



A MODEL CODE on Education and Dignity

CHAPTER 3: DIGNITY

3.7.g Model Policy on Intervention Support Team Approach for “Threat Assessments”

Human Rights Goal

Schools shall provide students who are in any kind of distress additional supports, including counseling, wrap-around services, Restorative Justice Practices and other approaches so that they can receive resources proactively before there are imminent safety concerns. Schools shall implement positive school climate and discipline measures (detailed in Section 3.1 Key Elements of School Climate and Positive Discipline and Section 3.7.a Model Policy on School-wide Positive Behavior Interventions and Supports and 3.7.b Restorative Justice Practices) so that school staff and students’ peers will have positive, trusted relationships and have processes in place to respond when they notice changes in behavior or other concerns. Schools shall proactively address issues with students as they come up, including concerns about violence or other serious issues, by addressing the root causes of the issues the student is facing and using exclusion from the student’s regular classroom or school or involvement of law enforcement only as a last resort.

Definitions

- 1. Threat Assessment** – The process of determining if a particular threat or concerning behavior is something that requires intervention may be called a “Threat Assessment” or it may be called something else depending on the school and their approach. The term “Threat Assessment” is a concern because it immediately labels the student as a threat rather than focusing on the supports that may be needed. Whether termed “Threat Assessments” or not, this process should not be set up as something distinct from the positive approaches to school climate and discipline that a school has in place.
- 2. Intervention Support Team** – The group that determines what kinds of consequences or interventions are required based on a student’s behavior. They should consider the range of appropriate responses; and provide continuous monitoring of student behavior. Schools should be responding to student behavior using a graduated approach that seeks to understand and begin to address the root causes of the behavior, from minor discipline issues to students requiring more intensive interventions (see Section 3.1 Key Elements of School Climate and Positive Discipline). Schools should have structures in place to respond proactively to students who require different kinds of interventions, including those where safety may be a concern.

Recommended Language

- A. States, districts and schools shall ensure that when a student shows some indication that they may engage in violence, that there is a serious and unbiased assessment by an Intervention Support Team to ensure the safety of the student and the school community.**
 1. This process should be embedded in the school-wide preventative and positive school discipline practices the school has in place, and follow the same protocols to ensure that responses to behavior are individualized, consistent, reasonable, fair, age appropriate and match the severity of the student’s behavior.²⁸¹
 2. The Intervention Support Team should use an assessment tool or process that is evidence-based (with up-to-date research that does not rely on stereotypes about who is more likely to engage in violence) and must include the following considerations:

- a. The result of an assessment should not lead to further isolation or reduction in social supports, including recommending suspensions and expulsions, especially if there are concerns about student violence. Complete school exclusion can exacerbate risk to a student body and the student in question.²⁸² Schools should make every effort to limit complete school exclusion and instead partner with the family, community mental health, community nonprofits and other key partners to safely plan and provide supportive services.
 - b. The assessment tool or process should include specific questions or prompts to ensure that the team is considering the context for the concerning behavior, and whether or not any threats of violence were jokes or said in anger without a likelihood that they would be acted upon.²⁸³
 - c. A student or their family’s race, ethnicity, national origin, religion, or political activities must not be considered a risk factor of any kind, either in the written tool or as part of the discussion.
 - d. Include instructions for referring the student to appropriate teams under IDEA or Section 504 to identify the possible need for additional supports once the assessment is completed, if applicable.
 - e. Involvement of law enforcement should be presented as a last resort in cases where the assessment has shown that there is an imminent threat of violence. The assessment tool should refer to a list of behaviors for which schools should not contact law enforcement, and if called, law enforcement should not respond (see Section 3.3 Law Enforcement and Criminalization in School Environments)
3. The Intervention Support Team must respond effectively to concerning student behavior using a SWBPIS model as described below (see Section 3.1 Key Elements of School Climate and Positive Discipline and 3.7.a Model Policy on School-wide Positive Interventions and Supports for additional detailed information):
- a. Students who exhibit a pattern of problem behavior or exhibit concerning behaviors²⁸⁴ require a more intensive level of intervention that is individualized and includes a team approach.
 - b. All decisions related to intensive interventions must be made by the Intervention Support Team.
 - c. The Intervention Support Team shall use a problem-solving approach in an effort to help the student to be more successful in school, at home or in the community.²⁸⁵ This approach includes:
 - i. Receiving referrals;
 - ii. Identifying and assessing problems;
 - iii. Collecting data for use in decision-making;
 - iv. Communicating with family members and providing opportunities for training on behavior support and positive parenting strategies;
 - v. Identifying action steps and developing strategies for coordination and implementation of programs and resources (e.g., conflict-resolution, opportunities to develop social and emotional skills, mentoring);
 - vi. Making a referral for special education if appropriate;²⁸⁶ and
 - vii. Monitoring behavior and modifying the action steps appropriately.
 - d. For some students who require a more intensive level of intervention, the Intervention Support Team shall:
 - i. Conduct an assessment if the student is not responding to preventive and positive interventions;
 - ii. Integrate community-based resources in action planning and service delivery when necessary; and
 - iii. Develop a support plan comprised of individualized goals, data collection and analysis, assessment-based intervention strategies and monitoring systems to address the needs of the student.²⁸⁷
 - e. Schools shall provide wraparound services for students with complex and multiple needs. Schools shall collaborate with public agencies, community-based organizations and families to develop individualized plans to provide a variety of services, such as healthcare, counseling, social work and mentoring, that are driven by the needs of students, not the services provided.²⁸⁸ Wraparound plans for individual students shall be developed by the Intervention Support Team of people who know the students best and must include the following best practices:²⁸⁹
 - i. Wraparound efforts must be based in the community;

- ii. The plan must be individualized to meet the needs of students and families;
 - iii. The process must be culturally competent and build on the strengths of the students and families;
 - iv. Parents or guardians must be included at every level;
 - v. Agencies must have access to flexible, non-categorized funding;
 - vi. The process must be implemented on an inter-agency basis and be owned by the larger community;
 - vii. Services must be unconditional. If the needs of the student and family change, the student and family are not to be rejected from the service. Instead, the service must be changed; and
 - viii. Outcomes must be measured.
4. The Intervention Support Team should always include school staff who know the student being assessed, and should include individuals with multiple perspectives including teachers, psychologists, social workers, community intervention workers, and restorative justice coordinators. Private therapists or other outside consultants may be utilized if they bring a unique expertise but only in concert with school-based staff that have a relationship with the student.
 5. Members of the team should be culturally responsive to the cultures and communities the student belongs to, and ensure that biases (implicit or explicit) are not impacting the outcome of the assessment, or the triggering of the assessment in the first place.
 6. A School Climate and Culture Leadership Team (see Section 3.7.a Model Policy on School-wide Positive Behavior Interventions and Supports) will help coordinate school and community stakeholder engagement in the formation of the assessment policy and tool, particularly around the following items:
 - a. What kinds of behaviors trigger the formation of an assessment process;
 - b. Who are the members of the team;
 - c. Examples of possible interventions the teams can consider;
 - d. Ensuring that community and mental health service providers should be proactively engaged in the development of the assessment process so that school officials are aware of how to connect students to their services, and the organizations are aware that students may be referred to them;
 - e. What kinds of due process and privacy protections will be in place (in addition to the recommendations below); and
 - f. How the process will be monitored and evaluated.

B. States, districts and schools shall ensure that where formalized “Threat Assessments” or “Threat Assessment Teams” are required, they include the following protections:

1. Change the term used for this process to something less stigmatizing and criminalizing of students, like Intervention Support Team Assessment.
2. Law enforcement, including School Resource Officers, should not be a part of the Threat Assessment Team.
3. The following due process and privacy protections must be in place:
 - a. Parent/guardian and student notification that a threat assessment is taking place and what the outcome is.
 - b. Ensuring that anonymous reporting is not being used in a way to harass or target students by filing false reports.
 - c. Ensuring threat assessments have a clear ending and outcome (meaning students are not under surveillance without their knowledge indefinitely).
 - d. Transparency around who will have access to the information gathered during the threat assessment process and the recommended outcomes, with strict limitations on the sharing of information outside of those involved in the threat assessment beyond what is necessary.
 - e. Restrictions on creating or sharing student information on law enforcement databases.
4. Algorithms, predictive analytics or other automated tools must never be used to conduct a threat assessment.²⁹⁰

5. Require annual reporting of data on threat assessments all disaggregated by race/ethnicity, gender, special education status, and age including:
 - a. Generally how threat assessments were triggered;
 - b. The outcomes of the assessments;
 - c. The number of referrals to the team; and
 - d. Out of those, the number the team recommended for further action.

²⁸¹ See generally L.A. Unified Sch. Dist., Discipline Foundation Policy: School Wide Positive Behavior Support (2007), available at http://notebook.lausd.net/pls/ptl/docs/PAGE/CA_LAUSD/FLDR_ORGANIZATIONS/STUDENT_HEALTH_HUMAN_SERVICES/SHHS/DISCIPLINE_POLICY/DISCIPLINE_POLICY_PRESENTATIONS/DISCIPLINE_POLICY_PRESENTATIONS_INTRODUCTION/BASIC%20POLICY%201.PDF.

²⁸² Linda Darling Hammond “Arming Teachers and Expelling Students is Not the Answer to School Shootings” Available at: <https://www.forbes.com/sites/lindadarlinghammond/2018/06/08/arming-teachers-and-expelling-students-is-not-the-answer-to-school-shootings-and-its-dangerous/#47ad61247aeb>.

²⁸³ Dewey G. Cornell, Overview of the Comprehensive School Threat Assessment Guidelines (CSTAG) (2019).

²⁸⁴ See generally Frequently Asked Questions: What Is Tertiary Prevention?, http://www.pbis.org/school/tertiary_level/faqs.aspx.

²⁸⁵ See generally Positive Behavior Intervention and Supports Tutorial: Individual Systems, http://cte.jhu.edu/courses/pbis/ses5_act2_pag1.shtml.

²⁸⁶ See generally Stephanie Martinez, A System Gone Berserk: How Are Zero Tolerance Policies Really Affecting Schools?, 53 Preventing Sch. Failure 153-157 (2009); Joseph B. Ryan et al., IDEA 2004 and Disciplining Students with Disabilities, 91 NASSP BULLETIN 130-140 (2007).

²⁸⁷ See generally Tertiary Prevention, supra note 222.

²⁸⁸ See generally What Is The Wraparound Process?, <http://cecp.air.org/wraparound/intro.html>.

²⁸⁹ Id.

²⁹⁰ The Marshall Project. Can Racist Algorithms Be Fixed? Available at: <https://www.themarshallproject.org/2019/07/01/can-racist-algorithms-be-fixedkmm-p/>.