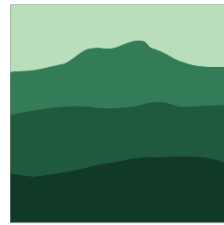


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Pitfalls and Harms of Threat Assessment Teams

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Supporting School Safety

- Prevention of catastrophic events at schools is critically important.
- Students of color and students with disabilities must be centered in developing systems to ensure school safety.

Section 1485

- Does not:
 - Define Behavioral Threat Assessment
 - Define Behavioral Threat
 - Identify the purpose of a Behavioral Threat Assessment
 - Describe the scope of authority of a Behavioral Threat Assessment Team
- Community Violence Prevention Task Force Final Report
 - Recommends developing a standardized behavioral health assessment tool for the SU/SD and community level – not the individual student level

Landscape of School Removals

- [Vermont AOE Dashboard](#): (2020)
 - School Conduct Violation: 3,294
 - Fighting: 550
 - Disorderly Conduct: 357
 - Threat/intimidation: 278
 - Danger to Self/Others: 201
 - Tobacco: 190
 - Harassment: 138
 - Assault/Battery/Maiming : 112
 - Bullying: 102
 - Alcohol Sale or Use: 68
 - Weapons Possession: 48
 - Property Damage: 39
 - Vandalism: 36
 - Burglary/ B&E/Theft/Larceny: 32
 - Domestic assault: 13

Existing Law Applicable to All Students: [Rule 4311](#)

- Suspension <10 days:
Informal hearing before an appropriately designated school official
 - notice of the charges
 - an explanation of the evidence against the student
 - opportunity to present his side of the story
 - Decision in writing to the parent/guardian
- Suspension ≥10 days:
formal hearing before the school board
 - Written notice of: charges, date, time, and place of hearing, right to legal representation, and possible penalties involved
 - Opportunity to present evidence
 - Opportunity to cross-examine witnesses
 - Written decision to parent/guardian

Existing Law Applicable to All Students: [Rule 4311](#) (2)

- Immediate Threat
 - To self, others, property or educational environment
- Authority: whatever action is appropriate under the circumstances, including immediate suspension pending a hearing as soon as possible thereafter.
- If weapon brought to school: must refer to law enforcement and expel for a calendar year unless a special circumstance applies

Existing Law Applicable to Students with Disabilities

- No removal for >10 cumulative or consecutive days without:
 - A re-evaluation under 504
 - Determination behavior was not a manifestation of disability
- If MDR finds manifestation:
 - 504 team may change program or placement, or design, amend, or enforce a behavior management plan
- If weapon case – may place in IAES for up to 45 days
- Parent right to Expedited Due Process or OCR Complaint

Existing Law Applicable to Students with Disabilities

- Case-by-case determination of whether a change in placement is appropriate for code of conduct violations.
- Must consult with case manager to remove from placement and place in IAES, other setting, or suspension up <10 consecutive days.
- At 10 days: MDR
- If no manifestation → can discipline as any other student
- If manifestation:
 - Continue to provide educational services
 - Functional Behavioral Assessment
 - Provide behavioral intervention services to prevent recurrence

Manifestation Determination Review

- Who: LEA, parent, relevant members of IEP team
- What:
 - Review relevant info, IEP, teacher observations, info from parents
 - Decide:
 - Was conduct caused by / did it have direct and substantial relationship to child's disability
 - Was conduct direct result of failure to implement IEP

A note on “threat”

- Rule 4500 (Restraint and Seclusion):
 - Physical Restraint means the use physical force to prevent an imminent and substantial risk of bodily harm to the student or others.
 - Substantial Risk means:
 - an imminent threat of bodily harm where there is an ability to enact such harm.
 - Only exists when all other less restrictive alternatives to defuse the situation have been exhausted or failed or the level of risk prohibits exhausting other means

Problem: Poor Implementation of Existing Law

- November 2021: 7 year old sent home and parents directed to get risk assessment
 - Local mental health agency screened and did not recommend school exclusion
 - District insisted on 2nd evaluation, and no return to school – evaluation would take 1 month
 - DLP became involved, and school agreed to return student – but then delayed – staffing
 - After eligibility for IEP determined, months before program put in place

Proposal: Expand Use of MDR and PBIS

- Eliminate statutory authority for Threat Assessment Teams
- Expand obligation to use Manifestation Determination Review for perceived threatening behaviors, regardless of potential disciplinary consequences, or disability status
- Ensure funding of and training for building and district level administrators on PBIS that prevent students from escalating to the point of being perceived as posing as a threat, restorative justice, and existing discipline law

Draft Language

- Define Behavioral Threat
- Define Manifestation Determination Review and expand beyond the scope required by Rule 4000
- Define Manifestation Determination Review Team for students with and without disabilities
- Provide further clarification that any threat assessment must be conducted consistent with, not separate from, exclusionary discipline rules, MTSS and PBIS systems, IDEA, and 504.

Proposal: Data Collection

- Improve and expand data monitoring, analysis and reporting of
 - Threatening behaviors and other student behaviors
 - Disciplinary responses to student behavior including use of exclusionary discipline
 - Use of restraint and seclusion
 - Incidences of hazing, harassment, and bullying
- Use data to identify districts in need of additional resources and training

Proposal: Create State Level Staffing

- Permanent state-level staff to provide subject matter expertise on equitable and inclusive school environment
 - School climate
 - MTSS / Early MTSS
 - PBIS
 - Restorative approaches
 - Social-Emotional Learning
 - Trauma-Informed Schools
 - Restraint & Seclusion
 - Hazing, Harassment, and Bullying

Proposal: State Interagency Committee

- That examines the intersections between AOE, Agency of Human Services departments (including Department of Mental Health, Department of Health, Department for Children and Families, Department for Disabilities, Aging, and Independent Living), and the Office of Racial Equity as they connect with this topic of equitable and inclusive schools

Proposal: Fund resources for educator training

- **Data-related training**
 - Definitions of behaviors and responses to behaviors
 - Literacy on social, emotional, and behavioral indicators that involves disaggregating data and other equity considerations
- **Content-level training**
 - Alternatives to exclusionary discipline, restorative practices, as well as implementing existing exclusionary discipline rules with fidelity

Proposal: Legislate Definitions

- Most serious behaviors
- Suspension
- Expulsion

Proposal: Improve HHB Response

- Reform Harassment standard
- Ensure staff designated to investigate HHB are annually trained.
- Require offering of safety plans to victims of HHB that do not inconvenience the victim
- Ensure differentiated response to HHB taking into account the characteristics of the alleged victim and alleged abuser, including disability, age, gender, race, [all protected characteristics].