

Upholding Student Civil Rights and Preventing Disproportionality in Behavioral Threat Assessment and Management (BTAM)

EXECUTIVE SUMMARY

Behavioral threat assessment and management (BTAM), when done properly, is a critical component in schools' overall ability to effectively identify and address the needs of students whose behavior raises concerns about risk of harm to others. Concerns have emerged that school-based BTAM can be discriminatory and biased, may violate student's civil rights, and may lead to disproportionality in the application of discipline and placement in special education. Inappropriate disciplinary action or referral to law enforcement can occur if BTAM is not used correctly or if BTAM procedures are not followed correctly. However, when BTAM best practices are utilized, the process helps prevent and reduce the overuse of restrictive placements and punitive measures for students with disabilities and students of color. The BTAM process is initiated by the threatening situation itself, and all threats must be taken seriously regardless of the cause. BTAM helps determine if the threat is valid and legitimate, with the goal of connecting students with necessary interventions and supports while simultaneously upholding student and school safety as well as a student's civil rights.

DISPELLING MYTHS ABOUT BEHAVIORAL THREAT ASSESSMENT AND MANAGEMENT

BTAM is a multidisciplinary, fact-based, systematic process designed to identify, assess, and manage potentially dangerous or violent situations. The purpose of the BTAM team is to identify, evaluate, and address potential threats to help schools distinguish between incidents where a student made a threat that is not actually legitimate (with no intent to harm) and other incidents in which the student does pose an actual threat of targeted violence. The systematic implementation of BTAM helps avoid impulsive and potentially harmful decisions that can lead to overmanagement (i.e., suspension and expulsion) and requires teams to take into account the context and disability rather than using a zero-tolerance approach.

BTAM is not a substitute for school teams and processes that address nonviolent behaviors of concern (e.g., attentional, emotional regulation, social skills, and others), nor is it a mechanism to allow schools to remove children from school because they may have behaviors that are difficult to manage or a disciplinary process.

TEAM MEMBERSHIP AND TRAINING

The core BTAM team should include an administrator, *at least* one school mental health professional (school psychologist, school counselor, school social worker), and a school resource officer (SRO). It should be noted that an SRO may not need to take directive action in every case just because they are part of the team. If a student is receiving special education services, an expert in special education must be a member of the BTAM team. In addition to being multidisciplinary, all teams must receive appropriate training on how and when to engage the BTAM process in accordance with any relevant local, state, and federal policies. This training must include examination of how bias and racism can impact perceptions of student behavior and strategies to eliminate discriminatory action. Importantly, BTAM teams must have an understanding of student privacy laws (e.g., FERPA), and clear parameters of how student information should and should not be used must be clearly articulated and enforced. If an SRO, other law enforcement official, or other community-based partners are

granted access to student records as part of the BTAM process, this must be articulated in the district Memorandum of Understanding, with clear prohibitions against using that data for purposes outside of the BTAM process.

BTAM, IDEA, AND SECTION 504

BTAM teams must uphold the rights afforded to students by the Individuals with Disabilities Act (IDEA) and Section 504 of the Rehabilitation Act of 1973. BTAM teams must operate with an understanding of the impact that IDEA regulations have on decisions made during the threat assessment process for students with disabilities and how indicators of violence and disability characteristics could be related to or distinct from one another. While most individuals with an identified disability will never be violent, it is erroneous to suggest that a student with a disability or a mental health diagnosis could never pose a threat, or risk of harm, to the health and safety of the community. Thus, what initiates a threat assessment is the behavior itself, not the diagnosis or identified disability.

When evaluating a threat made by a student with a disability, it is important that the BTAM and IEP team work together, in collaboration with the family, to determine and implement any additional interventions and supports. Decisions made as part of the threat assessment can inform the IEP process, but they do not override decisions made by the IEP team. Any changes to a student’s placement or educational programming must be determined by the IEP team. If the school administrator determines disciplinary action is warranted, the school must follow appropriate procedures and conduct a manifestation determination review if necessary, which is a separate and distinct process. If it is determined that a student needs additional supports outside of special education and related services, members of the BTAM team (e.g., school psychologists) can help connect the student and with other school and community-based supports.

Behavioral Threat Assessment	Special Education Process
<ul style="list-style-type: none"> • Goal is ensuring health and safety of all involved (i.e., subject and potential targets). • Consider needs of all students involved. • Multidisciplinary team of professionals who have received specialized threat assessment training. • Assesses if the student legitimately <i>poses</i> a threat. • Parent consent is not required, but parent participation in interviews and intervention planning is highly recommended and should be solicited. • Decisions can inform special education programming, but a threat assessment does not replace or override IEP processes and procedures. 	<ul style="list-style-type: none"> • Goal is meeting individual needs related to suspected or existing disability. • Consider needs of individual student only. • Mandated engagement of educational professionals who have the appropriate professional licensure and certification to serve students who qualify for special education services. • Makes the determination if a student has a disability and qualifies for special education services. • Parent consent/participation is required. • Decisions are legally binding as part of the IEP.

This handout is an overview of the School Safety and Crisis Resource Upholding Student Civil Rights and Preventing Disproportionality in Behavioral Threat Assessment and Management (BTAM). For more information about BTAM, see <http://www.nasponline.org/btam>.