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MARYLAND CENTER for SCHOOL SAFETY

Behavioral Threat Assessment

Implementation Guide

MCSS

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The School Safety Subcabinet and MCSS would like to thank our local and State partners for their support and contributions to the 2022 Behavioral Threat Assessment Implementation Guide document. Your dedication and commitment to the safety of every student and every school in Maryland is appreciated.

Table of Contents

Introduction and Overview 4

Role of Assessment Teams 6

Prevention and Intervention 9

Team Structure and Function 10

Principles of Risk Assessment 19

Unique Considerations for Students with Known or Suspected Disabilities 21

Procedures for Identifying and Reporting Threats 23

Mitigation, Prevention & Intervention Strategies 29

Coordinated Approach Where School Discipline is Involved 32

Appendix A - Definitions 34

Appendix B - Resources 39

Introduction

On April 10, 2018, Governor Hogan signed into law Senate Bill 1265 (Chapter 30), the *Maryland Safe to Learn Act of 2018*, which mandated the creation of behavioral assessment teams in Maryland's public schools. The focus of a behavioral assessment team is to identify and determine the appropriate intervention strategies for individuals whose behavior may pose a threat to the safety of an individual attending or working in a public school, or who otherwise exhibit behaviors of concern that impact the safety of an individual attending or working in a public school.

The Safe to Learn Act of 2018 required the School Safety Subcabinet to develop a model policy "for the establishment of an assessment team or teams in each local school system." The Maryland's Model Policy for Behavior Threat Assessment was developed and distributed to locals in September 2018. This document serves to provide guidance to local school systems in the ongoing development and administration of their own local school and school system assessment teams.

The Safe to Learn Act of 2018 further required that each local school system adopt a local policy that is consistent with the model and the provisions contained therein, to include; (1) processes for regular assessment and intervention, including diversion and de-escalation, if an individual exhibits behavior that may pose a threat to the safety of another individual attending or working in a public school, (2) standards for coordination among assessment team members, and (3) standards and procedures for referral of an individual for evaluation, services, or treatment when appropriate.

This document, and other resources to support school and campus safety, are available at the MCSS website at: https://schoolsafety.maryland.gov/. Additionally, a glossary of terms related to this topic is included as Appendix A.

Overview

The State first published the "Maryland's Model Policy for Behavior Threat Assessment"[1] in September 2018, as required by the Safe to Learn Act of 2018.[2] Thereafter, each local school system adopted its own policy to include the elements of the State-level policy. Since the adoption of the Model Policy, the Maryland Center for School Safety (MCSS) has engaged in regular meetings with the Behavioral Health Services Coordinators[3] within each of Maryland's twenty-four local school systems, as well as with stakeholders from the non-public special education schools and private school communities to facilitate communication, best practices,

[1] Maryland's Model Policy for Behavior Threat Assessment 2018, https://schoolsafety.maryland.gov/Documents/Reports-Docs/Maryland%20Model%20Policy%20for%20Behavior%20Threat%20Assessment-2018-19.pdf.
[2] Md Code Ann., Educ. § 7-1507.
[3] Pursuant to Md. Ann. Code Ed. Art. § 7-447(b), school systems are required to appoint Behavioral Health Services Coordinators who carry out the functions outlined in Md. Ann. Code Ed. Art. § 7-447 and § 7-1511.

and understand the mental and behavioral health challenges affecting Maryland's public school students. This work has taken on even greater importance as our communities continue to recover from the challenges of the COVID-19 pandemic.

This implementation guide is not intended to address the full spectrum of mental and behavioral health challenges present in our school communities. Rather, it is limited to identifying and addressing behaviors of students or others that pose a threat to the safety of individuals attending or working in the schools, and training related thereto. A separate guidance document covering unique considerations related to workplace violence outside of the context of student conduct will be developed.

This implementation guide is based on relevant Maryland statutes as well as a synthesis of established research and standards of practice regarding threat assessment and risk management in school and workplace settings.[4] Studies regarding the pre-attack behaviors of individuals who engage in school and workplace violence validate the use of fact-based threat assessment processes to assess behaviors of concern to determine risk.[5] Fact-based analysis provides an objective basis for determining the nature and degree of any safety concerns to the school environment, and provides a foundation for strategic approaches to risk reduction, and enhanced safety and well-being of the school community.

While it is undisputed that expressly communicated threats of intent to commit violent acts require *immediate assessment and intervention*, the Maryland Model Policy and this guide emphasizes early identification and intervention when behaviors of concern surface. This includes identifying and responding to behaviors of concern before they escalate to the point where immediate action is required. The National Association of School Psychologists has emphasized the importance of providing mental and behavioral health intervention within the school setting in order to best assist students and their families with obtaining necessary services and ensuring delivery.[6] This requires a full school system commitment to maintaining positive school climates that emphasize safety, respect, and emotional support – environments in which students, their families, and staff pay attention to the social, emotional, and developmental needs of the school community to foster a

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[4] *See* "*Enhancing School Safety Using a Threat Assessment Model: An Operational Guide for Preventing Targeted School Violence*," U.S. Department of Homeland Security, United States Secret Service (National Threat Assessment Center, July 2018); "*A Study of the Pre-Attack Behaviors of Active Shooters in the United States Between 2000 and 2013*," Federal Bureau of Investigation, U.S. Department of Justice, Washington, D.C. (June 2018); "*Active Shooter Incidents in the United States in 2021*," Federal Bureau of Investigation, U.S. Department of Justice, Washington, D.C., and the Advanced Law Enforcement Rapid REsponse Training (ALERRT) Center at Texas State University (2022); "*Averting Targeted School Violence: A U.S. Secret Service Analysis of Plots Against Schools*," U.S. Department of Homeland Security, United States Secret Service (National Threat Assessment Center, March 2021); and "*Protecting America's Schools: A U.S. Secret Service Analysis of Targeted School Violence*," U.S. Department of Homeland Security, United States Secret Service (National Threat Assessment Center, Nov. 2019).
[5] *See id.*
[6] Cowan, K.C., Vaillancourt, K., Rossen, E., & Pollitt, K. (2013). *A framework for safe and successful schools* [Brief]. National Association of School Psychologists. https://www.nasponline.org/resources-and-publications/resources-and-podcasts/school-safety-and-crisis/systems-level-prevention/a-framework-for-safe-and-successful-schools.

thriving academic environment. This requires tiered systems of intervention and support for the whole individual, not just with respect to academic success.

Role of Assessment Teams

In Maryland, the behavioral threat assessment team should be convened to address behaviors of concern as defined by the Safe to Learn Act. Under Maryland law, "behaviors of concern" are defined as "behaviors or threats that indicate a student may pose a risk of self-harm or harm to others, and includes expressions of hopelessness, known drug use, suicidal gestures or statements, and known gang activity."[7] A local school system may opt to have the behavioral threat assessment team serve a broader role within the overall mental and behavioral health programming for the system. The multidisciplinary assessment teams must focus on identifying, assessing, and intervening with individuals whose behavior may pose a threat to the safety of the school, or to an individual attending or working in a public school.

All local school systems should provide training to school staff on how to recognize warning signs and opportunities for intervention. This training should include a focus on situational awareness in and around the school building, how to report incidents of concern, and potential dangers to the school facility posed by any of the following individuals:

- Students including current and former (and potentially prospective);
- Employees including current and former (and potentially prospective);
- Parents, guardians, relatives and friends of students;
- Persons who are (or have been) in relationships with faculty, staff, or students;
- Contractors, vendors, or other visitors; and
- Unaffiliated persons.

This guide focuses on the procedures to be followed when assessing behaviors of concern exhibited by students. Additional guidance will be provided separately with respect to assessing threats of domestic violence or other workplace grievance violence within the school setting.

An expression of suicidal ideation or intent to commit self-harm (cutting, burning, scratching, head banging, etc.) without any 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.

[7] Md. Ann. Code Ed. Art. §7–1501(c).

Threat of Self-Harm Without Other Threat of Violence

A threat of self-harm or suicide unaccompanied by threats of harm to others within the school community should be evaluated pursuant to existing local school system protocols on suicide prevention and intervention. Members of the assessment team may also be utilized to assist with these screenings, and may be called upon to contact mobile crisis teams, or other local resources for additional support.

Whether dealing with a threat of self-harm, or a threat of harm to others, it is imperative that a determination be made regarding the individual's access to firearms. According to the 2021 U.S. Secret Service's analysis of plots against schools, many of the students who were plotting attacks of mass violence had access to firearms, particularly within their homes.[8] The students either owned the firearms themselves, had unimpeded parental access to them, or, in certain cases, were able to access firearms that were not stored properly (e.g., student was given access to the safe, pried the safe open, found the key which was not secured, or stole/obtained the key when it was left unattended).[9]

Parents, guardians, other family members, friends and members of the community play a vital role in reporting concerning behaviors to minimize the risk of harm.[10] It is important to make sure that firearms are stored securely to prevent unauthorized access.[11]

On the next page, the scenarios and chart demonstrate the distinctions between assessing risk of self-harm alone, and assessing risk of self-harm accompanied by a threat of harm to others. This is just one example out of a myriad of factual scenarios that may require a behavioral threat assessment:

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[8] U.S. Secret Service, National Threat Assessment Center, *Averting Targeted School Violence: A U.S. Secret Service Analysis of Plots Against Schools* (2021), https://www.secretservice.gov/sites/default/files/reports/2021-03/USSS%20Averting%20Targeted%20School%20Violence.2021.03.pdf.

[9] *Id.*

[10] For additional information on the importance of bystanders reporting potential violent conduct, please see "Prior Knowledge of Potential School-Based Violence: Information Students Learn May Prevent A Targeted Attack," U.S. Department of Homeland Security, U.S. Secret Service (National Threat Assessment Center) and U.S. Department of Education (May 2008).

[11] In 2019, Maryland enacted an extreme risk protective order statute (Md. Code Ann., Pub. Safety Art. §5-601 *et seq*., which provides law enforcement, healthcare practitioners, family members and intimate relationship partners with a mechanism for removing firearms from the residence of an individual who presents an "immediate and present danger of causing personal injury to the respondent, the petitioner, or another by possessing a firearm." This legal tool creates an additional mechanism to reduce firearm violence towards others, as well as reducing self-harm by firearms. For additional information, please visit: https://health.maryland.gov/bha/suicideprevention/Documents/ERPO%20Postcard.pdf#search=safe%20storage%20of%20firearms.

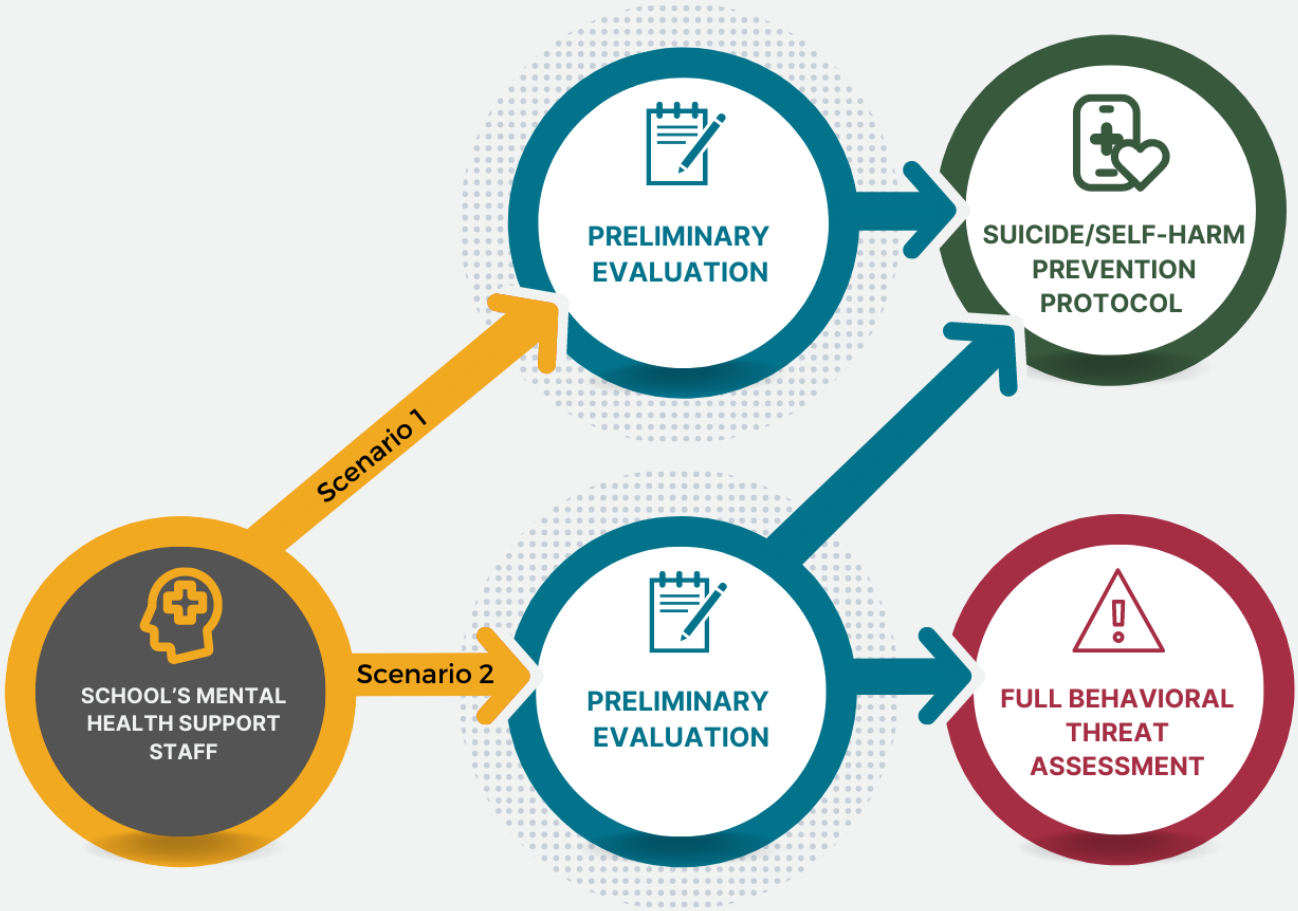
Threat Assessment Process

SCENARIO 1

Student A receives text messages from Student B expressing hopelessness and a photo of cutting on Student B's arm. Student A is worried about their friend and reports this to the school. The assigned mental health support staff member listens to Student A, reviews the text messages and photographs, checks Student B's attendance, and checks in with Student B's classroom teachers about work performance. While Student B has been attending school, she is often tired in class and has not been turning in fully completed assignments recently.

SCENARIO 2

Same facts as Scenario 1 with the addition of the following: An anonymous tip reports that Student B posted on her story on Snapchat the following message (insert redacted photo of one of the many intents to commit targeted violence threats we receive). The school administrator and school resource officer along with the assigned school mental health support staff member evaluate all known information they have about the student and the social media posts as follows:



Prevention and Intervention

Although the Safe to Learn Act includes requirements for teams to engage in risk management and assessment of any individual who may pose a threat to the safety of the staff or students within the public school setting, the majority of the work will focus on students engaging in (or perceived to be engaging in) threatening behaviors. Prior to the passage of the Safe to Learn Act and implementation of the statewide Model Behavioral Threat Assessment Policy in September 2018, many school systems had processes in place for assessing various behaviors of concern. These processes, like this Model Policy, relied upon the work of Dewey G. Cornell, Professor of Education and forensic psychologist at the University of Virginia's School of Education and Human Development, as well as *Threat Assessment in Virginia Public Schools: Model Policies, Procedures, and Guidelines (2nd ed., 2016)*, revised by Gene Deisinger, Ph.D., as consultant to the Virginia Department of Criminal Justice Services, and Virginia Center for School and Campus Safety.

The Maryland Model Policy specifies a series of analytical criteria for evaluating the need for intervention and support, and offers an alternative to zero tolerance practices in addressing behaviors of concern and student threats. It also addresses the need for management of the individual's case following the assessment process. Maryland's policy is informed by other existing policies, procedures, case studies and analyses deployed throughout the United States in an effort to ensure a safe school community and respond to the increasing mental and behavioral health needs of the pediatric population and education system workforce.[12] It is also informed by building upon practices that were working within Maryland's local school systems, expanding collaboration, and monitoring and adapting based on best practices in collaborative approaches to provide safe and supportive school environments.

The Safe to Learn Act solidified the role of local school systems in intervening with behavioral health needs of the students, and facilitating getting the students to assistance or other external services when needed. It also emphasized the need for local school systems to educate parents and guardians on mental and behavioral health concerns, normative adolescent behavior, understanding the signs of suicide, dating violence, and the de-stigmatization of individuals receiving therapeutic care.

[12] For example, the University of Virginia's "Student Threat Assessment Guidelines'' has served as a national model for numerous assessment guideline policies across the country. The Virginia guidelines were developed by the Youth Violence Project of the Curry School of Education at the University of Virginia. These guidelines have been empirically studied and evaluated (e.g., Cornell, Allen, & Fan, 2012; Cornell, Gregory, & Fan, 2011; Cornell, Sheras, Gregory, & Fan, 2009). In 2013, the guidelines were added to the Substance Abuse and Mental Health Services Administration's (SAMHSA) National Registry of Evidence-based Programs and Practices (NREPP). The model was derived from threat assessment principles and adapted for use in assessing students who engaged in threatening communications and behaviors in schools, including the Virginia model, the Salem-Keizer System (STAS), Threat Assessment in Virginia Public Schools: Model Policies, Procedures, and Guidelines (2nd ed. 2016), and the most recent reports from the United States Secret Service ("Enhancing School Safety Using a Threat Assessment Model") and Federal Bureau of Investigation ("A Study of the Pre-Attack Behaviors of Active Shooters in the United States Between 2000 and 2013"). References and links to these and other publications are provided in the resource section of this document.

This 2023 Implementation Guide does not attempt to provide a comprehensive overview of mental and behavioral health care services available throughout the State. It does, however, contain a reference section at Appendix B for additional information and resources available by county to service those needs. Each local school system has a Behavioral Health Services Coordinator designated to serve the jurisdiction and facilitate resources and services for students and their families.[13]

Team Structure and Function

A Behavioral Threat Assessment Team serves as the overarching structure for understanding a particular situation involving behaviors of concern and determining how best to mitigate any safety concerns and support any involved students. Maryland requires a multidisciplinary approach to the composition of the team in order to enhance the ability of the team to identify the concerns or threats, collect and assess information from multiple sources within the school and community, collaborate on effective mitigation strategies to improve long term outcomes, and coordinate internal and external resources to support students needing assistance. The Safe to Learn Act requires that the behavioral threat assessment team include individuals with expertise in student counseling, instruction, school administration, and law enforcement. Each of those categories may include the following:

- student counseling[14] (e.g., a school counselor, a school psychologist and/or school social worker);
- instruction[15] (e.g., a teacher or administrator with instructional experience);
- school administration (e.g., a principal or other senior administrator from the school(s) covered by the team); and
- law enforcement (typically a school resource officer).[16]

Although not required by statute, as a best practice, assessment teams should consult with individuals with expertise in human resources, special education, or other staff, when applicable and based on the facts and circumstances of each assessment. This may also require consultation with legal counsel.

Team Establishment

Each local school system shall establish an assessment team or teams sufficient to service the mental and behavioral health and overall school safety needs of the jurisdiction. In determining the appropriate number of assessment teams, the local

[13] Md. Code Ann., Educ. Art. §§7-447; 7-1511.
[14] In considering how best to meet those requirements, the individual with expertise in student counseling should have experience in school-based mental health.
[15] When considering the expertise in education instruction, the preference would be to have a teacher familiar with the student to be assessed. This will require multiple teachers to be prepared to serve in that role and collaborate with the behavioral threat assessment team.
[16] While these are the individuals enumerated in Section 7-1507 of the Education Article of the Maryland Code, a local school system may choose to include additional members with appropriate professional qualifications (education, licensure, and/or other continuing education on topics relevant to threat assessment) to participate on the team.

school system shall consider multiple factors, including, but not limited to: available resources, history of threats to the school community and behavioral risk within the jurisdiction, number of schools, demographics, and geography. The Safe to Learn Act does not mandate an assessment team at each individual school. A particular assessment team may serve one or more schools as determined by the local superintendent. The assessment teams shall coordinate among school officials and law enforcement, mental health, and other appropriate entities to monitor and respond to information about behavior, statements, or plans that may pose a threat of violence at a school or a school function, or that indicate mental and behavioral health intervention is needed.

Other school staff, whether permanent employees or contractors, may serve as regular members on the team, or be consulted during the assessment process, as appropriate, in conformity with the statutory requirement for team composition. Specifically, if the student to be assessed has an Individualized Education Program (IEP), Section 504 plan, receives English Language services, or other therapeutic services, at least one individual providing those services directly to the student should be included in the behavioral threat assessment process. Members of the assessment team may interview other students and/or parents as a part of the evaluation, but those other individuals must not be included in the assessment team itself with respect to the evaluation and decision-making.

Team Structure

An assessment team(s) should have a designated team leader, typically a school administrator for individual school-based teams or a senior system administrator for system-level teams. The team leader will be responsible for ensuring that the threat assessment process is conducted properly, and that all appropriate documentation is completed and maintained according to local school system policies, as well as State and federal laws. Team members shall work collaboratively with each other, with other school staff, and (as appropriate) with community resources to support the purposes of the team and the safety of the school, its students, and staff. The assessment team leader may designate a subset of team members to triage cases reported to the team based on workload of team members and the urgency of the situation.

If a subset of the team is designated to triage a case, at least one member of this group must be the school mental health staff member. All team members shall be trained to effectively triage cases. This triage process serves to screen cases and determine their appropriateness for review and/or action by the full team. If the team elects to implement a triage process, at least two members of the team will review initial reports of concern to determine if existing resources and mechanisms are sufficient to address those concerns, or whether the full team should further assess and manage the situation. Again, this must include the school mental health staff member and one other team member. School administrators and/or school security employees may not make decisions on a threat assessment without the

input of the school mental health staff member. All triaged cases must be shared with all members of the assessment team once completed for a full review.

Team members shall actively, lawfully, and ethically communicate with each other; with school administrators; and with 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. At all times, communications from the individual school or local school system regarding a more serious threat or widespread misinformation of greater impact to the community must adhere strictly to State and federal privacy provisions.

In fulfilling the responsibilities set forth in the Safe to Learn Act, assessment teams shall:

- **Provide Guidance:** Teams shall provide guidance to students and staff regarding the recognition of behavior that may represent a threat to individuals within the school community or to the facility as a whole, or for recognizing behaviors of concern and other opportunities for intervention;
- **Identify Contacts:** Teams shall clearly identify members of the school community to whom students and staff should report behaviors of concern or other threatening behavior; and
- **Implement Policies:** Teams shall implement local school system policies in an effective manner for the assessment of, and intervention with, individuals whose behavior poses (or may pose) a threat to the safety of school staff or students, or for whom mental and behavioral health intervention is indicated, including (where appropriate) referrals to community services boards or health care providers for evaluation or treatment.

In cases where it is determined to be appropriate, assessment teams shall follow procedures established by the local school system to advise the parent(s) or guardian(s) of the need for external evaluation or treatment by a mental or behavioral health specialist or physician. As a best practice, the parent(s) or guardian(s) should be provided with a summary sheet regarding the scope of the behavioral threat assessment and the team's recommendations.

The work of the assessment team is *separate and distinct* from the school disciplinary process or any criminal investigation that may be initiated as a result of the underlying conduct. Administrators should make a separate determination of whether disciplinary action is appropriate based on the student code of conduct and/or other school system policies, and other State or federal law. An administrator or other school official may refer a matter for criminal investigation when a school official believes that a State or federal law has been violated. Law enforcement professionals shall exercise independent judgment based on their knowledge, training, and expertise, as well as departmental policies when determining whether or not to bring charges against a student based on this conduct.

Central Office Oversight

Within the central office of each local school system there shall be a team--including the designated Behavioral Health Services Coordinator for the system--to oversee and provide support for individual school-based assessment teams. The central office team may consult with local law enforcement, community mental health providers, and departments of social services as needed to provide services and support necessary to maintain a safe school environment. The central office oversight team shall (1) maintain processes for effective information sharing between the school system and community partners, (2) convene regularly to assess the effectiveness of the assessment process throughout the school system using data metrics appropriate to that geographic region, and (3) identify resource gaps and needs to support individual school communities within the system.

The central office oversight team shall also maintain responsibility for disseminating best practices for mental and behavioral health supports, and interventions with behaviors of concerns to individual stakeholders within the system (staff, parents, and students). This work should include:

- Providing guidance to students, staff, and parents/guardians regarding recognition of behavior that may represent a threat to the community, school, or an individual, including self-harm;
- Communicating to stakeholders how to report threatening or concerning behavior for evaluation and intervention;
- Implementing local school system policies for the assessment of and intervention with individuals whose behavior poses a threat to the safety of school staff or students, or who exhibit behaviors of concern, including self-harm.

Information Sharing and Record-Keeping

Assessment teams established by local school systems must maintain compliance with State and federal privacy laws while performing their work and making decisions. The Family Education Rights Privacy Act (FERPA),[17] the Health Insurance Portability and Accountability Act (HIPAA),[18] the Individuals with Disabilities Education Act (IDEA),[19] and the Maryland Public Information Act[20] protect the types of information reviewed by assessment teams in the performance of their duties from public disclosure.

[17] 20 U.S.C. §1232g, 34 C.F.R. Part 99.
[18] 42 U.S.C. §1320d, 45 CFR Part 162.
[19] 20 U.S.C. §1400 (2004).
[20] Md. Code Ann., General Provisions Article §4-101 through § 4-601.

Records of a behavioral threat assessment conducted on a student are education records as defined under FERPA. Local school systems should consult with counsel regarding the applicability of the provisions of relevant State and federal law to the information collected or otherwise ascertained while conducting a threat assessment, and should review local policies and procedures to ensure that the principles of least privilege access are used to facilitate the work of the assessment team members, while safeguarding student privacy. Although FERPA provides an exception to disclosure of personally identifiable information in order to address an actual, impending, or imminent emergency, it is limited in time and for purposes of addressing that emergency. Records created in the threat assessment process and in the subsequent management of the incident is critical for demonstrating the good faith efforts taken to address the situation, make appropriate inquiries and investigate the matter, and to assess, implement support, and manage the situation.

At all times, the gathering of investigative information, the assessments made, and the documentation of mental impressions and analyses shall be done in a fair, impartial, objective, and reasonable fashion. Assessments shall not be based upon speculation or bias, and must allow for input of multiple individuals and perspectives while quickly addressing concerns. Although the existence of a prior criminal history may be relied upon in formulating a response plan for dealing with a threat, the criminal history record itself shall not be maintained by the school and shall not be copied or otherwise stored by the school. Criminal history information may not be placed in a student's educational file or otherwise maintained as a student education record as defined by FERPA.[21] If a school has an assigned School Resource Officer, or has a designated law enforcement unit for purposes of FERPA, the criminal history information, investigative records, and other information related to violations of State or federal law pertaining to a student may be maintained by that unit and do not fit within the definition of "student education record" under FERPA.[22]

School system records management policies should be flexible enough to allow for retention of this documentation in a confidential and secure fashion to assist with ongoing school safety needs and continuing support for affected students. All records containing personally identifiable information, whether stored electronically or in hard copy, must be maintained in a secure, centralized location designed to safeguard against unauthorized access while allowing the behavioral threat assessment teams easy access to perform work promptly.

[21] 34 CFR §99.3
[22] For additional information on this topic, please see: U.S. Department of Education, Privacy Technical Assistance Center, "School Resource Officers, School Law Enforcement Units, and the Family Educational Rights and Privacy Act (FERPA)," (PTAC-FAQ-11)(February 2019).

What is a Threat Assessment?

As a starting point, it is important to note that a threat assessment is *NOT* an adversarial process. It requires the identification of behaviors of concern, fact gathering, and assessment of the situation to determine how best to maintain the safety of the environment, mitigate risk, and obtain assistance for and implement appropriate educational supports for students.

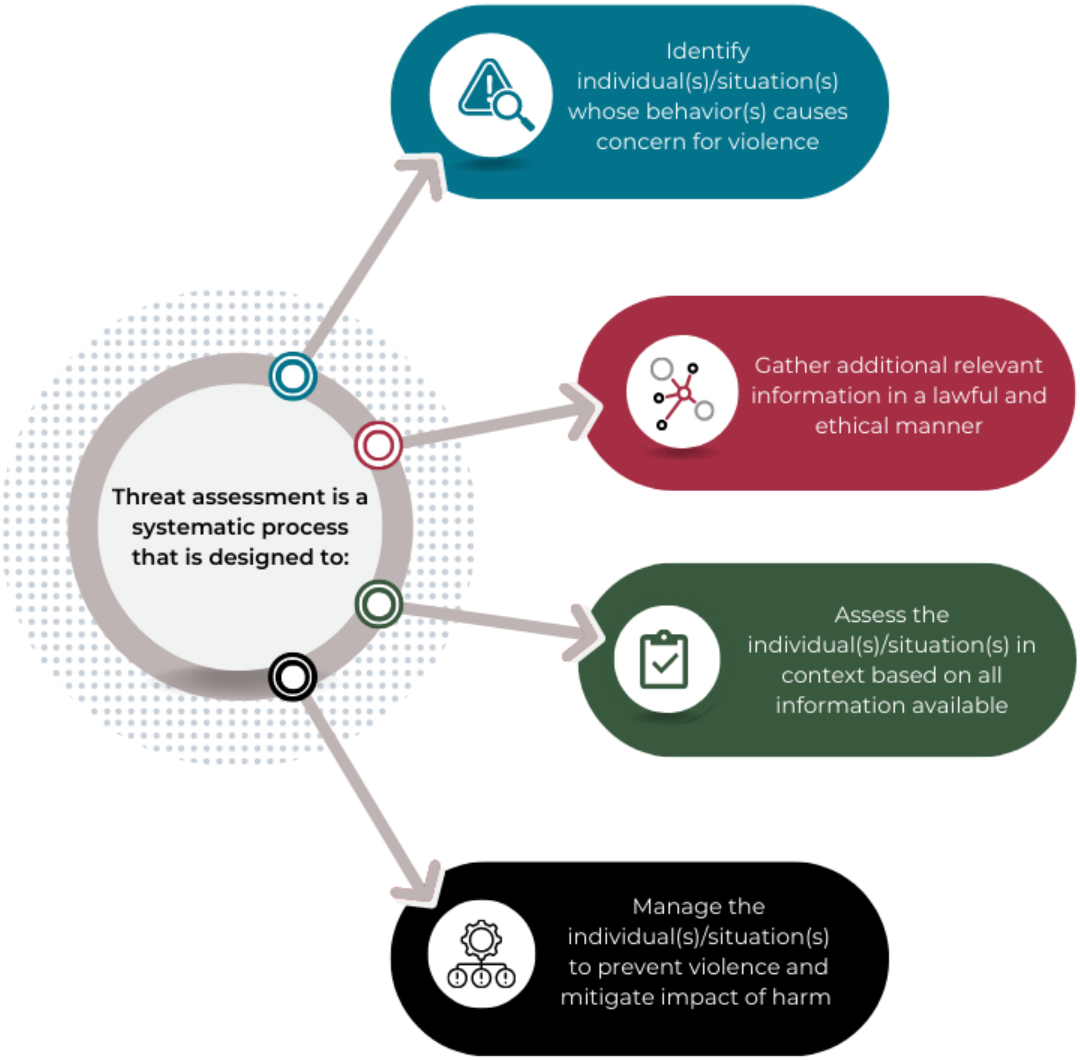
The threat assessment is a non-adversarial, holistic, analysis.

Threat assessment training for staff about implementation within the school setting helps to reduce school suspensions and disproportionality in school discipline. It is a problem-solving oriented approach not meant to replace school discipline, but to complement it and reduce the need for exclusionary discipline or changes to the educational placement of a student without understanding the underlying conduct at issue.[23]

The illustration on the following page shows the factors included in the principles of threat assessment. These may need to be repeated several times with preliminary findings after initial assessment, and reassessment with alterations to the mitigation strategy based on new facts or additional information.

[23] *See* Allen, K., Cornell, D., Lorek, E., & Sheras, P. (2008). Response of school personnel to student threat assessment training. *School Effectiveness and School Improvement*, *19*, 319-332; Cornell, D., Sheras, P., Gregory, A., & Fan, X. (2009). A retrospective study of school safety conditions in high schools using the Virginia Threat Assessment Guidelines versus alternative approaches. *School Psychology Quarterly*, *24*, 119-129; Nekvasil, E., Cornell, D. (2015). Student threat assessment associated with positive school climate in middle schools. *Journal of Threat Assessment and Management 2*, 98-113; Cornell, D., Maeng, J., Huang, F., Shukla, K., & Konold, T. (2018). Racial/ethnic parity in disciplinary consequences using student threat assessment. *School Psychology Review, 47,* 183-195.

Principles of Threat Assessment



CAUTION

In the event that a particular threat is determined to involve threats to other students, staff, and/or community members, those individuals should be notified so that they may determine individually if additional action is warranted.

Upon a preliminary determination that a student poses a threat of violence or physical harm (to self, or to others), 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 any individuals who may have been the intended recipients or targets of the violence or physical harm. If the intended recipients or targets are minors, the principal or principal's designee shall also notify the parent(s) or guardian(s).

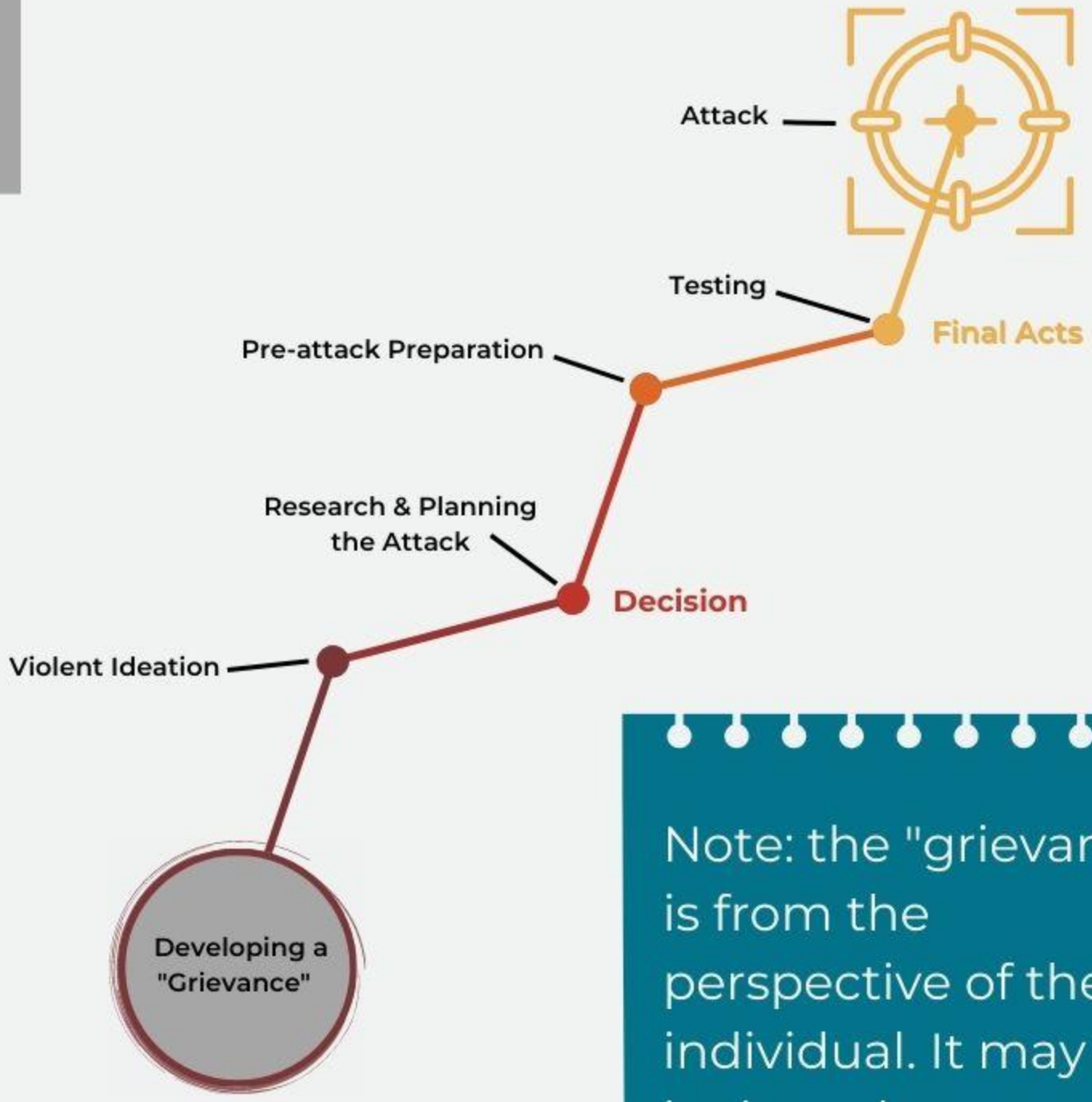
> Nothing in this policy shall preclude school system personnel from acting immediately to address an imminent threat. Upon a preliminary determination by the threat assessment team that an individual poses an imminent threat of violence to self or to others in the school the law enforcement member of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

As discussed earlier, for the limited purpose of conducting a behavioral threat assessment, the privacy of student education records, health information, and criminal records shared with the team must be safeguarded. It is incumbent upon local school systems to develop policies and procedures to address any willful or negligent disclosures of personally identifiable information or protected health information beyond the scope of disclosures necessary for the behavioral threat assessment process and implementation of mitigation strategies.

What is Targeted Violence and How do you Manage That Risk?

Targeted violence is the end result of a process of thinking and behavior that begins with an idea (i.e., to use violence to address a real or perceived grievance), progresses to development of a plan, moves on to preparation (e.g. acquiring the means (e.g., weapons, training, capacity, access to carry out the plan), and results in an attack.

Pathway to Violence



Note: the "grievance" is from the perspective of the individual. It may not be based on any objective facts or circumstances.

The steps along this path indicate opportunities to observe, identify and intervene with threatening and/or aberrant behaviors that cause concern for violence by, or the well-being of, the individual. Frequently, information about an individual's ideas, plans, and preparations for violence can be observed before violence occurs. However, information is likely to be scattered and fragmented. For example, a teacher may see a certain set of behaviors of an individual in her class, a coach observes other behaviors or expressed thoughts by the individual, a school resource officer has other concerns, and a school administrator is aware of certain conduct violations. The challenge, and the key, is to act quickly upon initial reports of concern, gather other pieces of the puzzle, and assemble them to determine what picture emerges.

Principles of Threat Assessment

The appraisal of risk in a threat assessment focuses on actions and behaviors, communications, and specific circumstances that might suggest an individual intends to engage in violence and is planning or preparing for that event. The threat assessment process is centered upon an analysis of the known (or reasonably knowable) behavior(s) in a given situation.

The central question in a threat assessment inquiry is whether an individual poses a threat (i.e., is building the capability to cause harm), not just whether the person has made a threat (directly expressed intent to harm).[24] In this initial inquiry, the evaluation is whether the individual has made a transient threat or a substantive threat.[25] Below is a comparison of the two types of threats.

Transient Threat	***Substantive Threat***
• Made a threat but does not pose a threat (hyperbole); • No "true" threat (person on the receiving end does not actually feel threatened); • Acknowledges that the threat was made in response to a specific situation and/or perceived as a joke and was made without an intent to harm; • Situations may be resolved or managed through problem-solving process/restorative approaches, or existing supports.	• Context and meaning support a legitimate safety concern • Threat is communicated with intent to harm others - may be communicated verbally, non-verbally, electronic, written, pictures, gestures, or other social media); • Person(s) on the receiving end is concerned/threat was not perceived as a joke; • Needs further assessment to more specifically determine level of concern and the actions needed to ensure safety.

[24] R. Fein, et. al., "Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates." United States Secret Service & United States Department of Education (2002).
[25] Burnette, A. G., Datta, P., & Cornell, D. (2018). The distinction between transient and substantive student threats. Journal of Threat Assessment and Management, 5(1), 4–20.

An indirect expression or third party communication of intent to cause harm or otherwise commit an act of violence is referred to as "leakage."[26] This "leakage" may come in the form of threats made directly to intended victims, social media posts targeting a group of people or a specific location, or disclosing specific details of a planned attack in a journal, through communications with peers, in the form of warning friends to stay away on a certain day, etc. The absence of a direct threat should not, by itself, cause a team to conclude that a subject does not pose a threat or danger to others.[27]

Targeted violence does not occur in an instant. It involves a cycle or pattern of thinking, fixation on real or perceived stressors and the inability to cope with those stressors or environmental factors. This process may occur over a period of days, weeks, months, or years. Access to weapons may expedite the ability to carry out a planned attack.[28]

Targeted violence stems from an interaction among the *person(s)*, *recipient(s)*, *environment*, and *precipitating events*. Identifying, preventing and intervening with acts of violence requires a focus on these four components and their interaction. A focus on the person of concern should provide insight into how the person perceives and deals with conditions, often stressful, in their life and the intensity of effort they direct toward planning and preparation for violence. A focus on the recipient (i.e., victim(s) or intended victim(s)) of the intended violence/grievance examines choices and coping strategies they are using or responding with that may increase or decrease their risk for harm. A focus on the environment examines school/workplace climate and systemic issues that contribute to the risk of violence, or do not discourage it. Finally, a focus on precipitating events should examine critical stressors or events such as bullying, personal losses, enforcement actions, or even threat assessment team interventions that may increase or decrease the risk for violence.

An objective, reasonable, inquisitive mindset is critical to a successful threat assessment. School and community-based professionals carrying out threat assessments as a part of a team must strive to be both accurate and fair, analytical and not emotional in performing the assessment. This is critical to making sure that gathering of information yields a complete picture and allows the team to gain understanding of the context and situation.

Effective assessment is based upon ***facts and observations of behavior, rather than on characteristics, traits or profiles***. As noted in the FBI's publication, "A Study of Pre-Attack Behaviors of Active Shooters in the United States Between 2000-2013," the demographic characteristics of the 63 different shooters involved

[26] Langman, PhD., Peter. "Warning Signs: Identifying School Shooters Before They Strike." (2021), pp. 21-40.
[27] In discussing analysis of disrupted school shooting plots, the NTAC's 2021 Bulletin noted that students whose school shooting plots were disrupted were "most frequently motivated by interpersonal conflicts with classmates, highlighting a need for student interventions and de-escalation programs targeting such issues."
[28] The NTAC 2021 study noted that in 76% of the averted school shooting plots, the plotters had access to at least one weapon, and that the weapon(s) of choice for 96% were using one or more firearms to carry out their attack.

varied so significantly that it was impossible to readily identify them based on demographic characteristics alone prior to an attack.[29] Avoiding use of demographic characteristics at the inception of the analysis will assist with reducing net effects of implicit bias on the threat assessment when determining the level of threat posed by the individual. All members of the behavioral threat assessment team should be trained to understand the harms caused by implicit bias in decision-making, and have strategies for the team in place to remove those biases from the process.[30] Failure to remove those biases and appropriately training staff may result in minority students being disproportionately categorized as a high or imminent threat without an objective basis. Threats must be evaluated in context based on all known and observable facts rather than on demographic characteristics.[31]

Assessments should use an integrated systems approach, coordinating between local agencies and service systems within the school and the community (e.g., mental & behavioral health services, law enforcement). Relationships with agencies and service systems serving the local jurisdiction (e.g., school psychologist, school social worker, school-based mental health clinicians, administrators, pupil personnel workers, human resources, etc.) and community (e.g., mental health, juvenile justice, local departments of public health and social services, law enforcement, mobile crisis, and mental and behavioral health peer support organizations) are critical to identifying, assessing, and managing individuals who are on a path to carrying out an act of targeted violence, as well as for supporting individuals within the school community who have additional need for wraparound services.

Unique Considerations for Students with Known or Suspected 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 the student's plan developed under Section 504 of the Rehabilitation Act of 1973. The assessment team should 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 effects of a particular disability. The

[29] *Id.* at FN 6, p. 9.
[30] Effective July 1, 2022, all newly hired police officers shall be subjected to screening for implicit bias, and training on implicit bias in the police academy and every year thereafter. *See* Md. Code Ann., Public Safety Art. §3-207(l). All School Resource Officers and School Security Employees serving local school systems have received training on implicit bias as a part of the Model Curriculum for School Resource Officers and School Security Employees approved by the Maryland Police & Correctional Training Commission pursuant to the Safe to Learn Act of 2018. *See* Md. Code Ann., Education Art. §7-1508. The Maryland Center for School Safety has been providing the Model Curriculum since April 2019.
[31] *See* Langman, PhD., Peter "Warning Signs: Identifying School Shooters Before They Strike," (2022).

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.

> Although coordination and consultation with the student's IEP or Section 504 team should occur once the assessment has been completed in order to determine next steps, the behavioral threat assessment process remains separate and distinct from those processes, just as it remains separate from the school disciplinary process.

The threat assessment process is in place to determine if there is a credible threat that requires action, which may include services. The IEP and Section 504 processes are in place to provide students with disabilities access to the general education curriculum and public school setting – through special education and related services. While the processes serve two distinct purposes, there may be times when the services a student requires under both processes is the same. Furthermore, information about how a student's disability manifests for that individual student is relevant to the threat assessment process. Therefore, it is important that there is clear communication established between the respective teams to ensure the best outcomes for the student.

Similarly, the IEP/Section 504 team must consider whether based on the information provided by the threat assessment team, the student requires additional evaluation and/or changes to the student's IEP/Section 504 plan to ensure the student is receiving legally required positive behavior interventions and other services that allow them to access the curriculum and school setting. The MSDE School Discipline Basics & Integrating Supports: A Focus on Students with Disabilities provides guidance on behavioral supports in the classroom.

Finally, some students may not be currently identified as a student with a disability when they engage in threatening or potentially threatening behavior. Under the IDEA, the child finding obligation requires the local school system to identify, locate, and evaluate all children with disabilities residing within their county who are in need of special education and related services.[32] If the threat assessment team becomes aware that the student has a disability or suspects that the student may have a disability, then a referral to the IEP team must be made.[33]

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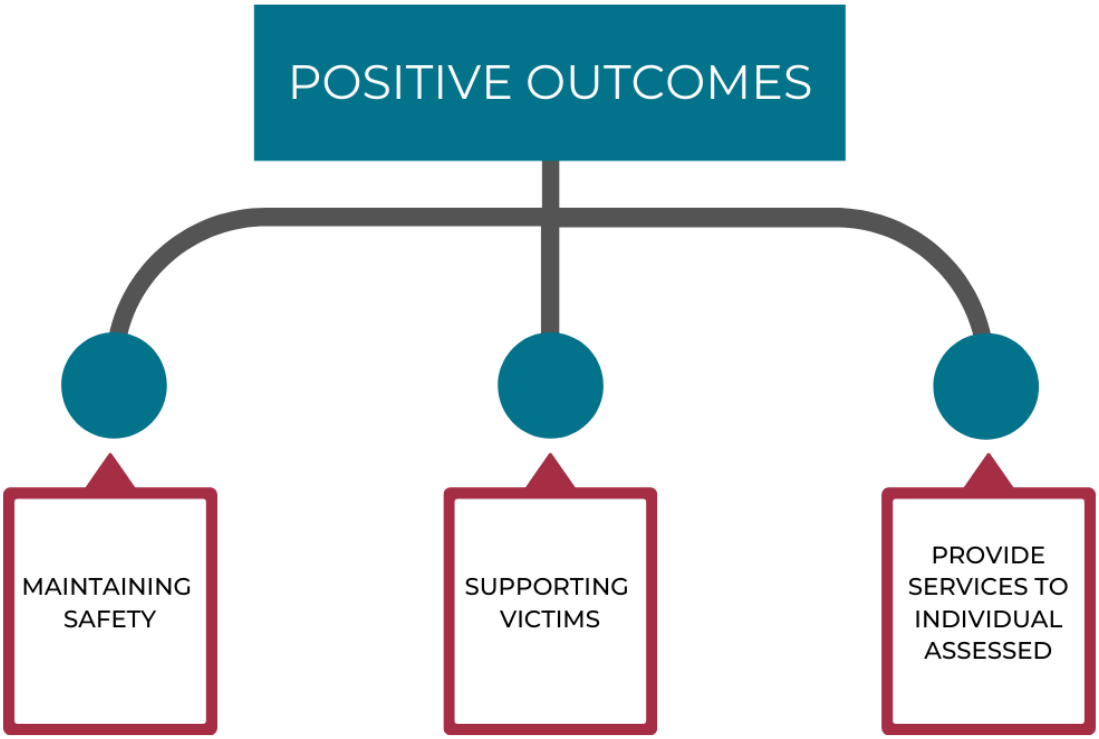
[32] 34 CFR 300.111 (a)(1)(i).

[33] Additional information on the nexus between the IDEA and school discipline, and the procedural and legal requirements and considerations is available in an updated Q&A document through the U.S. Department of Education's Office of Special Education & Rehabilitative Services (July 19, 2022):

Procedures for Identifying and Reporting Threats

1. Identifying and Reporting Threats

There is no single profile of a person who presents threatening behavior that is likely to result in harm to self or others. It is important to note that threatening or concerning behavior occurs on a continuum. All such behaviors should be analyzed and taken seriously in order to maximize interventions and prevent risk of harm. 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. Achieving positive outcomes requires a three-pronged approach:



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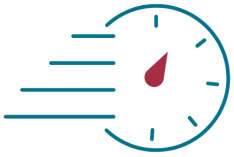
https://sites.ed.gov/idea/files/qa-addressing-the-needs-of-children-with-disabilities-and-idea-discipline-provisions.pdf



Time is of the essence when a report of threatening or concerning behavior is received. When a threat is reported, the school administrator and/or threat assessment team leader shall initiate an initial inquiry/triage with at least one other member of the threat assessment team.

Following the initial triage, if determined to be necessary, the full threat assessment team shall review and make a determination of the seriousness of the threat as expeditiously as possible in accordance with the State and local school system's behavioral threat assessment policy.

At all times, the team should be assessing how to address conflict resolution through restorative approaches, apply de-escalation techniques with resolving peer-to-peer or staff-to-student conflicts, and assess what level of community based wraparound services may be necessary to support the affected student and their family.[34]

Maintaining school safety and providing positive outcomes and support within the school community requires the vigilance of the complete community. All school system employees, volunteers, and contractors should report immediately to the designated school administrator any individual's expression of an intent to harm another person, concerning communications, or concerning behaviors that suggest an individual may intend to commit an act of violence. Regardless of the expression, these catchphrases help all members of a community to understand how they play a role in reporting potential problems and adopt a prevention posture:

- SEE SOMETHING, SAY SOMETHING!
- SEE IT. HEAR IT. REPORT IT!
- WHEN IN DOUBT, CALL IT OUT!
- YOU MAKE THE CALL, YOU MAKE THE DIFFERENCE.

[34] The publications of the FBI and the U.S. Secret Service's National Threat Assessment Center referenced at FN 6 all include passages emphasizing the importance of positive conflict resolution and de-escalation in prevention of school-based violence. Maryland requires the use of restorative approaches and other positive behavioral interventions within the school disciplinary framework. *See* Md. Code Ann., Educ. Art. §7-306.

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[35] 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.

As previously noted, 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 (e.g., suspension or expulsion).

If a student is removed for disciplinary reasons, then the local school system must follow State regulations and the local student code of conduct. This includes providing:

- notice of the alleged offense(s);
- an opportunity for the student to present their side of the story; and
- access to education, work, and services.[36]

2. Assessing Threats

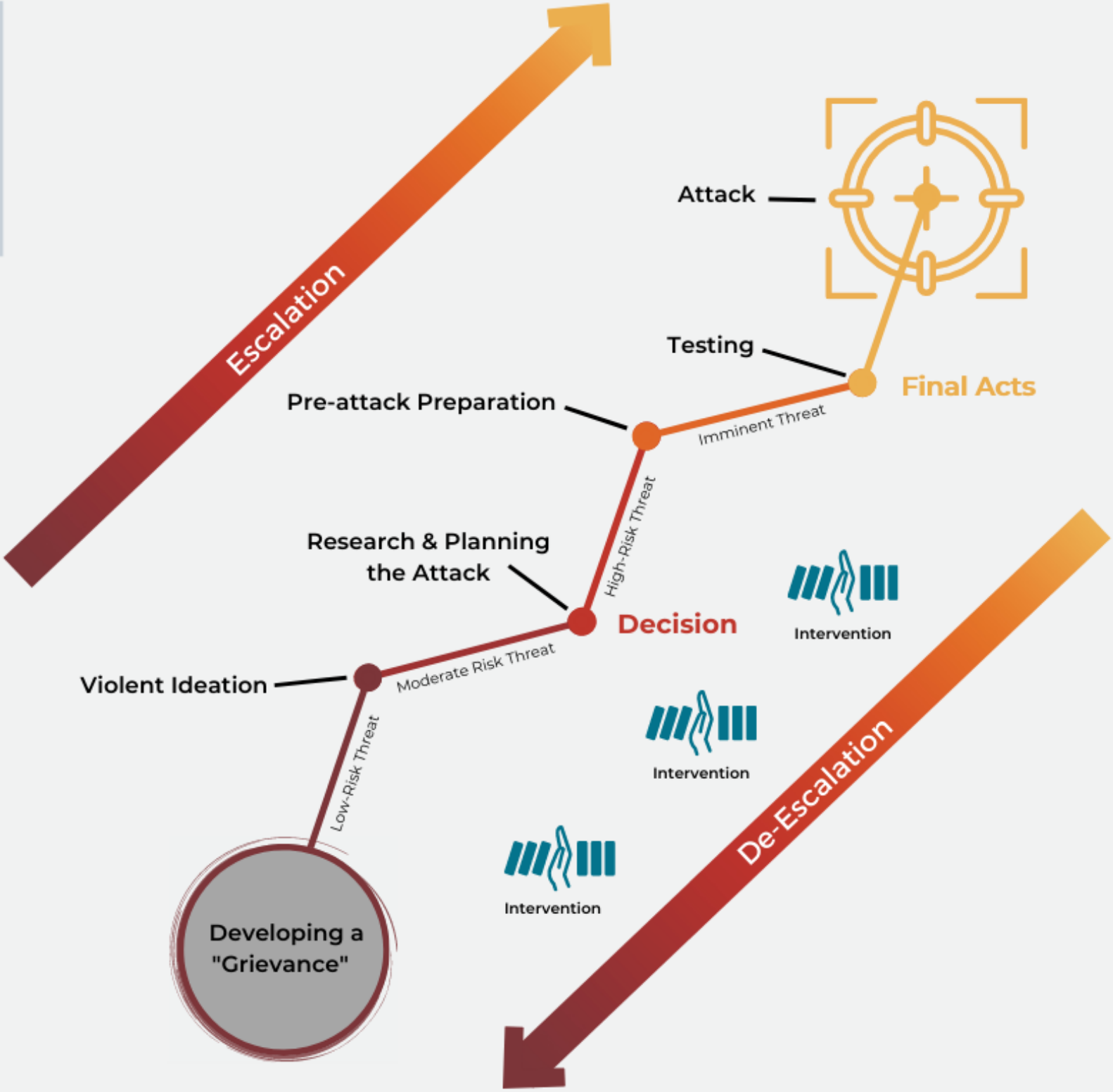
Because the pathway to targeted violence extends for weeks, months, or even years, there are multiple opportunities to identify, assess, and intervene. The severity of the threat and risk associated with it will vary over time. Upon notification of threatening behavior or communications, the threat assessment team or a triage-level subset of the threat assessment team shall determine if an imminent threat is believed to exist.

The graphic on the following page shows the pathway to violence and the distinct phases within the escalating grievance where there are opportunities to intervene:

[35] Safe Schools Maryland is an anonymous and *free* reporting system available to students, teachers, school staff members, parents, and the general public to report any school or student safety concerns, including mental health concerns. Safe Schools Maryland serves all Maryland public schools and currently over 200 private schools in Maryland. Safe Schools Maryland operates twenty-four hours a day, seven days a week, and 365 days a year. Anonymous reports can be submitted by calling the tip line (1-833-MD-B-SAFE / 1-833-632-7233), completing an online form at http://safeschoolsmd.org/, or downloading the free Safe Schools Maryland app from the App Store or Google Play.

[36] *See* COMAR 13A.08.01.11 for additional requirements that must be followed when removing a student from the classroom for disciplinary reasons.

Pathway to Violence



IMMINENT THREAT EXISTS!

STOP

If the individual appears to pose an imminent threat of serious violence to others in the school, the administrator or assessment team shall:

1. Notify law enforcement in accordance with local school system policies on critical incident response;
2. Determine the need to activate the emergency response plan acting upon the 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 of the building.

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 available records for any prior history of concerns, prior 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 individual(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 person(s) who allegedly engaged in the threatening or concerning behavior or communication. The purpose of the interviews is to evaluate the person's

behavior in context, so that the meaning of the threat and intent of the individual can be determined.[37]

If it is determined that the threat is not identifiable, is unfounded, or there is a low threat of 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 needs 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 Behavioral 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 is 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.

If the team concludes that there was no threat, it is important for the student to feel ***safe and supported***.

The behavioral threat assessment process may be traumatic for those involved and specific approaches may be required to repair any real or perceived harm to individuals, their families, and the community. It is essential to restore positive connections between students, staff and families.

[37] The information obtained about the threat should be ascertained from direct information. Did the witness(es) hear it yourself, or see it yourself? Or is the individual reporting the threat relying on something they heard from someone else? It is critical to not jump to conclusions and to ascertain objective, fact-based information upon which to gauge the assessment.

3. Intervening, Monitoring, and Resolving Threats

Once the team completes the initial threat assessment, the school administrator shall take the team's recommendations for additional services and supports for the assessed individual, other students or staff into consideration, and work with the team to 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.

The plan must be fact-based and person or situation-specific. Keep in mind that engagement (i.e., direct communication, empathy, support, and confrontation) can be very helpful with an individual of concern from within school communities, even when dealing with someone who is very angry. The more isolated they become the more difficult it is to assess, intervene with and monitor their response to interventions. Of course, personalities and world-views matter, so sometimes teams have to carefully consider who will be the point of contact with the individual of concern, not only in terms of their personality but also their skills and willingness to support the goals of the threat management process. Generally speaking, it is best to use the least intrusive intervention strategies that are likely to be effective with the situation at hand.

For each completed behavioral threat assessment, a member of the assessment team must be designated as a case manager to monitor the status of the assessed individual. The case manager must notify the threat assessment team of any change in status, provide updates to the individual's response to the recommended interventions or other referrals, and provide any additional information that would provide a basis for re-assessment or modifications in intervention strategies. All changes or amendments to the management of the case must be documented in accordance with school system policy. Reviews of the case should be conducted and noted in the records at least every thirty (30) days until the matter has been resolved and a determination has been made that the individual no longer poses a threat to others within the school community and/or the student is no longer determined to require supplemental mental or behavioral health supports.

Mitigation, Prevention & Intervention Strategies

A healthy, supportive school community is vital in order to prevent school violence and to encourage academic success and job satisfaction for staff. Behavioral threat assessment is one of many tools available within Maryland's educational legal framework. When all of the tools in the healthy school climate toolkit are deployed, a prevention and intervention culture will thrive. The principal objective of prevention and intervention strategies should be to create a culture and climate of safety, respect, and emotional support for the school community where problems are solved without violence, and where students, staff, and community members feel like their voices will be heard and concerns and needs will be addressed. Some methods available are outlined in the graphic below.

REPORTING MECHANISMS AND INTERVENTION TECHNIQUES

SAFE SCHOOLS MARYLAND

The statewide anonymous reporting mechanism for students, parents, teachers, and community members to report school safety concerns at **1-833-MD-B-SAFE**, via an online form, or through the app available on the App Store or Google Play. This resource is available 24/7/365.

TRAUMA-INFORMED SCHOOLS

Applies trauma-informed approaches throughout school policies, procedures, and practices; understands the signs and symptoms of trauma; and works to support students and staff without re-traumatizing them.

RESTORATIVE APPROACHES

Applying a relationship-focused student discipline model focused on being preventive and proactive, addresses ways to repair relationships damaged by problem behavior, and focuses on accountability for the harm caused by the problem behavior.

POSITIVE BEHAVIORAL INTERVENTION SUPPORTS

A research-based, systems approach method adopted by the Maryland State Board of Education to build capacity among school staff to adopt and sustain the use of positive, effective practices to create learning environments where teachers can teach and students can learn.

MARYLAND COORDINATION & ANALYSIS CENTER

The MCAC coordinates the efforts of federal, state, and local agencies to gather, analyze, and share intelligence information with law enforcement, public health, and emergency responder personnel. The MCAC provides resources 24/7/365. Individuals may report suspicious activity or concerns by calling **1(800) 492-TIPS (8477)**, or via email to **MDWatch@mcac.maryland.gov**.

Coordinated Approach Where School Discipline is Involved

It is important for threat assessment teams to recognize that even fair and reasonable discipline can be perceived as another grievance to which the subject may react. In such cases, the disciplinary response could lead to escalation in threatening behavior. The most punitive responses may or may not prevent acts of violence. 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. A student who is suspended may conclude: "I have lost everything. I have only a short time to act. I will give them what they deserve." In addition, a student who is suspended is often under less supervision than if he or she were to remain in a school setting.[38]

That is not a reason to withhold appropriate and fair responses for inappropriate behavior, but rather when the situation arises, threat assessment teams must consider and plan for those responses. Exclusionary discipline and options that focus solely on accountability and controlling the person do not address the ongoing challenges of:

1. Moving the person away from thoughts & plans of, and capacity for, violence or disruption;
2. Connecting the person to resources, as needed;
3. Mitigating organizational or systemic factors; and
4. Monitoring the person when they are no longer connected to an organization.

Rather, the focus must be on taking appropriate actions to avert risk of harm to the school community, developing intervention and monitoring plans, and providing the individual and their family with referrals to mental health support and treatment providers. It is also critical to determine if the individual and their family may need referral to other wraparound services to address other stressors or triggers within the individual's environment.

Within the school disciplinary realm, and depending on the severity of the threat, some options may include restorative approaches, a meeting with the parent(s) or guardian(s), adoption of a behavior contract, formal conflict resolution process, a no-contact order/peace order, as well as other methods of discipline. Monitoring the individual's progress following a threat assessment may involve daily check-ins with the school counselor or other administrators, a modified daily academic schedule, a social suspension from extracurricular activities and events, and the parent/guardian committing to increased supervision of the individual.

[38] The 2019 study of the National Threat Assessment Center, FN 6, *supra*, discusses the need to be cautious when handling all school disciplinary situations to make sure that the return to school for a student who has received exclusionary discipline is supported and not just punitive in nature.

Within the realm of supports and interventions, the individual may receive additional academic supports, intervention on positive conflict resolution, anger management, and other peer support in small groups within the school community to foster positive change without isolation. It is also important for school staff to listen and assess whether there are institutional issues that may serve as precipitating events, seeking ways to positively and equitably address issues of bullying, aggression, emotional dysregulation, and conflict management. This holistic approach to behavioral threat assessment spanning identification, assessment, mitigation, treatment, monitoring, and growth, provides the best opportunity for positive outcomes for the affected individuals, as well as for maintaining a safe school environment.

Appendix A - Definitions

Behavioral Health Services Coordinator

Effective September 1, 2018, each local school system appointed a mental health services coordinator to serve the school system. The enactment of the Blueprint for Maryland's Future in 2021 (Chapter 36, Laws 2021) changed the name of the mental health services coordinators to behavioral health services coordinators. The behavioral health services coordinator is responsible for coordinating existing mental and behavioral health services and referral procedures for mental and behavioral health services. The behavioral health services coordinator must work in collaboration with the local departments of health and social services, and other local resources providing mental and behavioral health services to refer students and their families for treatment. External funding for mental and behavioral health and wraparound services should be maximized. The behavioral health services coordinators shall develop plans for delivering mental and behavioral health and wraparound services to students exhibiting behaviors of concern.

Behavior Intervention Plan

A component of a student's educational program to address behaviors that interfere with the student's learning or the learning of others, and behaviors that are inconsistent with school expectations. The plan should include a description of the behavior that prevents the student from learning and the positive behavioral interventions and other strategies that should be implemented in order to reinforce positive behavior and diminish the behaviors that interfere with the student's learning, or the learning of other students. BIPs also function to reduce the recurrence of behaviors that led to disciplinary consequences. In the context of a student with a disability whose behavior interferes with the learning environment, and where the IEP team has determined that a BIP is appropriate, or for a student with a disability whose violation of the student code of conduct is a manifestation of the student's disability, the IEP Team must conduct a BIP in the student's IEP. If one already exists, it must be reviewed and modified as necessary.

Behaviors of Concern

Behaviors or threats that indicate a student may pose a risk of self-harm or harm to others, including expressions of hopelessness, known drug use, suicidal gestures or statements, and known gang activity. (Md. Code Ann., Educ. Art. §7-1501(c)).

Behavioral Threat Assessment

A proactive, evidence-based approach for identifying individuals who may pose a threat and for providing interventions prior to the occurrence of a violent incident.

English Language Development Programs

An English language development program for K-12 students whose native or primary language is not English, English Learners (ELs). The program emphasizes developing proficiency in processing and using academic English language and is aligned with the K-12 curriculum standards.

Extreme Risk Protective Order (ERPO)

A civil interim, temporary, or final protective order issued by the court after filing of a petition by a physician, psychologist, clinical social worker, licensed clinical professional counselor, clinical nurse specialist in psychiatric and mental health nursing, psychiatric nurse practitioner, licensed clinical marriage or family therapist, or health officer or designee of a health officer who has examined the individual, a law enforcement officer, the spouse, cohabitant, person related to the subject of the petition by blood, marriage, or adoption, a co-parent of the individual, and a current or former dating or intimate partner of the individual or current or former legal guardian of the individual wherein it is alleged that the individual poses an immediate and present danger to themselves or others by possession of a firearm. (Md. Code Ann., Pub. Safety Art. §§ 5-601, 5-602).

Family Educational Rights and Privacy Act of 1974 (FERPA)

FERPA (20 USC §1232g; 34 CFR Part 99) provides a privacy protection right to student education records limiting or precluding the disclosure of personally identifiable information from those records. The right may be exercised by the parent or guardian of a student under the age of 18, and then transfers to the student themselves once they attain the age of majority. It is applicable to all schools that receive funds under any program at the U.S. Department of Education.

Functional Behavioral Assessment (FBA)

An FBA is used to understand the underlying reasons behind a student's specific, interfering behavior that disrupts the learning process for the student themselves or others around them. The purpose is to develop effective positive behavioral interventions, supports, and other mitigation strategies to reduce or eliminate the interfering behavior.

Health Insurance Portability and Accountability Act (HIPAA)

HIPAA (42 USC §1320d, 45 CFR Part 162), is a federal law with an internal privacy provision protecting patient health information from disclosure without the patient's consent or knowledge. It applies to healthcare providers who electronically transmit health information for certain healthcare services, health plans, healthcare clearinghouses, and business entities that act on behalf of a covered entity, such as health claims processing services, data analysis, utilization review and billing.

Individuals with Disabilities Education Act (IDEA)

The federal law that establishes a right to a free and appropriate public education to eligible children with disabilities, and ensures special education and related services for these children, including infants and toddlers up through age 21.

Individualized Education Plan (IEP)

A legally binding document outlining the student's disability, and the services and supports to be provided to achieve educational goals. It is based on objective criteria using evidence-based evaluations to assess student needs, collaboration with the student and the student's parent(s) or guardian(s) to develop the plan. The student, family/guardian and the IEP team must meet annually to review the plan and the student's progress to ensure that objectives are being met and make any necessary modifications. An IEP is only available within the K-12 environment.

Leakage

When an individual intentionally or unintentionally reveals clues to feelings, thoughts, fantasies, attitudes, or intentions that may signal an impending violent act.

Maryland Center for School Safety (MCSS)

The Maryland Center for School Safety (MCSS) serves as an independent unit of the State government that provides grants, training, and support to public, non-public special education, and private schools throughout Maryland. MCSS was established in 2013 in an effort to provide a coordinated and comprehensive approach to school safety in Maryland. In 2018, the Governor and General Assembly worked together to enact comprehensive school safety legislation (Safe to Learn Act 2018) in order to ensure Maryland continues to be a leader in school safety initiatives.

MCSS promotes collaboration among students, parents, educators, mental health practitioners, law enforcement, and crime prevention practitioners with a particular focus on the physical and emotional well-being of Maryland students. In concert with MCSS, Maryland public, non-public special education, and private schools are committed to fostering collaboration and effective communication among school staff, students, and law enforcement. Our shared efforts serve as a foundation for Maryland's diverse schools to better identify and address the needs and concerns of our students. In the process, we are creating inclusive educational environments free from fear, harm, trauma, and unnecessary hardship.

Maryland Public Information Act (MPIA)

The MPIA (Md. Code Ann., Gen. Prov. Art. §4-101 through 4-601) governs the right of the public to inspect records made or received by governmental entities. It also

includes provisions limiting or prohibiting the disclosure of certain types of information, either categorically applied to an entire document, or to portions of information contained within a document.

Maryland Safe to Learn Act 2018

The Maryland Safe to Learn Act of 2018 (Senate Bill 1265) was signed into law by Governor Hogan on April 10, 2018. This legislation included increased funding for the Maryland Center for School Safety, the creation of aggressive statewide standards for school safety, requirements for the standardized training and certification for all school resource officers, and requirements for each school system to develop behavioral assessment teams to identify and provide interventions for students who may pose a threat to safety.

Maryland School Safety Subcabinet

The Maryland Safe to Learn Act of 2018 (Senate Bill 1265) was signed into law by Governor Hogan on April 10, 2018, and it significantly altered and expanded the role of the Maryland Center for School Safety. The legislation established the School Safety Subcabinet and School Safety Advisory Board. The Subcabinet serves as the regulatory authority and as the governing board of the Center, and its members are identified in statute.

Positive Behavioral Intervention Supports (PBIS)

The research-based, systems approach method adopted by the State Board to build capacity among school staff to adopt and sustain the use of positive, effective practices to create learning environments where teachers can teach and students can learn. (Md. Code Ann., Educ. Art. §7-304.1).

Restorative Approaches

A relationship-focused student discipline model that is preventive and proactive, emphasizes building strong relationships and setting clear behavioral expectations that contribute to the well-being of the school community. When used in response to a behavior that violates the clear behavioral expectations that contribute to the well-being of the school community, it focuses on accountability for any harm done by the problematic behavior and addresses the ways to repair the relationships affected by the problem behavior with the voluntary participation of anyone who was harmed. Types of restorative approaches include conflict resolution, mediation, peer mediation, circle processes, restorative conferences, social emotional learning, trauma-informed care, positive behavioral intervention supports, and rehabilitation. (Md. Code Ann., Educ. Art. §7-306).

School Resource Officer (SRO)

A law enforcement officer defined under §3-101(e) of the Public Safety Article who has been assigned to a school in accordance with a memorandum of

understanding between the chief of a law enforcement agency as defined under §3-101(b) of the Public Safety Article and the local education agency, or A Baltimore City school police officer as defined in §4-318 of the Education Article. (Md. Code Ann., Educ. Art. §7-1501(j).

Section 504 Plan

Section 504 of the U.S. Rehabilitation Act of 1973 is designed to help parents of students with physical or mental impairments in public schools, or publicly funded private schools establish ways to accommodate students in the educational environment with supports to help students with disabilities (physical and/or mental) to maintain educational placement in the least restrictive environment with their peers. Examples of accommodations in a Section 504 Plan include: preferential seating, extended time on tests and assignments, reduced homework or classwork, verbal, visual, or technology aids, modified textbooks or audio-video materials, behavior management support, adjusted class schedules or grading, verbal testing, excused lateness, absence, or missed classwork, pre-approved nurse's office visits and accompaniment to visits, and occupational or physical therapy.

Wraparound Services

Services provided to students, and their families as appropriate, including: mentoring, tutoring, child care services, housing referrals, transportation, crisis intervention, substance abuse prevention and treatment, legal aid, academic counseling, and career counseling. (Md. Code Ann., Educ. Art. §7-1501(m).

Appendix B - Resources

Other Model Policies and Guidelines

Florida Department of Education, Model Behavioral Threat Assessment Policies and Best Practices for K-12 Schools (May 2020). Available online at https://www.fldoe.org/core/fileparse.php/18612/urlt/threat-assessment-model-policies.pdf.

NASP School Safety and Crisis Response Committee. (2020). Behavior Threat Assessment and Management in the Virtual Environment. [handout]. Bethesda, MD: National Association of School Psychologists. Available online at https://www.nasponline.org/resources-and-publications/resources-and-podcasts/covid-19-resource-center/crisis-and-mental-health-resources/behavior-threat-assessment-and-management-in-the-virtual-environment.

U.S. Department of Education (2007). Practical information on crisis planning: A guide for schools and communities. Available online at www2.ed.gov/admins/lead/safety/emergencyplan/crisisplanning.pdf.

U.S. Department of Education (2013). Guide for developing high quality school emergency operations plans. Available online at https://rems.ed.gov/docs/School_Guide_508C.pdf.

Virginia Department of Criminal Justice Services. (2nd ed., 2016). Threat Assessment in Virginia Public Schools: Model Policies, Procedures, and Guidelines. Available online at https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/law-enforcement/threat-assessment-model-policies-procedures-and-guidelinespdf.pdf

Related Reading on School and Campus Threat Assessment

Albrecht, S. (February 2010). Threat assessment teams: Workplace and school violence prevention. FBI Law Enforcement Bulletin. Washington, DC: Federal Bureau of Investigation. Available online at https://leb.fbi.gov/articles/featured-articles/threat-assessment-teams-workplace-and-school-violence-prevention.

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Deisinger, G., Randazzo, M., O'Neill, D. & Savage, J. (2008). The handbook for campus threat assessment and management teams. Boston, MA: Applied Risk Management.

Drysdale, D.A., Modzeleski, W., & Simons, A.B. (April 2010). Campus attacks: Targeted violence affecting institutions of higher education. Washington, DC: United States Secret Service, United States Department of Education, and Federal Bureau of Investigation. Available online at https://www2.ed.gov/admins/lead/safety/campus-attacks.pdf.

Fein, R.A., Vossekuil, B., Pollack, W.S., Borum, R., Modzeleski, W. & Reddy, M. (2004) Threat assessment in schools: A guide to managing threatening situations and to creating safe school climates. Washington, DC: U.S. Secret Service and U.S. Department of Education. Available online at https://www2.ed.gov/admins/lead/safety/threatassessmentguide.pdf.

Musu-Gillette, L., Zhang, A., Wang, K., Zhang, J., Kemp, J., Diliberti, M., and Oudekerk, B.A. (2018). Indicators of School Crime and Safety: 2017, (NCES 2018-036/NCJ 251413). National Center for Education Statistics, U.S. Department of Education, and Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. Washington, DC. Available online at http://nces.ed.gov or https://bjs.gov.

National Association of School Psychologists (n.d.). Threat assessment: Predicting and preventing school violence. Available online at www.nasponline.org/resources/factsheets/threatassess_fs.aspx

National Threat Assessment Center. (2018). Enhancing school safety using a threat assessment model: An operational guide for preventing targeted school violence. U.S. Secret Service, Department of Homeland Security. Available online at https://www.cisa.gov/sites/default/files/publications/18_0711_USSS_NTAC-Enhancing-School-Safety-Guide.pdf.

Nolan, J.J., Randazzo, M.R., & Deisinger, G. (2011). Campus threat assessment and management teams: What risk managers need to know now. University Risk Management and Insurance Association (URIMA) Journal Reprint.

O'Toole, M. E. (2000). The school shooter: A threat assessment perspective. Quantico, VA: National Center for the Analysis of Violent Crime, Federal Bureau of Investigation.

Pollack, W. S., Modzeleski, W., & Rooney, G. (2008). Prior knowledge of potential school-based violence: Information students learn may prevent a targeted attack. Washington, DC: United States Secret Service and United States Department of Education. Available online at https://rems.ed.gov/docs/ED_BystanderStudy.pdf

Reddy, M., Borum, R., Berglund, J. Vossekuil, B., Fein, R., & Modzeleski, W. (2001). Evaluating risk for targeted violence in schools: Comparing risk assessment, threat assessment, and other approaches. Psychology in the Schools, 38(2), 157-172. Available online at https://psycnet.apa.org/record/2001-00294-006

Silver, J., Simons, A., & Craun, S. (2018). A Study of the Pre-Attack Behaviors of Active Shooters in the United States Between 2000 and 2013. Federal Bureau of Investigation, U.S. Department of Justice, Washington, D.C. 20535. Available online at https://www.fbi.gov/file-repository/pre-attack-behaviors-of-active-shooters-in-us-2000-2013.pdf/view

Van Dreal, J. (2nd. Ed. 2017). Assessing Student Threats: Implementing the Salem / Keizer System. New York: Rowman & Littlefield.

Vossekuil, B., Fein, R.A., Reddy, M., Borum, R., & Modzeleski, W. (2004) The Final Report and Findings of the Safe School Initiative: Implications for the Prevention of School Attacks in the United States.. Washington, DC: U.S. Secret Service and U.S. Department of Education. Available online at https://www2.ed.gov/admins/lead/safety/preventing attacks report.pdf

General School Safety Related Resources

Maryland Center for School Safety
https://schoolsafety.maryland.gov/

Maryland State Department of Education
http://marylandpublicschools.org

Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions. (OSEP Q&A 22-02), U.S. Department of Education, Office of Special Education & Rehabilitative Services (July 19, 2022).
https://sites.ed.gov/idea/files/qa-addressing-the-needs-of-children-with-disabilities-and-idea-discipline-provisions.pdf

U.S. Department of Homeland Security (DHS), U.S. Department of Education (ED), U.S. Department of Justice (DOJ), and the U.S. Department of Health and Human Services (HHS)
https://www.schoolsafety.gov/

National Center on Safe Supportive Learning Environments (NCSSLE)
https://safesupportivelearning.ed.gov/

Youth Violence Project of the Curry School of Education, University of Virginia
http://curry.virginia.edu/research/labs/youth-violence-project

The Johns Hopkins Center for the Prevention of Youth Violence (JHCPYV)
https://www.jhsph.edu/research/centers-and-institutes/center-for-prevention-of-youth-violence/index.html

Understanding the Confidentiality Requirements Applicable to IDEA Early Childhood Programs Frequently Asked Questions (Oct. 2016), U.S. Department of Education
https://studentprivacy.ed.gov/sites/default/files/resource_document/file/idea-confidentiality-requirements-faq_0.pdf

The Violence Project
https://www.theviolenceproject.org/