

ESD Direct Service Program Threat Assessments

The Board is committed to providing a safe and secure environment for ESD students and employees. This policy establishes a threat assessment program to provide for timely and methodical threat assessment and management of behaviors in ESD Direct Service Programs with students who are under the age of 22.

Threat assessment best occurs in climates of safety, respect, and emotional support. Student behaviors, rather than a student's demographic or personal characteristics, will serve as the basis for a threat assessment.

The threat assessment process is distinct from discipline procedures. The mere fact that a threat assessment is being done does not by itself necessitate suspension or expulsion. ESD students will not be subject to suspension or expulsion, or terminated from an ESD program, including emergency removal, *solely* due to an investigation of the student's conduct or conducting a threat assessment.

Suspension, or other removal from an ESD program can create the risk of triggering either an immediate or a delayed violent response, unless such actions are coupled with containment and support. However, nothing in this policy precludes an ESD program director, or the director's designee, from acting immediately to address an imminent threat, including an emergency removal, if there is sufficient cause to believe that the student poses an immediate and continuing danger to others, or an immediate and continuing threat of material and substantial disruption of the educational process.

Structure of Threat Assessment Teams

ESD direct service programs operating in ESD facilities shall establish level 1 threat assessment teams, who will when needed work with a multidisciplinary, multiagency threat assessment team or more than one such team. As the threat assessment team must be multidisciplinary and multiagency, it might include persons with expertise in:

- Counseling, such as a school counselor, a school psychologist and/or school social worker;
- Law enforcement, such as a school resource officer;
- Program administration, such as a Director or other senior administrator;
- Behavior health professionals;
- Other program employees;
- Community resources;
- Special education teachers; and a
- Practicing educational employee.

Not every multidisciplinary team member need participate in every threat assessment. When faced with a potential threat by, or directed towards, a student receiving special education services, the threat assessment team must 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 commitment to make reasonable attempts to involve parents and the student in the resolution of the student's behavioral violations, consistent with Policy and Procedure 3241 – Student Discipline.

Function of Threat Assessment Team

Each threat assessment team member, whether a teacher, special service provider, counselor, administrator, other employees, contractor, consultant, volunteer, or other individual, functions as a "school official with a legitimate educational interest" in educational records controlled and maintained by the ESD program. The ESD 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 ESD employees, program-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.

The threat assessment team:

- Identifies and assesses the behavior of a student that is threatening, or potentially threatening, to self, other program students, employees, visitors, program community partners or ESD property. Threats of self-harm or suicide unaccompanied by threats of harm to others should be promptly evaluated.
- 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 ESD program's, including student education, health records, and criminal history record information. The purpose of obtaining information is to evaluate situational variables, rather than 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, ESD program directors, and ESD employees who have a need to know particular information to support the safety and well-being of the program, its students and its employees; and
- Timely reports its determination to the program director or designee.

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

In cases where the student whose behavior is threatening or potentially threatening also has a disability, the threat assessment team aligns intervention strategies with the student's individualized education program (IEP) or the plan developed under section 504 of the rehabilitation act of 1973 (section 504 plan) by coordinating with the student's IEP team or section 504 plan 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 plan team, school-based threat assessments remain distinct from those teams and processes.

Other tasks of threat assessment team

The threat assessment team may also participate in other tasks that manage or reduce threatening or potentially threatening behavior and increase physical and psychological safety. This may include:

- Providing guidance to programs regarding recognition of behavior that may represent a threat to students, employees, schools, child care, the community, or the individual;
- Providing informational resources for community services boards or health care providers for medical evaluation or treatment, as appropriate;
- Assessing individuals whose behavior poses a threat to the safety of students or employees and notify the Superintendent or designee of such an individual.

Legal References:

*CFR 34, Part 99, Family Educational Rights and
Privacy Act Regulations
Chapter 28.A320 RCW
Chapter 28.A300 RCW*

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