
MEMORANDUM

TO: Education Chairs, Stakeholders, Vermont Superintendents, Principals and School Boards

FROM: Heather Bouchey, Interim Secretary, Vermont Agency of Education

SUBJECT: Results of Policy Stakeholder Process and Model Policy Issued Pursuant to Act 29 of 2023, Sec. 4

DATE: November 1, 2023

Background

Pursuant to Section 4 of Act 29 of 2023, an act relating to school safety, the Agency of Education (AOE), in consultation with stakeholder groups, was required to develop a model policy and procedure regarding the use of behavioral threat assessment teams. Over six weeks in September and October, the Agency facilitated five separate meetings with a range of stakeholders to discuss the use of behavioral threat assessment teams (BTATs) in schools across the state.

Purpose

Over the course of five meetings, the Agency heard from multiple presenters to help guide the group's conversations. The presenters included a school safety and BTAT expert, and stakeholders with expertise in K-12 education, civil rights, and the creation and implementation of model policies in schools.

The purpose of the group was to encourage dialogue on the risks and challenges associated with BTATs. These discussions helped the Agency develop a robust model policy to govern school systems (i.e. supervisory union/school district [SU/SDs] and independent schools) use of BTATs, while remaining attentive to the scope of the law and best practice. The group shared a common goal and commitment to ensuring that all students, particularly historically marginalized students, feel safe, welcome, and respected while accessing their education.

Stakeholder Group

- Agency of Education – Ted Fisher, Lindsey Hedges, Jill Briggs Campbell, Emily Simmons
- Director of Violence Prevention – Dee Barbic
- Vermont School Safety Center – Sunni Erikson, Rob Evans



- State Board of Education – Richard Werner
- Human Rights Commission – Amanda Garces
- Office of Racial Equity – Jay Greene, Xusana Davis
- Office of the Defender General (Juvenile) – Marshall Pahl
- Vermont Principals Association – Jay Nichols
- Vermont Superintendents Association – Jeff Francis
- Vermont School Boards Association – Sue Ceglowski, Cara Zimmerman
- Vermont National Educators Association – Donald Tinney
- Vermont School Boards Insurance Trust – Jonathan Steiner, David Pickel
- Vermont Legal Aid – Barb Prine
- Vermont Independent School Association – Drew Gradinger
- Rutland NAACP – Mia Schultz
- Gedakina – Judy Dow
- Vermont Educators – Brooke Olsen Farrel, David Manning, Henri Sparks, Theresa Giallorenzo, Becca McCray, Kate Paxton

Summary of Model Policy

This policy aims to create a safe and secure learning environment for students and staff. It establishes a program to assess and manage behaviors that may be a potential threat to the school, campus, or workplace. The goal is to ensure safety, respect, and emotional support for everyone.

To avoid bias, the assessment is based on a person's behavior, not their personal characteristics. The policy acknowledges the importance of countering bias, especially when data shows that historically marginalized students face disproportionate negative outcomes.

The policy clarifies that threat assessment is not meant to send students into the criminal justice system but to provide resources to ensure the student is receiving the support they need. It will not lead to suspension or expulsion unless it is necessary to protect the school community. Immediate or delayed violent responses can be a risk when students are removed, so support is essential. If a student is recommended for removal, it will be done following the law.

The policy outlines the establishment of a threat assessment team. Members of the team include members with various areas of expertise like counseling, law enforcement, and school administration. The team assesses and manages potentially threatening behavior using facts rather than generalizations. The focus is on creating a safe and supportive environment for everyone. The team does not have the power to remove a student from school. The decision to remove a student is made by the superintendent or principal according to the school's policies. In cases involving special education or

Section 504 students, the team coordinates with the student's individualized education plan (IEP) or 504 team.

The policy allows team members access to student records as needed according to privacy laws. Records created during a threat assessment are not included in a student's permanent education record. The team is encouraged to document when a threat is not found.

The superintendent will establish procedures for collecting and reporting data related to the threat assessment program. This data will include information about the team, the number of assessments and reviews, student details, and assessment results. Data collection and reporting procedures aim to maintain transparency and ensure fairness in the process.

Stakeholder Process Policy Themes

The following themes were identified by the stakeholders and are addressed by the model policy:

Training: Ongoing and meaningful training was highlighted, ensuring that educators gain the skills they need, not just checking a box. There was also discussion about how to ensure everyone within a school community understands the process, not just those directly involved with the BTAT team.

BTAT process integration: The BTAT process should complement, not duplicate, or replace, existing student supports and should be flexible to meet each student's unique needs.

BTAT recordkeeping: Concerns were raised that BTAT processes should not result in the creation and use of student records that would be misused or misinterpreted in other contexts, such as the juvenile justice system, especially when the process did not go beyond the initial assessment phase.

Confidentiality: Stakeholders wanted to ensure that records and information were managed properly and that there was a way to remove reports where a threat was not found.

Law enforcement: Stakeholders expressed concern that School Resource Officers (SROs) might have had a disproportionate impact on students from historically marginalized groups. Clarifying when and if SROs should be involved was emphasized as well as setting specific rules when MOUs with police were involved.

Exclusionary discipline: Stakeholders expressed concern that BTAT would lead to exclusionary discipline and wanted to ensure that students that were part of an ongoing BTAT would continue to receive the education they are entitled to.

Future Guidance, Training and Technical Support

School systems are not required to establish their BTAT until July 2025. In the interim time, the Agency, in consultation with the Department of Public Safety, will develop and update guidance associated with best practices and the training outlined above. In accordance with Act 29, the AOE will lead these activities taking into consideration the concerns raised during the stakeholder engagement process.

Additionally, Act 29 identifies that current BTAT must update their procedures according to the final model policy issued by the Agency in December. This will allow current users of BTATs to align their teams with best practices for the 2024-2025 school year.

Section 4 of Act 29 specifies annual training to ensure members of a BTAT are trained in best practices and identifying and eliminating bias. These trainings include:

- Rules governing exclusionary discipline (CVR 22-000-009)
- The purpose, use, and proper implementation of the manifestation determination review process
- Section 504 of the Rehabilitation Act of 1973
- The Americans with Disabilities Act of 1990
- Negative consequences of exclusion from school
- The impact of trauma on brain development
- Group bias training focused on carrying out the duties of a BTAT at their specific school system

Beginning this school year (2023-2024) the Agency has begun collecting data from school systems currently using a BTAT. The collection of data will grow to a statewide effort as additional school systems begin implementing their teams. This data will allow the Agency to assess trends and provide additional updates to guidance and training as necessary.

The Agency appreciates the contributions of our valued partners who have given their time and expertise to enhance and advance this critical process. The Agency is committed to sustaining ongoing engagement as we work towards the statewide expansion of the BTAT process.