

STUDENTS WITH DISABILITIES

In situations where a student whose behavior is threatening or potentially threatening also has a disability, the threat assessment team should evaluate the situation and align intervention strategies in conformity with the student's IEP or 504 plan. The assessment team must coordinate with a representative of the student's school with expertise in special education and the student's disability. A determination that a student with a disability poses a threat may NOT be based on generalizations or stereotypes about the effect of a particular disability. The determination MUST be based on an individualized assessment, using reasonable judgment based on current medical evidence, and other objective evidence, to determine the nature, duration, and severity of the risk posed by the student; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures will mitigate the risk. The teams must also consider how the threat assessment process intersects with its obligation to serve students with disabilities.

PROCEDURES**1. Identifying and Reporting Threats**

When an individual makes a threat or engages in concerning communications or behaviors that suggest the likelihood of a threatening situation, the **Behavioral Threat Assessment Policy** shall be followed. The overarching goal of the threat assessment process is to engage in a non-adversarial, holistic analysis providing interventions and support where needed while maintaining a safe school environment. All school system employees, volunteers, and contractors should report immediately to the designated school administrator any expression of intent to harm another person, concerning communications, or concerning behaviors that suggest an individual may intend to commit an act of violence.

Reports may be done by directly notifying a school administrator, school security employee or school resource officer, or through anonymous reporting mechanisms at the State or local school system level. If potential criminal activity is involved and the matter is referred to law enforcement for investigation, the school administrator shall notify the student's parent or guardian as soon as practicable that the matter has been referred to local law enforcement. The behavioral threat assessment process is separate and distinct from school discipline. However, there may be times in which behavior that necessitates a threat assessment also implicates the local school system's disciplinary process, especially if the student is to be removed from their regular education program.

2. Assessing Threats

Upon notification of threatening behavior or communications, the threat assessment team or a triage-level subset of the threat assessment team shall determine if an imminent threat is believed to exist. If the individual appears to pose an imminent threat of serious violence to themselves or to others in the school, the administrator or assessment team shall notify law enforcement in accordance with local school system policies on critical incident response. The administrator or threat assessment team shall determine the need to activate the emergency response plan acting upon facts and circumstances presented. The crisis process and emergency response activated would be different depending on whether the threat is inside the building or outside the building.

NOTE: In accordance with the Maryland State Department of Education's "Emergency Planning Guidelines for Local School Systems and Schools" (December 2019) school responses may include actions such as evacuation, lockdown, shelter, hold, and secure.

If there is no imminent threat present, or once such an imminent threat is contained, the threat assessment team leader shall ensure that the situation is screened/triaged to determine if the full threat assessment team needs to be involved. This triage may include (as necessary and appropriate):

- A. Review of the threatening or concerning behavior or communication.
- B. Review of school and other records for any prior history or interventions with the individual(s) involved, or changes in attendance, family circumstances, academic performance, or disciplinary actions.
- C. Conducting timely and thorough interviews (as necessary) 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, so that the meaning of the threat and intent of the individual can be determined.

If it is determined, that the threat is not identifiable or a low threat of violence or harm to self or others, and the threat assessment team determines that no further assessment, intervention, or monitoring is required at the time to prevent violence:

- A. The threat assessment team leader shall ensure that the incident and review is adequately documented consistent with local school system processes, forms and procedures. The threat assessment team shall maintain the documentation in accordance with local school system policy, or as otherwise required by State law.
- B. If the individual (about whom the report was made) does not pose a threat but could benefit from or is in need of some additional assistance, the threat assessment team leader shall ensure that the individual is referred to the appropriate school or community-based resources.
- C. If the individual (about whom the report was made) has an IEP or 504 Plan, a Functional Behavior Assessment (FBA) may be conducted. Based upon the FBA, a Behavior Intervention Plan (BIP) may be developed if warranted.

If it cannot be determined with a reasonable degree of confidence that the alleged threat is a not a threat, or is a low risk threat, then a more in-depth assessment is to be undertaken by the threat assessment team to determine the nature and degree of any safety concerns and to develop strategies to prevent violence and reduce risk, as necessary. It may be advisable to schedule a re-assessment after a period of time to re-evaluate the situation and assess whether the situation has improved or deteriorated placing the risk in a different category.

Based on the information collected, the school threat assessment team shall determine strategies to mitigate the threat and provide intervention and assistance to those involved, as needed.

Upon a preliminary determination that a student poses a threat of violence or physical harm, the behavioral threat assessment team shall immediately report its findings to the principal of the student's school. Following notification, the principal shall immediately attempt to notify the student's parent or legal guardian. The behavioral threat assessment team shall also have access to any student education and health records. In possession of the school in order to perform its functions. Once the immediate concerns of dealing with the student posing the threat of violence or physical harm have been assessed, the principal or the principal's designee shall notify an individual who may have been the intended recipients or targets of the violence or physical harm. If the intended recipients or targets are minors, the principals or principal's designee shall also notify the parents or guardians.

Nothing in this policy shall preclude school system personnel from acting immediately to address an imminent threat. Upon a preliminary determination by the threat assessment team that an individual poses an imminent threat of violence to self or to others in the school, the law enforcement member of the threat assessment team may request and obtain criminal history record information to further evaluate the assess the situation.

3. Intervening, Monitoring, and Resolving Threats

Once the team completes the initial threat assessment, the team shall develop a comprehensive plan addressing the situation. This plan should include support to the individual assessed, and their family if applicable, to access appropriate school and community-based resources for support and further intervention.

The threat assessment team shall maintain documentation in accordance with school system policy.

For each case, a member of the threat assessment team shall be designated as a case manager to monitor the status of the individual(s) of concern (in that case) and to notify the threat assessment team of any change in status, response to intervention/referrals, or additional information that would be cause for a re-assessment and changes in intervention strategies. Updates regarding the case are to be documented in accordance with school system policy. These updates are to be submitted regularly (e.g., at least every 30 days) until the case is resolved and is no longer assessed to pose a threat to the school or its staff or students.

Resolution and closure of the case is to be documented in accordance with school system procedures.

THREATS OF SELF-HARM

An expression of suicidal ideation or intent to commit self-harm without an expression of intent to harm another person or engage in violent conduct does not require a full behavioral threat assessment. A school's mental health support staff should conduct a preliminary evaluation to determine whether the threat assessment process is appropriate for a particular student based on the facts and circumstances presented.

See also:

- Local School System Student Conduct Policies (MSDE recommends - specify those dealing with threat/intimidation; ACPS Policy JBA – Student Harassment, Bullying, Cyberbullying, Intimidation, Violence)
- Local School System Suicide Prevention Policies and Procedures (ACPS does not have a policy)
- Local School System Critical Incident Response Policies and Procedures (ACPS does not have a policy – we do have procedures)

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