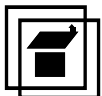# REGULATION

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R 2419 SCHOOL THREAT ASSESSMENT TEAMS

A.   Definitions

1.   "Aberrant behavior" means behavior atypical for the person or situation and causes concern for the safety or well-being of those involved. Aberrant behavior for an individual involves actions, statements, communications, or responses that are unusual for the person or situation; or actions which could lead to violence toward self or others; or are reasonably perceived as threatening or causing concern for the well-being of the person.

2.   "Behavioral Threat Assessment and Management (BTAM)" means a proactive approach to identify, assess, and provide appropriate interventions and resources for individuals who display a behavior that elicits concern for the safety of themselves or others. (U.S. Secret Service National Threat Assessment Center.)

3.   "Concerning behavior" means an observable behavior that elicits concerns in bystanders regarding the safety of an individual or those around them. Behaviors that may elicit concern can include unusual interests in violent topics, conflicts between classmates, increased anger, increased substance use, or other noteworthy changes in behavior (e.g., depression or withdrawal from social activities). Some concerning behaviors may be defined as prohibited behaviors and should trigger an immediate response. Prohibited behaviors can include threats, weapons violations, and other aggressive or violent behavior. Concerning behavior does not necessarily imply or predict that an individual or group will become violent. Instead, it serves as an indicator that the student may be in need of intervention or increased supports. Proactive intervention and de-escalation are key and should be part of any approach to violence prevention.

4.   "Concerning communication" means unusual, bizarre, threatening, or violent communication made by an individual or a group that elicit concerns for the safety or wellbeing of the individual or others. Concerning communication may allude to violent intentions, violence as a means to solve a problem, justifying violent acts, unusual interest in weapons, personal grievances, or other inappropriate interests. Concerning communications may

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also allude to hopelessness or suicide. Concerning communications may be made in the form of written or oral statements, gestures, or visual/electronic media. Communications may be considered concerning regardless of whether a direct verbal threat is expressed. Concerning communication does not necessarily imply or predict that an individual or group will become violent. Instead, it serves as an indicator that the student may be in need of intervention or increased supports. Proactive intervention and de-escalation are key and should be part of any approach to violence prevention.

5. "Multidisciplinary Threat Assessment Team" means a team composed of highly trained school personnel with diverse positions, backgrounds, and experience. The team will receive reports about a concerning person and situations, gather additional information, assess the risk posed to the community, and develop intervention and management strategies to mitigate any risk of harm.

6. "Targeted violence" means a premeditated act of violence directed at a specific individual, group, or location regardless of motivation and generally unrelated to other criminal activity.

B. Multidisciplinary Threat Assessment Team

1. Threat Assessment Team Members

   a. In accordance with N.J.S.A. 18A:17-43.4, the threat assessment team established by the Board of Education shall be multidisciplinary in membership and, to the extent possible, must include the following individuals:

      (1) A Principal or other senior school administrator;

      (2) A school psychologist, school counselor, school social worker, or other school employee with expertise in student counseling;

      (3) A safe-schools resource officer or school employee who serves as a school liaison to law enforcement;

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       (4)   The school safety specialist (designated pursuant to N.J.S.A. 18A:17-43.3); and

       (5)   A teaching staff member.

    b.   Additional school employees may serve as regular members of the threat assessment team or may be consulted during the threat assessment process, as determined to be appropriate by the team. If a student has an Individualized Education Program (IEP), 504 plan, and/or functional behavioral assessment (FBA) plan, the threat assessment team must consult with the appropriate staff or team to determine whether the reported behavior is already part of known baseline behavior or is already being managed under the student's IEP, 504 plan, or FBA plan and addressed in a manner that is required by N.J.A.C. 6A:14 and all other Federal and State special education laws.

    c.   The district may choose to name the threat assessment team in a manner that suits the school community needs.

2.   Threat Assessment Team Structure

    a.   The district can structure the threat assessment teams to best meet the needs and resources available. This may include:

       (1)   School-Based Teams: The district may opt to develop teams for each school comprised of those members fulfilling the assigned roles identified in the law in each of its schools.

       (2)   District-Level Team: The district may choose to develop one central team designated to serve each school in cases where staffing at individual schools is not sufficient to meet the membership requirements of the law. In such cases, the district may choose to operate smaller teams trained in the threat assessment process in each school, which can screen cases to determine which situations to refer to the District-Level Team. If the district uses this

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model, the district must ensure representation of those staff members from the involved school as identified by the law to the fullest extent possible when conducting an assessment.

(3) District-Level Team and School-Based Teams: The district may have one central team that provides oversight, consistency, and accountability for all threat assessment processes including threats impacting the entire district. School-Based Teams address cases in each school building, while ensuring all information is shared with the District-Level Team.

C. Building a K-12 Behavioral Threat Assessment and Management Program

The district shall implement the following steps in developing a Behavioral Threat Assessment and Management Program.

1. Step 1: Establish a Multidisciplinary Team

   a. Identify team membership pursuant to N.J.S.A. 18A:17-3.4.

   b. Designate a team leader.

   c. Establish team procedures and protocols.

   d. Meet on a regular basis and as needed.

2. Step 2: Define Prohibited and Concerning Behaviors

   a. Establish policy defining prohibited behaviors

      (1) These definitions should be included in the code of student conduct policy and shared with staff, parents, and students.

   b. Identify other behaviors for screening or intervention.

   c. Define threshold for intervention.
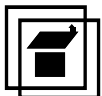
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        (1)   The threshold should be relatively low so that teams can identify individuals in distress before the behavior escalates into a violent behavior.

3.   Step 3: Create a Central Reporting Mechanism

    a.   Establish one or more anonymous reporting mechanisms.

        (1)   Examples include a mobile application, a dedicated email address or phone number, or on the district website.

    b.   Provide training and guidance to encourage reporting.

        (1)   Students, teachers, staff, school resource officers, and parents should be provided awareness training and guidance on recognizing behaviors of concern, their roles and responsibilities in reporting the behavior, and how to report the information.

    c.   Ensure availability to respond.

    d.   Utilize an Initial Report to collect the threat, concerning behavior, etc.

4.   Step 4: Define Threshold for Law Enforcement Intervention

    a.   Most reports can be handled by the School-Based Team.

    b.   Establish which behaviors should be referred for law enforcement intervention (e.g., physical violence, threats of violence, etc.).

5.   Step 5: Establish Threat Assessment Procedures

    a.   Decide how to document cases.

    b.   Create procedures to screen reports, gather information, make assessments, and decide on interventions.

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    c.   Develop/adapt threat assessment forms to organize information around the 11 Investigative Questions referenced in D.4. below.

6.   Step 6: Develop Risk Management Options

    a.   Identify all available resources for creating individualized management plans.

        (1)   The resources and supports the student needs will differ depending on the information gathered during the assessment.

        (2)   Resources to assist the student could take the form of peer support programs or therapeutic counseling to enhance social learning or emotional competency, life skills classes, tutoring in specific academic subjects, or mental health care. Most programs and supports will be available within the school, but the team may need to also access community resources to assist with the managing the student. Identify resources to assist targets/victims.

        (3)   Make efforts to address the safety of any potential targets by altering or improving security procedures for schools or individuals and providing guidance on how to avoid the concerning person.

    b.   Establish points of contact for all resources.

7.   Step 7: Create and Promote Safe School Climates

    a.   Assess current school climate.

        (1)   Anti-Bullying Bill of Rights Act (N.J.S.A. 18A:37-21) requires the school safety team in each school in the district "…to develop, foster, and maintain a positive school climate by focusing on the ongoing, systemic process and practices in the school and to address school climate issues…" and

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to "review and strengthen school climate and the policies of the school.

b. Enhance current school climate.

c. Strengthen students' connectedness.

    (1) Encourage teachers and staff to build positive, trusting relationships with students by actively listening to students and taking an interest in what students say.

d. Break down "codes of silence" and help students feel empowered to come forward and share concerns and problems with a trusted adult.

e. Identify clubs or teams at school students can join or encourage students to start their own special interest group.

8. Step 8: Conduct Training for all Stakeholders

a. The training is for new threat assessment team members, refresher training, and professional development. This includes training on the screening and threat assessment forms and procedures.

b. Training must be coordinated with the New Jersey Department of Education (NJDOE), Office of School Preparedness and Emergency Planning (OSPEP) to ensure that the threat assessment team is able to accurately assess student behavior and to ensure that threat assessment teams do not have a disparate impact on students based on their race, ethnicity, homelessness status, religious belief, gender, gender identity, sexual orientation, or socioeconomic status. This training includes training on adverse childhood experiences, childhood trauma, cultural competency, and implicit bias.

c. Awareness training for students, teaching staff members, and all school staff members regarding the recognition of

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concerning or aberrant behavior in an individual that may represent a threat to the school community.

    (1)   Requests for awareness training can be coordinated by the district's School Safety Specialists through the OSPEP.

    d.   Training for parents and other community stakeholders to anonymously report dangerous, violent, or unlawful activity to the district or school.

D.   Threat Assessment and Management Process

The district shall implement the following steps in the threat assessment and management process.

1.   Step 1: Receive a Report of Concern

    a.   When the threat assessment team first learns of a new report of a threat or aberrant or concerning behavior, the team (or one member of the team) should collect initial intake information about the behavior, the concerning person (i.e., the person who engaged in the threatening behavior; the person to be assessed), and other information that is readily available.

2.   Step 2: Screen the Case

    a.   Screen for imminency (of the threat or concerning behavior) and whether there is a need for a full threat assessment.

    (1)   If the threat assessment team believes the report does present an imminent danger or safety concern, immediately notify law enforcement. Once the emergency has been contained, the team should complete a full threat assessment and make all necessary notifications (i.e., anyone that is or may be directly impacted).

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b.   If the team does not believe the report presents an imminent danger or safety concern, determine if there is a need for full threat assessment. If not, document the initial report and screening.

c.   If there is a need for a threat assessment, the team shall proceed with a full threat assessment using the steps outlined in D.3. through 8. below.

d.   The district's Title IX Coordinator must be notified immediately if a report involves sexual harassment, sexual assault, dating violence, stalking, or a domestic violence assault, or if engagement in these actions is uncovered when gathering additional information during the threat assessment process. Notifying the district's Title IX Coordinator is completed parallel to the threat assessment process and does not stop a team from moving forward with gathering information and initiating risk management strategies.

3.   Step 3: Gather Information from Multiple Sources

a.   Gather information about the person displaying the concerning behavior and situation from various sources. These sources can include, but are not limited to, teachers, coaches, parents, and peers.

4.   Step 4: Organize and Analyze

a.   Organize and analyze information using the 11 Investigative Questions detailed in the U.S. Secret Service and U.S. Department of Education threat assessment guide. The form is comprised of 11 investigative questions adapted from the U.S. Secret Services and U.S. Department of Education Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates and can be found at www.secretservice.gov/nod/2559.

5.   Step 5: Make the Assessment

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a. Make an assessment about whether the individual of concern poses a threat of violence or self-harm, or if they are otherwise in need of intervention.

6. Step 6: Develop and Implement a Case Management/Intervention Plan

   a. Develop and implement a case management plan to reduce risk.

   b. As needed, refer individual of concern to the local mental health authority or healthcare provider for evaluation and/or treatment.

   c. As needed, refer individual of concern for a full and individual evaluation (FIE) for special education services.

7. Step 7: Re-Assess (Case Monitoring)

   a. Monitor, re-evaluate, and modify plan as needed to ensure that the identified intervention(s) is effective, and the individual of concern no longer poses a threat of violence or self-harm.

   b. Re-assessing the person of concern, going through the assessment questions again.

   c. If there are still concerns, the team shall continue to monitor, adjust plan, and re-assess as needed until there is no longer a concern of harm to self and/or others, and the individual is on a better path.

8. Step 8: Document and Close the Case

   a. When the team's assessment is that the concerning person no longer poses a threat of violence or self-harm, the team can close the case or place it on the in-active status.

   b. The threat assessment team should be sure to document the case, including scheduling any future dates to check-in or follow-up, as needed.
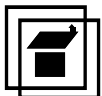
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    c.   The documentation should be stored in a confidential file, with only authorized personnel having access.

E.   Training

    1.   Each member of the threat assessment team must attend training in accordance with N.J.S.A. 18A:17-43.4. The district may also choose to provide awareness training to school community members on the threat assessment process. The awareness training is also outlined as part of one of the steps of the Building a K-12 Behavior Threat Assessment and Management Program.

    2.   Threat assessment team membership:

        a.   In accordance with N.J.S.A. 18A:17-43.4, the NJDOE shall provide training through the New Jersey School Safety Specialist Academy. All threat assessment team members must receive training consistent with the training and guidelines provided by the NJDOE. The school safety specialist, is a member of the threat assessment team and will assist in ensuring this training is provided to school staff in coordination with OSPEP.

        b.   Each new threat assessment team member must complete training by the OSPEP, which shall include training sessions as instructed by *Ontic/SIGMA as part of the Bureau of Justice Assistance (BJA) STOP School Violence Grant Program.*

        c.   The district shall determine membership on the threat assessment team in accordance with N.J.S.A. 18A:17-43.4, including adding and ensuring the training of new members, as needed. The district must ensure all threat assessment team members attend the required initial training and refresher training provided by OSPEP to advance their competency in conducting assessments.

            (1)   These trainings will be offered through the OSPEP for both in person and online platforms.

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(2)   Refresher training will be developed and facilitated by the OSPEP and will be made available through in-person and online platforms, as necessary.

3.   Awareness Training for Other School Community Stakeholders

a.   Request for awareness training for school staff members should be directed to the OSPEP email at school.security@doe.nj.gov, which will provide training or coordinate sessions with approved instructors from the U.S. Department of Homeland Security National Threat Evaluation and Reporting Office's Certified Master Training Program.

F.   Other Considerations

1.   Individualized Education Program (IEP) or 504 Plans

a.   The district is required by law to meet the needs of students with special needs, who are afforded disciplinary protections not provided to the general education population, to reduce exclusionary practices for special education students. When assessing a student whose behavior may pose a threat to the safety of the school community, in the case of a student with an IEP or 504 plan, the threat assessment team shall consult with the IEP team or 504 team to determine whether the aberrant or concerning behavior is a threat to school safety and is being properly addressed in a manner that is required by N.J.A.C. 6A:14 and all Federal and State special education laws. Working with the IEP team or 504 team, the threat assessment team shall determine if the behavior is part of known baseline behavior, or is already being managed under the student's IEP, 504 plan, or FBA plan. If the behavior is not consistent with baseline behaviors or is not able to be effectively managed through current programming, then a threat assessment would need to be conducted. A special education representative must be part of the team and shall engage throughout the process.

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2. Allegations of Harassment, Intimidation, & Bullying (HIB) or Bias-Related Acts

   a. Should the threat assessment team become aware of an allegation of HIB when considering or conducting assessments, they must follow Policy 5512 for addressing allegations of HIB in alignment with the Anti-Bullying Bill of Rights Act. Additionally, during the threat assessment process, it is important to recognize that the student may need remedial services (e.g., counseling) to address behavior that may have prompted the need for the threat assessment and to ensure their well-being.

   b. Should a threat assessment team become aware of a bias-related act, they should implement Policy and Regulation 8465 on reporting bias-related acts to law enforcement in accordance with the Memorandum of Agreement Between Education and Law Enforcement Officials and Policy and Regulation 9320.

3. Information Sharing

   a. The Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act (HIPAA) are two Federal laws protecting the privacy of an individual's personal records. FERPA refers specifically to educational records while HIPAA refers to medical records. Questions and concerns about FERPA and/or the HIPAA protections often arise as part of the threat assessment planning process. It is critical that threat assessment teams understand how to balance the safety of the school with the privacy of individual students. These laws should not be an impediment to threat assessment and management.

   b. Threat assessment teams should consult with the Board Attorney on these elements as needed.

4. Family Education Rights & Privacy Act (FERPA) – Educational Records

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a. FERPA is a Federal law that protects the privacy of student education records. FERPA does, however, authorize school officials to disclose information without consent in emergency situations where the health and/or safety of students is at risk. Relevant information can be released to law enforcement, public health, and medical officials, as well as other schools in the event a student transfers or matriculates. The U.S. Department of Education would not find a school in violation of FERPA for disclosing FERPA-protected information under the health or safety exception as long as the school had a rational basis, based on the information available at the time, for making its determination that there was an articulable and significant threat to the health or safety of the student or other individuals.

5. Health Insurance Portability and Accountability Act (HIPAA) – Medical and Mental Health Records

a. HIPAA protects the confidentiality of information in health records. Confidentiality is held by the patient, not the mental health provider. In cases where HIPAA applies, the following strategies below may assist threat assessment teams in eliminating potential barriers to critical data collection:

(1) Ask permission from the student and parent to disclose medical records;

(2) Provide information to health and mental professionals; and

(3) Ask about duty to warn or duty to protect.

b. Additionally, medical and mental health providers may disclose protected health information when disclosure:

(1) Is necessary to prevent or lessen a serious and imminent threat to health or safety of patient or others and is to someone reasonably able to prevent or lessen the threat; and

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    (2)   May include disclosure to law enforcement, or others who can mitigate the threat and disclosure must be consistent with applicable law and standards of ethical conduct.

6.   Record Keeping

All documentation from the threat assessment process must be maintained in a confidential and secure location. Maintaining records and preserving evidence throughout the process, assists in the establishment of a legal and behavioral justification for the intervention. Records may be electronic or paper and must be maintained in accordance with record retention rules established by the Department of Treasury.

Adopted: