INTRODUCTION

On April 10, 2018, Governor Hogan signed into law Senate Bill 1265 (Chapter 30), the Maryland Safe to Learn Act of 2018, which enacted several updates and additions to the Annotated Code of Maryland related to behavioral threat assessment teams in Maryland K-12 schools. These changes serve to broaden the legislated purview of school behavior threat assessment teams, and provide schools with a model policy “for the establishment of an assessment team or teams in each local school system.” This document is provided as a model policy, procedure, and guidance document for local school system’s school behavior threat assessment teams. Legislative mandates require “each local school system to adopt a certain consistent policy on or before September 1, 2019. In accordance with § 7-1507(c) of the Education Article, local school system policies must be consistent with the model policy developed by the Subcabinet of the MCSS. The MCSS model follows the legislative requirements, setting forth a synthesis of best practices or standards of practices in behavioral threat assessment and management in school settings. This document will provide school systems and local schools with a model policy for the establishment of behavior threat assessment teams, including procedures for the assessment of and intervention with students, staff, parents, contractors, and non-affiliated individuals on school property whose behavior poses a threat to the safety of school staff or students.

This document, and other resources to support school and campus safety, are available at the MCSS website at: http://www.safeschoolsmd.org.

School Safety Legislative Changes in Maryland

The following is a summary of the Maryland Safe to Learn Act’s changes to the Annotated Code of Maryland related to local school system behavior threat assessment teams and guidance for school systems in implementing these statutory changes.

THE SCOPE OF THE SUBCABINET MODEL ASSESSMENT TEAM POLICY

On or before September 1, 2018, the Subcabinet of the MCSS must develop a model policy for the establishment of an assessment team or teams by each local school system. The model policy includes, but is not limited to, the mechanisms, best practices, procedures, policies, and guides subsequently referenced in Md. Code Ann., Educ. § 7-1507(B)(1-8) (2018). The complete text of the Act may be found here: http://mgaleg.maryland.gov/2018RS/Chapters_noln/CH_30_sb1265e.pdf.
SCOPE OF LOCAL K-12 SCHOOL SYSTEM BEHAVIOR THREAT ASSESSMENT TEAMS

The model policy, procedures, and guidelines provided in this document are based not only on relevant Maryland statutes, but also upon a synthesis of established research and recognized standards of practice regarding threat assessment and management in school and workplace settings. For example, they are consistent with the process for identifying, assessing, and managing persons who may pose a threat as set forth in “Enhancing School Safety Using a Threat Assessment Model: An Operational Guide for Preventing Targeted School Violence,” published by the U.S. Department of Homeland Security, United States Secret Service (National Threat Assessment Center, July 2018), and “A Study of the Pre-Attack Behaviors of Active Shooters in the United States Between 2000 and 2013,” published by the U.S. Department of Justice, FBI (June 2018). Findings about the pre-attack behaviors validated use of a fact-based threat assessment process relying primarily on an appraisal of behaviors, rather than traits, as the basis for determining the nature and degree of any safety concerns, and for developing a strategic approach to reducing risk and improving the safety and well-being of the school community.

Although communicated/expressed threats of violence require assessment, the Maryland model emphasizes the identification and assessment of a broader range of concerning behaviors, including but not limited to communicated/expressed threats. It includes identifying and responding to behaviors of concern that may pose a threat to the safety of an individual attending or working in a public school. The model also emphasizes that effective threat assessment can best occur in school climates of safety, respect, and emotional support – environments in which students, teachers, administrators (and, where appropriate, parents/guardians) pay attention to the social and emotional, as well as academic, needs of students and staff; and have access to assistance for addressing and resolving underlying problems.

On or before September 1, 2019, each local school system is required to adopt a model policy, consistent with the policy developed by the Subcabinet, for the establishment of behavior threat assessment teams whose functions include (but are not limited to), the development of a process for regular assessment and intervention, including mechanisms for 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. Each local school system’s assessment team policy and model of best practices must be consistent with the Subcabinet’s model policy to enhance awareness of potential or developing threatening behaviors exhibited not only by students, but from a broad range of persons who might convey or indicate the intent to pose a danger to the school or an individual attending or working in a public school. Understanding that it is not only students who may pose a threat of harm to a school, but a range of others while they are on school grounds including (but not limited to):

- Students: current and former (and potentially prospective)
- Employees: 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
- Unaffiliated persons
SCHOOL ASSESSMENT TEAMS: ACCESS TO INFORMATION

Threat assessment teams established by local school systems under the Maryland Safe to Learn Act of 2018, must review certain information in order to conduct the assessments. The Family Education Rights Privacy Act (FERPA)(20 U.S.C. §1232g, 34 C.F.R. Part 99), the Health Insurance Portability and Accountability Act (HIPAA)(42 U.S.C. §1320d, 45 CFR Part 162), the Individuals with Disabilities Education Act (IDEA)(20 U.S.C. §1400 (2004)), and the Maryland Public Information Act (Md. Code Ann., General Provisions Article §4-101 through § 4-601) generally protect the information reviewed by the threat assessment teams from disclosure. 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.

Additional information on these provisions are available as follows:

FERPA:  https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html
HIPAA:  https://www.hhs.gov/hipaa/index.html
Maryland Public Information Act:  http://www.marylandattorneygeneral.gov/Pages/OpenGov/pia.aspx

MODEL POLICY, PROCEDURES, AND GUIDELINES

While a comprehensive approach to school safety focuses on any individual who might pose a threat to the safety of school staff or students, it is expected that the majority of cases identified will involve students engaging in (or perceived to be engaging in) threatening behaviors. To that end, the following procedures and guidelines also reflect a review and synthesis of procedures currently in use in many Maryland public schools. Local school systems may (when dealing with students who might be engaging in threatening behavior) use tools designed to assess threats posed by students.

For example, a model that has served as a model for numerous assessment guideline policies across the country is based on the University of Virginia’s “Student Threat Assessment Guidelines” developed by the Youth Violence Project of the Curry School of Education at the University of Virginia. This model has been empirically studied and evaluated (e.g., Cornell, Allen, & Fan, 2012; Cornell, Gregory, & Fan, 2011; Cornell, Sheras, Gregory, & Fan, 2009). In 2013, the model was 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. The “Student Threat Assessment Guidelines” specify a series of decision steps and related criteria for evaluation and offer an alternative to zero tolerance practices in addressing student threats. The Maryland Model set forth in this policy is informed by multiple policies, procedures, and best practices deployed throughout the United States in an effort to ensure a safe school community, 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.
STRUCTURE AND FUNCTION OF THREAT ASSESSMENT TEAMS

Establishment of the Team(s)

The superintendent shall establish, within a local school system, a threat assessment team or teams. In determining the number of threat assessment teams appropriate to a jurisdiction, the superintendent shall consider multiple factors, including, but not limited to: available resources, history of threats and behavioral risk within the jurisdiction, number of schools, demographics, and geography. Each school within a jurisdiction is not required to have its own assessment team. 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.

A particular threat assessment team may serve one or more schools as determined by the superintendent. A threat assessment team must include individuals with expertise in student counseling (e.g., a school counselor, a school psychologist and/or school social worker), education instruction (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 human resources professionals), and law enforcement (typically a school resource officer). Although not required by statute, a best practice should include consulting with an individual with expertise in human resources, or other staff when applicable. Other school staff (or community resources) may serve as regular members on the team, or be consulted during the threat assessment process, as appropriate, and as determined by the statutorily required members of the assessment team. However, it is not recommended to have parents or students participate either directly or as consultants in the threat assessment process.

Mental Health Services Coordinator

By September 1, 2018, each local school system must appoint a mental health services coordinator to serve the school system. The mental health services coordinator is responsible for coordinating existing mental health services and referral procedures for mental health services. The mental health services coordinator should work in collaboration with the local departments of health and social services, and other local resources providing mental health services to refer students for treatment. External funding for mental health and wraparound services should be maximized. The mental health services coordinators shall develop plans for delivering behavioral health and wraparound services to students exhibiting behaviors of concern.

Structure of the Team(s)

Threat assessment team(s) should have a designated team leader, typically a principal for the school(s) team or senior administrator for the school system team. 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 and its students and staff. The threat assessment team leader may designate a subset of team members to triage cases reported to the team. 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. All triaged cases must be shared with all members of the assessment team.
Unless it is not feasible to do so, all team members should be involved with the assessment and intervention of individuals whose behavior poses a threat to the safety of school staff or students. 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.

In fulfilling statutory responsibilities, threat assessment teams shall:

1. Provide guidance to students and staff regarding recognition of threatening behavior that may represent a threat by conducting presentations, broadly disseminating relevant information, and ensuring access to consultation from threat assessment teams;
2. Clearly identify members of the school community to whom threatening behavior should be reported;
3. 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, including (where appropriate) referrals to community services boards or health care providers for evaluation or treatment.

School System-Level Oversight Team

If established by the superintendent, a school system-level oversight team shall oversee and provide support for school threat assessment teams. The team shall include a senior school system administrator (e.g., Assistant Superintendent for Administration) and senior school system administrators in school safety, in student services and/or school-based mental health services, human resources, and other school system staff as needed. The school system-level oversight team may consult with local law enforcement, community mental health providers, and departments of social services as needed. The school system level oversight team shall provide oversight to school level threat assessment teams; maintain processes for effective information sharing between the school system and community mental health and law enforcement agencies; assess the effectiveness of the threat assessment process throughout the school system; and recommend changes to policies and procedures, as needed, to maintain an effective threat assessment process reflecting known best practices.

Other Duties of Assessment Team

Each assessment team shall:

1. Provide guidance to students and staff regarding recognition of threatening behavior that may represent a threat to the community, school, or self;
2. Identify members of the school community to whom threatening behavior should be reported; and
3. Implement 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.
4. In cases where determined to be appropriate, assessment teams shall follow established procedures for referrals for evaluation or treatment.
5. Regardless of threat assessment activities, disciplinary action and referral to law enforcement are to occur as required by local school system policies and regulations, the Maryland Code, and COMAR.

Reporting Requirements

Upon a preliminary determination that a student poses a threat of violence or physical harm, the threat assessment team shall immediately report its determination to the superintendent or designee, as well as to the principal at the student’s school. The superintendent may opt to have more than one designee to best serve the needs of the local school system. Following notification, the principal shall immediately
attempt to notify the student’s parent or legal guardian. Members of the threat assessment team may request and obtain criminal history record information, where deemed appropriate. The assessment team shall also have access to any student education and health records in possession of the school in order to perform its functions.

Nothing in this policy shall preclude school system personnel from acting immediately to address an imminent threat. Nothing in this policy shall preclude the threat assessment team from notifying the superintendent (or designee) of any individual (other than a student) who poses a threat of violence or physical harm to self or others. Upon a preliminary determination by the threat assessment team that an individual poses a threat of violence to self and/or to others in the school or school building or at a school campus event, the law enforcement member of the threat assessment team may request and obtain criminal history record information to further evaluate and assess the situation, where deemed appropriate.

No member of a threat assessment team shall re-disclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose for which such disclosure was made to the threat assessment team in order to carry out its prescribed activities. The threat assessment team may not maintain an individual’s criminal history record obtained to carry out its functions, nor may they make copies of it. 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, 34 CFR §99.3.

Each assessment team established pursuant to Md. Code, Ed. § 7-1507(c) shall report quantitative data on its activities according to regulations promulgated by the Subcabinet of the Maryland Center for School Safety, or as otherwise required under Maryland law.

MODEL PROCEDURES FOR LOCAL SCHOOL SYSTEM ASSESSMENT PROGRAMS

PURPOSE

The purpose of this document is to establish procedures for the assessment and intervention with students, staff, and other non-affiliated individuals whose behaviors pose a threat to the safety of the school environment.

DEFINITIONS

- A threat is an expression of an intent to cause physical harm to someone. The threat may be expressed/communicated behaviorally, orally, visually, in writing, electronically, or through any other means; and is considered a threat regardless of whether it is observed by or communicated directly to the target of the threat or observed by or communicated to a third party; and regardless of whether the target of the threat is aware of the threat. Threats may be direct (“I am going to beat you up.”) or indirect (“I’m going to get him.”).

- A threat assessment is a comprehensive process emphasizing an appraisal of observed (or reasonably observable) behaviors to identify potentially dangerous or violent situations, to assess them, and to manage/address them.

- A low risk threat, or is one in which it is determined that the individual/situation does not appear to pose a threat of serious harm to self/others, and any exhibited issues/concerns can