
Issue Date: [Draft for Public Comment]

AOE Model Policy:

Behavioral Threat Assessment Teams

Goals

The [Board/Independent School] is committed to providing a safe and secure learning environment for students and staff. This policy establishes a behavioral threat assessment and management program to conduct a fact-based, systematic process designed to gather information about, assess and manage behavior or communication that raises a concern that a person or situation may pose a threat of severe and significant targeted violence to the school, campus, or workplace.

Threat assessment best occurs in school climates of safety, respect, and emotional support. An individual's behavior rather than an individual's demographic or personal characteristics will serve as the basis for a behavioral threat assessment. The threat assessment program shall operate in a manner that avoids bias and disproportionate impact on students in protected classes to the greatest extent possible. The importance of working to counter bias in threat assessment is demonstrated by data that indicate, for example, that black children make up three percent of Vermont's student population but represent 13 percent of school arrests and nine percent of referrals to law enforcement; students with disabilities make up 13 percent of Vermont's student population, but represent 36 percent of school arrests and 37 percent of referrals to law enforcement (ACLU of Vermont, 2021).

Threat assessment is not intended to refer students to the criminal justice system, but to facilitate the provision of resources and supports to a student. Law enforcement referral is not appropriate in the case of student behavior that is a violation of the school conduct code but that is not also a crime.

Limitations

The threat assessment process is distinct from and does not supplant the [district's/school's] student discipline procedures. The mere fact that a behavioral threat assessment is being conducted does not by itself necessitate suspension or expulsion and the [district/school] will not impose suspension or expulsion, including emergency suspension, solely for investigating student conduct or conducting a threat assessment. Further, suspension, or other removal from the school environment can create the risk of triggering either an immediate or a delayed violent response, unless such actions are coupled with containment and support.



If a threat assessment recommends any action that could result in removal of a student from the student's school environment pending or after a threat assessment, the recommendation shall only be carried out in accordance with 16 V.S.A. § 1162 and State Board of Education Rule 4300, and federal and state law applicable to students with disabilities, if indicated.

Nothing in this policy precludes [district/school] personnel from acting immediately to address an imminent threat, including immediately removing a student from school, subject to subsequent due process procedures, when the student poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process of the school.

Law enforcement shall be contacted immediately in case of imminent danger to individuals or the school community.

Structure of Threat Assessment Teams

The [superintendent/head of school] shall establish and ensure the training of a multidisciplinary threat assessment team to serve [district schools/ the school]. The [superintendent/head of school] shall designate one member of the threat assessment team to serve as standing coordinator and lead of the team. Membership of a threat assessment team may vary depending on the needs presented by a particular set of facts. Generally, teams should include members with expertise in:

- Counseling, such as a school counselor, a school psychologist and/or school social worker,
- Law enforcement, such as an individual with prior law enforcement background, a current member of law enforcement, a school resource officer, or other individual,
- School administration, such as a principal or other senior administrator,
- Other district or school staff,
- Community resources,
- Special education, such as a licensed special education teacher or director of student support services,
- Providing mental health supports to schools and school districts, such as representatives from designated mental health agencies.

Not every multidisciplinary team member need participate in every threat assessment. When faced with a potential threat by, or directed towards, a student eligible for special education or is a qualified student with a disability under Section 504 of the Rehabilitation Act of 1973, the threat assessment team shall include a team member who is a special education teacher.

Although parents, guardians, or family members are often interviewed as part of the threat assessment process, neither the student nor the student's family members are part of the threat assessment team. This does not diminish the [district's/school's] commitment that school personnel will make every reasonable attempt to involve parents and the student in the resolution of the student's behavioral violations, consistent with [district/school] discipline policies.

Threat Assessment Team Training

The [superintendent/head of school] shall ensure that members of the threat assessment team receive training at least annually in the following topics: best practices of conducting threat assessments; identifying and eliminating bias in carrying out the duties of a threat assessment team; State Board of Education Rules governing exclusionary discipline; civil rights laws including Section 503 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990; negative consequences of exclusion from school; the impact of trauma on brain development. Training on these topics will be available from the Agency of Education and the Department of Public Safety.

Reports of Threats

The [district/school] shall provide channels or mechanisms for students, staff and others to report threatening and troubling behavior, including anonymous reporting mechanisms, to the behavioral threat assessment team. The [district/school] shall ensure students and staff receive guidance on at least an annual basis on what types of behaviors and situations should be reported and how reports can be made, and on the purpose and use of threat assessment teams.

Function of Threat Assessment Team

Consistent with procedures adopted by the [superintendent/head of school] and guidance in Behavioral Threat Assessment and Management Guide published by the Vermont School Safety Center, the threat assessment team:

- Identifies and assesses the behavior or communication that is threatening, or potentially threatening, to self, other students, staff, school visitors, or school property.
- Screens the case based on the initial report and a review of readily available information to determine if immediate action is needed, whether the team should conduct a threat assessment, and whether the student is entitled to a manifestation determination review instead.
- Gathers and analyzes information about the student's behavior to determine a level of concern for the threat. The threat assessment team may conduct

interviews of the person(s) who reported the threat, the recipient(s) or target(s) of the threat, other witnesses who have knowledge of the threat, and where reasonable, the individual(s) who allegedly engaged in the threatening behavior or communication. The purpose of the interviews is to evaluate the individual's threat in context to determine the meaning of the threat and intent of the individual. The threat assessment team may request and obtain records in the district's possession, including student education, health records, and criminal history record information. The purpose of obtaining information is to evaluate situational variables, rather than the student's demographic or personal characteristics.

- Determines the nature, duration, and level of severity of the risk and whether reasonable modifications of policies, practices, or procedures will mitigate the risk. The threat assessment team will not base a determination of threat on generalizations or stereotypes. Rather, the threat assessment team makes an individualized assessment, based on reasonable judgment, best available objective evidence, or current medical evidence as applicable;
- Communicates lawfully and ethically with each other, school administrators, and other school staff who have a need to know particular information to support the safety and well-being of the school, its students, and its staff;
- Identifies supports and resources where appropriate to address the concerning behavior and student needs including mental health first aid, counseling and safety plans;
- Timely reports its determination to the superintendent or designee.

Depending on the level of concern determined, the threat assessment team develops and implements intervention strategies to manage the student's behavior in ways that promote a safe, supportive teaching, and learning environment, without excluding the student from the school.

The threat assessment team is not empowered to exclude a student from school. The [superintendent or principal/head of school] may, pursuant to the [district's/school's] policies, impose a suspension or expulsion after providing due process as required by 16 V.S.A. § 1162 and State Board of Education Rule 4300.

In cases where the student whose behavior is threatening or potentially threatening also is eligible for special education or is a qualified student with a disability under Section 504 of the Rehabilitation Act of 1973, the threat assessment team shall coordinate intervention strategies with the student's individualized education program (IEP) team or the student's Section 504 team. Although some of the functions of a school-based threat assessment may run parallel to the functions of a student's IEP team or 504 team, school-based threat assessments remain distinct from those teams and processes.

Student Records

Each threat assessment team member, whether a teacher, counselor, school administrator, other school staff, contractor, consultant, volunteer, or other individual, functions as a “school official with a legitimate educational interest” in educational records controlled and maintained by the [district/school]. The [district/school] provides the threat assessment team access to educational records as specified by the Family Educational Rights and Privacy Act (FERPA). No member of a threat assessment team, including district / school-based members and community resource / law enforcement members, shall use any student record beyond the prescribed purpose of the threat assessment team or re-disclose records obtained by being a member of the threat assessment team, except as permitted by FERPA. Records created by members of the threat assessment team in the course of conducting and concluding a threat assessment shall not appear in a student’s permanent education record. Members of the threat assessment team shall make every effort to document “no threat” created in the course of a threat assessment where relevant.

Data Collection, Review and Reporting

The superintendent shall establish procedures for collecting and submitting data related to the behavioral threat assessment program to the Agency of Education. This data shall include:

- The names of the members of the threat assessment team.
- The number of threat assessments and manifestation determination reviews conducted in the prior year.
- For each threat assessment conducted, a description of the behavior requiring an assessment, and the following information about the student requiring the assessment: age, grade, race, gender, disability status, and eligibility of free or reduced-price school meals.
- For each threat assessment conducted, the results of the assessment or review.
- The number of students subjected to more than one threat assessment in the same school year.
- The amount of time, if any, that a student was excluded from school pending completion of a threat assessment.
- Information regarding whether a student subject to a threat assessment was also subject to exclusionary discipline for the same behavior, including the length of exclusion.
- Whether law enforcement was involved in a threat assessment.
- Whether the behavior subject to a threat assessment was reported to law enforcement.