procedures. The model policy is meant to provide the regulatory boundaries for, and purpose of, school Behavioral Threat Assessment teams. It is not meant to be a detailed how-to guide or to address all of the various nuances and complexities of BTA. A Model Procedure, as well as a comprehensive Best Practices guide to accompany the model procedures, is under development with our new School BTA Consultant partners and is expected to be released in April 2025.
- Weekly Office hours with School BTA Consultant/Experts.
- Real-time critical incident support with School BTA Consultant.
- After-action reviews with School BTA Consultant and/or VSSC team members.
- In-person workshops, the first of which are scheduled for May 8-9 2025.
- Upcoming enhanced training program, free to all VT school BTA team members.
 - DPS offered 26 full-day, introductory BTA Trainings from 2021-2025. The training program was amended based on the language of Act 29 and AOE is currently in the final stages of procurement on a new training contract.

More information on available resources is available on the AOE website: [Behavioral Threat Assessment \(BTA\) | Agency of Education](#).

Recommendations

The Agency, as well as our partners from the Department of Public Safety agree that effective school BTA teams are critical to the prevention and mitigation of violence in schools. We also acknowledge that this work is complex and resource-heavy, and we encourage schools to use this first year of implementation to focus on establishing strong and consistent foundations. Once that consistency is established, robust data reporting will be required to provide assurances to the state (and to our school communities) that BTA is being implemented with fidelity and is not disproportionately

impacting certain historically marginalized students. We also suggest the language change to remove “school boards” from the specific named party responsible for implementing school and district BTA procedures. Instead, as is consistent with the other provisions of Act 29 outside of BTA, the language should be drafted to allow boards and administrators to work together in whichever way works best for the district without requiring added specificity in the law.

Similarly, School EOPs reflect a number of life-saving emergency protocols, including, but not limited to, cardiac and related events. We recommend that in acknowledgement of schools’ excellent work in developing comprehensive plans over the last 12 months, we formally extend the EOP effective date to allow schools to genuinely remain in compliance with the law.