

# REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

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<b>Related Entries:</b>	ACA, ACF, ACF-RA, ACH, ACH-RA, COA, COB-RA, COC-RA, COE-RA, COF-RA, COG-RA, EBA-RA, EBJ-RA, EBK-RA, ECC-RA, EEA-RA, EKA-RA, GKA-RA, IGN, IGO-RA, JFA, JFA-RA, JGA, JGA-RA, JGA-RB, JGA-RC, JGB-RA, JHC, JHC-RA, JHF-RA, JHG-RA, JPD, JPD-RB, Negotiated Agreements
<b>Responsible Office:</b>	Chief Academic Officer Chief Operating Officer

## Behavior Threat Assessment

### I. PURPOSE

To establish a research-based threat assessment process that provides appropriate preventive and corrective measures to maintain a safe and secure school environment, to protect and support potential victims, and to provide assistance, as needed, to the individual being assessed

### II. DEFINITIONS

- A. 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.
1. A *behavior threat assessment* is a structured group process used to identify, assess, and manage the risk of threats of targeted violence posed by an individual or group.
  2. “*Pathway to Violence*” is a research-based threat assessment process based on the concept that targeted violence is the end result of a process of thinking and behavior that begins with an idea and culminates in an attack.
  3. A threat assessment is NOT an adversarial or disciplinary process.
- B. A *threat* is an expression of an intent to cause physical harm. 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 (e.g., “I am going to beat you up.”) or indirect (e.g., “I’m going to get him.”).

1. A *low risk threat* is one in which it is determined that the person/situation does not appear to pose a threat of serious harm, and any exhibited issues/concerns can be resolved easily. A low risk threat typically may be handled by the school administration using ordinary school disciplinary process, pursuant to the *Montgomery County Public Schools (MCPS) Student Code of Conduct*. A Behavior Threat Assessment Team (BTAT) (see Section III, A and B), as appropriate, may be consulted to provide support to the student.
2. A *moderate risk threat* is one in which the person/situation does not appear to pose a threat of serious harm, at this time, but exhibits behaviors that indicate a continuing intent and potential for future violence or serious harm, and/or exhibits other concerning behavior that requires intervention. A moderate risk threat may also involve a parallel school disciplinary process.
3. A *high risk threat* is one in which the person/situation appears to pose a threat of serious harm, exhibiting behaviors that indicate both a continuing intent to harm and efforts to acquire the capacity to carry out the plan, and may also exhibit other concerning behavior that requires intervention. A high risk threat may also involve a parallel school disciplinary process.
4. An *imminent threat* is one in which the person/situation appears to pose a clear and immediate threat of serious violence that requires containment and action to protect identified or identifiable target(s) and may also exhibit other concerning behavior that require intervention. An imminent threat also may involve a parallel school disciplinary process.
5. A *non-affiliated person* is a person who is not an MCPS employee, student, contractor, family member, or friend of a student or staff member.

C. Mental Health Services Coordinator

MCPS has designated a districtwide mental health services coordinator in the Office of Student and Family Support and Engagement (OSFSE) to serve the school district who is responsible for –

1. coordinating existing mental health services and referral procedures for mental health services;
2. working in collaboration with the Montgomery County Department of Health and Human Services (DHHS), and other local providers of mental health services to refer students for treatment;
3. coordinating with DHHS and other agencies and organizations to identify and advocate for external funding for mental health and wraparound services; and
4. providing support to schools for coordination and delivery, as appropriate, of behavioral health and wraparound services to students exhibiting behaviors of concern.

### **III. BEHAVIOR THREAT ASSESSMENT PROCEDURES**

#### **A. Districtwide Behavior Threat Assessment**

1. The superintendent of schools shall establish a districtwide Behavior Threat Assessment Team (districtwide BTAT) to oversee and provide support for school-based behavior threat assessment teams (school-based BTATs). The districtwide BTAT shall be co-led by the director of Psychological Services/designee in OSFSE, and the chief safety officer/designee in the Department of Systemwide Safety and Emergency Management, and include administrators from OSFSE, the Office of School Support and Improvement (OSSI), the Office of Employee Engagement and Labor Relations (OEELR), the Office of Special Education (OSE), the Office of the General Counsel (OGC), and other MCPS staff as needed.
2. The districtwide BTAT may consult with law enforcement and public safety agencies, community mental health providers, and DHHS as needed.
3. The districtwide BTAT shall –
  - a) provide oversight to school-based behavior threat assessment teams;
  - b) maintain processes for effective information sharing between MCPS, DHHS, and community mental health, law enforcement, and other public safety agencies;
  - c) assess the effectiveness of the threat assessment process throughout MCPS;

- d) recommend changes to regulations and procedures, as needed, to maintain an effective threat assessment process reflecting known best practices; and
- e) conduct behavior threat assessment of alleged threats made by students, if the school-based BTAT members are not fully trained and/or not available to promptly fulfill assessment, as well as by any individuals who are not MCPS students (including staff, contractors, volunteers, and non-affiliated persons) in consultation with the impacted school or office, as appropriate.

**B. School-based BTAT**

1. Each school shall establish a BTAT that includes the principal or a designee who is a building administrator with experience with teaching and learning; school-based mental health staff (e.g., a school counselor and/or school psychologist); the School Resource Officer (SRO) or other law enforcement representative; and the school security team leader and/or the cluster security coordinator. Other staff may be consulted as appropriate, but no students or parents/guardians may be members of a school-based BTAT.
  - a) If a threat is made by, or directed towards, a student who receives special education services, the school-based BTAT must include a staff member with special education experience and familiarity with the student's Individualized Education Program (IEP).
  - b) If the threat is made by, or directed towards, a student with a Section 504 plan, the student's counselor, or Section 504 coordinator/case manager, must be included.
  - c) If the threat is made by, or directed towards, a student who receives English Language Learners (ELL)/English for Speakers of Other Languages (ESOL) services, the school-based BTAT must include a staff member with ELL/ESOL experience.
2. The principal/designee shall be the school-based BTAT leader, and school-based BTAT members shall work collaboratively with each other, with other school staff, and, as appropriate, with community resources to support the purposes of the school-based BTAT and the safety of the school, its students, and its staff. The school-based BTAT leader shall consult with the districtwide BTAT as needed and appropriate.

3. All school-based BTAT members shall be trained to –
  - a) effectively triage cases and provide case management, which may include –
    - 1) determining and documenting interventions,
    - 2) referrals to external resources,
    - 3) providing supports to all students and staff involved, and/or
    - 4) managing any school environmental or climate factors;
  - b) understand implicit bias and promote disability and diversity awareness with specific attention to racial and ethnic disparities;
  - c) analyze concerning behaviors using the “Pathway to Violence” threat assessment process as defined in Section II.A.2 above;
  - d) adhere to student privacy and non-disclosure requirements, including the Family Educational Rights and Privacy Act (FERPA), and the SRO Memorandum of Understanding (SRO MOU)<sup>1</sup> and related reporting protocols; and
  - e) understand the strategies and guidelines set forth in the *Model Policy for Behavior Threat Assessment* as prescribed by the Sub-cabinet at the Maryland Center for School Safety.
4. Unless it is not feasible to do so, all school-based BTAT members should be involved with the assessment of and intervention with individuals whose behavior poses a threat to the safety of the school, its students, or its staff.
5. School-based BTATs shall –
  - a) provide guidance to students and staff regarding recognition of potentially threatening behavior and processes for reporting threatening behavior by conducting presentations, broadly

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<sup>1</sup> Full title: *Reporting protocols for incidents that involve law enforcement are set forth in the MOU Between the MCPS and Montgomery County Department of Police and Montgomery County Sheriff's Office and Rockville City Police Department and Gaithersburg City Police Department and Takoma Park Police Department and Montgomery County State's Attorney's Office: SRO Program and Other Law Enforcement Responses to School-Based Incidents (SRO MOU)*

disseminating relevant information, and ensuring access to consultation from school-based BTATs; and

- b) implement MCPS policies and regulations 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 organizations or health care providers for evaluation or treatment.
6. Each school-based BTAT shall meet at least monthly to review the status of pending or active cases as well as reports of incidents identified as low to no threat. School-based BTATs will keep the districtwide BTAT informed about pending cases using the reporting process designated by the districtwide BTAT.
  7. School-based BTAT 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.

#### C. Identifying and Reporting Threats

1. Nothing in this regulation shall preclude MCPS staff from acting immediately to address an imminent threat to life or safety.
2. All MCPS students, staff, volunteers, and contractors shall report immediately to the principal/designee, or any MCPS staff member, any threat. Staff who receive such reports shall immediately convey the information to the principal/designee.
3. Upon receiving a report of a threat, the principal/designee shall determine if an imminent threat is believed to exist. If such a determination is made, the principal/designee shall notify law enforcement and/or public safety agencies in accordance with Board policies, MCPS regulations and rules, and the SRO MOU.
4. Regardless of threat assessment activities, notice to OSSI and referral to law enforcement are to occur as required in all Board policies, and MCPS regulations and rules, including –
  - a) MCPS Regulation EKA-RA, *Emergency and Disaster Preparedness*;

- b) Board Policy JHC, *Child Abuse and Neglect*, and MCPS Regulation JHC-RA, *Reporting and Investigating Child Abuse and Neglect*;
- c) MCPS Regulation COB-RA, *Incident Reporting*;
- d) the *Student Code of Conduct in Montgomery County Public Schools*;  
and
- e) the SRO MOU.

5. Parental/Guardian Notification

- a) In consultation with law enforcement, the principal/designee will strive to promptly contact the parents/guardians of the student(s) involved to inform them of the nature of the threat and/or incident that has been reported, unless the investigation involves suspected child abuse or neglect.
- b) The principal/designee shall inform the parents/guardians that they may contact local law enforcement for further information.
- c) Parental/guardian notification related to allegations of child abuse or neglect shall follow procedures set forth in Board Policy JHC, *Child Abuse and Neglect*, and MCPS Regulation JHC-RA, *Reporting and Investigating Child Abuse and Neglect*.

D. Initial Triage

- 1. When any threat is reported, and after appropriate incident reporting protocols have been followed as set forth in section III.C, the threat must be referred to the school-based BTAT leader.
- 2. If there is no imminent threat present, or once an imminent threat is contained, the school-based BTAT leader shall identify two or more members of the school-based BTAT to initiate a triage to determine if the full threat assessment team needs to be involved. At least one of the two team members shall be a school-based mental health staff member.
- 3. The triage process may include, as necessary and appropriate –
  - a) reviewing the initial report and any additional information regarding the threatening behavior or communication;

- b) reviewing school and other records for any prior history or interventions with the individual(s) involved;
  - c) consulting with the SRO or law enforcement to obtain additional and relevant information regarding the threat;
  - d) conducting timely and thorough interviews, as necessary, of the person(s) who reported the threat, the recipient(s) or target(s) of the threat, other witnesses who have knowledge of the threat, and where reasonable, the individual(s) who allegedly engaged in the threatening behavior or communication. The purpose of the interviews is to evaluate the individual's threat in context, so that the meaning of the threat and intent of the individual can be determined; and,
  - e) make a determination, as expeditiously as possible, of the seriousness and validity of the threat and –
    - (1) the degree to which existing resources and mechanisms are sufficient to address the concern, or
    - (2) whether the full BTAT should further assess and manage the situation.
4. The school-based BTAT leader shall develop and implement intervention supports as needed, which include –
- a) convening an Educational Management Team (EMT) meeting to develop socio-emotional/behavioral interventions to assist the student in accessing the general education and/or special education curriculum, and determine whether the student should be assessed for special education services eligibility; and
  - b) convening the student's Section 504 or IEP team to review the plan and initiate the process for conducting a functional behavioral assessment (FBA) and writing a behavioral intervention plan (BIP), if warranted and if the student does not already have one.
5. If the person of concern is an MCPS staff member, the principal/designee must promptly notify OEELR, and provide all documentation collected and reviewed by the triage team to the districtwide BTAT.



6. If the person of concern is not an MCPS student, the incident must be promptly referred to the districtwide BTAT.

E. Low to No Threat Risk

If the triage team determines that there is no identifiable threat, or that there is a low threat of violence or harm and no further assessment, intervention, or monitoring is required at the time to prevent violence, the following must take place, as necessary and appropriate:

1. Within 24 hours of a determination, the school-based BTAT leader shall ensure that the incident and the triage team's review is adequately documented in the MCPS Incident Management System.
2. If the incident involves conduct that could be construed as bullying, harassment, or intimidation, the school-based BTAT leader will ensure that MCPS Form 230-35, *Bullying, Harassment, or Intimidation Reporting Form*, is completed, and the principal/designee will conduct an investigation and complete MCPS Form 230-36, *Bullying, Harassment, or Intimidation Incident School Investigation Form*.
3. If risk of self-harm or suicidal ideation is present, the school-based BTAT leader will ensure that MCPS Form 335-54, *Suicide Risk Reporting Form*, is completed, and that appropriate school staff conduct a suicide risk assessment and, if appropriate, refer the student to the Montgomery County Crisis Center and/or their private provider. When a school-based BTAT investigates a student who is threatening harm to others, the school-based BTAT shall also screen for risk of self-harm and suicidal ideation.
4. If the incident involves conduct that could be construed as child abuse or neglect, all procedures for reporting child abuse and neglect in Board Policy JHC, *Child Abuse and Neglect*, and MCPS Regulation JHC-RA, *Reporting and Investigating Child Abuse and Neglect*, must be followed.

F. Moderate to High Risk Threat

1. If the triage team cannot determine, with a reasonable degree of confidence, that there is no identifiable threat, or only a low risk threat, then a more in-depth behavior threat assessment shall be undertaken by the full school-based BTAT to determine the nature and degree of any safety concerns and to develop strategies to prevent violence and reduce risk. These protocols apply to imminent threats once the threat is contained.

2. The school-based BTAT leader will consult with the chief safety officer and director of Psychological Services or their designee(s) to report to the superintendent of schools/designee a preliminary determination that a student poses a threat of violence or physical harm, and to obtain central office support to initiate the school-based BTAT process to review the incident. The school-based BTAT leader shall complete the designated MCPS form to document the consultation with the chief safety officer and the director of Psychological Services or their designee.
3. The school-based BTAT leader will establish appropriate safeguards for student privacy in the BTAT review. Members of the school-based BTAT who are not MCPS staff must sign a confidentiality and non-disclosure statement at the outset of the school-based BTAT meeting. Additional non-disclosure provisions are set forth below.
4. The behavior threat assessment may include, but is not limited to, the following:
  - a) Record review
    - (1) The law enforcement member of the threat assessment team may request and obtain criminal history record information to further evaluate and assess the threat, where deemed appropriate.
    - (2) Access to the student's education and health records may be required, to the extent necessary for the school-based BTAT to perform its functions.
    - (3) Additional information gathering techniques may be used to identify a student's social media accounts, internet activity, calls for service, and other information or data that supports the school-based BTAT's review.
  - b) In consultation with the law enforcement representative on the school-based BTAT, and in accordance with the SRO MOU, the school-based BTAT shall conduct timely and thorough interviews (as necessary) of the person(s) who reported the threat, the recipient(s) or target(s) of the threat, other witnesses who have knowledge of the threat, and where reasonable, the individual(s) who allegedly engaged in the threatening behavior or communication.

- c) The purpose of the interviews is to evaluate the individual's threat in context, so that the meaning of the threat and intent of the individual can be determined.
  - d) Appropriate interventions and supports shall be implemented as described in Section III.E.4 above.
5. The school-based BTAT will conduct an analysis of the concerning behaviors and the facts identified in the investigation to determine where the student of concern is on the Pathway to Violence, as defined in Section II.A.2 above.
- a) Within 24 hours of a determination, the school-based BTAT leader shall ensure that the incident and review is adequately documented in the MCPS Incident Management System.
  - b) In consultation with law enforcement, the principal/designee shall notify the parents/guardians of the student of concern and the alleged target of the outcome of the behavior threat assessment, as soon as permissible under the terms of the SRO MOU.

G. Intervening, Monitoring, and Resolving Threats

As part of all behavior threat assessments, the school-based BTAT will identify available resources including law enforcement and other public safety agencies and community support organizations to assist, as appropriate, in developing and implementing a case management plan for the student of concern and any potential victims.

1. The case management plan will delineate the safety strategies, the persons responsible, and the timeline for implementation, as well as the systems to monitor the effectiveness of the supports. Examples of such supports may include, but are not limited to, rearranging schedules; placing restrictions on contact; providing individual counseling referrals to community resources, medical services, or academic supports; and/or developing a school-based safety plan.
2. Effective case management integrates interventions where appropriate and feasible, which may include but are not limited to –
  - a) de-escalating, containing, or controlling the subject who make take violent action;

- b) decreasing vulnerabilities of the target;
- c) modifying the physical and/or cultural environment and system to discourage escalation;
- d) preparing for and mitigate against precipitating events that may trigger adverse reactions. If it is determined that the student poses a threat of violence, the school-based BTAT shall develop, implement, and monitor an individualized plan to intervene and reduce the threat; and
- e) notifying law enforcement of additional public agency interventions as needed.

#### IV. STUDENT RECORDS

- A. No member of a BTAT shall re-disclose any criminal history record information obtained pursuant to the threat assessment or otherwise use any record of an individual beyond the purpose for which such disclosure was made to the BTAT in order to carry out its prescribed activities.
- B. The BTAT may not maintain an individual's criminal history record obtained to carry out its functions, nor may BTAT members make copies of it.
- C. 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.
- D. All members of a BTAT who are not MCPS staff are required to sign a confidentiality and non-disclosure statement limiting re-disclosure of student records.

**Related Sources:** Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g, 34 CFR Part 99; Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. §1232h, 34 CFR Part 98, (2000 and Supp. IV 2004); Maryland Student Data Privacy Act of 2015, Annotated Code of Maryland, Education Article, §4- 131; Maryland Safe to Learn Act, Md. Code Ann., Educ. §7-1507; MSDE Model Policy for Behavior Threat Assessment

**Regulation History:** New Regulation, August 26, 2019.

**Note:** An MCPS regulation indexed as COA-RA, *School Visitors*, was incorporated into MCPS Regulation ABA-RB and rescinded on July 1, 2008.