

Florida Department of Education

Model Behavioral Threat Assessment Policies and Best Practices for K-12 Schools

Office of Safe Schools

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TABLE OF CONTENTS

Introduction	page 4
Definitions	pages 5-7
Required District Policies	page 8
Establishment of the Threat Assessment Team	pages 9-10
Threat Assessment Team Meetings & Responsibilities	page 11
Threat Assessment Documentation	page 12
Conducting a Threat Assessment	pages 13-17
Reviewing Records & The Florida Schools Safety Portal	pages 18-22
Students with Disabilities	pages 23-24
Threats by Adults & Workplace Violence	page 25
Additional Resources	pages 26-27

INTRODUCTION

The threat assessment procedures and guidance contained in this document are based on a synthesis of best practices and established standards that are consistent with Florida law. This document is meant to serve as a guide and resource for school districts and charter school governing boards in the development of individual written policies and procedural decision-making regarding threat assessment. There are some elements noted throughout this document that are required by statute.

Pursuant to [s. 1006.07\(7\)](#), Florida Statutes (F.S.), districts must adopt threat assessment policies that address the following:

- The coordination of resources and assessment of and intervention with individuals whose behavior may pose a threat to the safety of staff or students, pursuant to [s. 1006.07\(7\)](#), F.S.;
- The identification of mental health services available in the district, as required by [s. 1012.584\(4\)](#), F.S., and the procedure for referrals to those mental health services; and
- The procedures for behavioral threat assessments using the standardized behavioral threat assessment instrument developed by the Office of Safe Schools pursuant to [s. 1001.212\(12\)](#), F.S.

The Office of Safe Schools adopted the evidence-based threat assessment model established by Dr. Dewey Cornell and the University of Virginia, known as the “Comprehensive School Threat Assessment Guidelines (CSTAG) Threat Assessment and Response Protocol.” Dr. Cornell’s model is viewed nationally as the most thorough and comprehensive model for performing threat assessments in schools. The [CSTAG instrument](#) is required to be used by all school-based threat assessment teams. [s. 1006.07\(7\)\(a\)](#), F.S.

Representatives from most school districts have received CSTAG training in a train-the-trainer format and are able to train their threat assessment team members. If a district does not have a CSTAG trainer, the Florida Department of Education’s Office of Safe Schools should be contacted at SafeSchools@fldoe.org for information on how to access this training. In addition, each school should have a copy of Dr. Cornell’s [manual](#), “Comprehensive School Threat Assessment Guidelines: Intervention and Support to Prevent Violence,” which provides greater detail and expands on topics explored during threat assessment training. If a school does not have a copy, the Office of Safe Schools should be contacted at the email address listed above for assistance in accessing these materials.

It is considered a best practice to update the student code of conduct and related policies to be consistent with the district’s threat assessment procedures. Documentation should explain to parents, students and staff that threats to harm others are taken seriously and will be evaluated by the threat assessment team.

Additional resources are available at the end of this document.

DEFINITIONS

1. **Aberrant behavior:**¹ Behavior which is 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; actions that could lead to violence toward self or others; or are reasonably perceived as threatening or causing concern for the well-being of the person. These can include, but are not limited to:
 - Unusual social distancing or isolation from peers and family members;
 - Sullen or depressed behavior from an otherwise friendly and positive person;
 - Out-of-context outbursts of verbal or physical aggression;
 - Increased levels of agitation, frustration and anger;
 - Confrontational, accusatory or blaming behavior;
 - An unusual interest in or fascination with weapons; and
 - Fixation on violence as means of addressing a grievance.

2. **Baker Act:** Florida’s Mental Health Act, known as the Baker Act (ss. [394.451-394.47892](#), F.S.), provides for voluntary and involuntary admission for mental health examinations and also provides procedures for civil commitment. Generally, when a person says someone “was Baker Acted,” it means that the person was held up to 72 hours for an involuntary examination based on a threat of harm to themselves or others. Involuntary examination can be initiated by a law enforcement officer; by a physician, clinical psychologist, psychiatric nurse, or clinical social worker; or by the court through an ex parte order based on testimony from the person’s friends or family. During that 72 hours, the treating physician at a Baker Act facility will determine whether the person can be released or whether the person meets the criteria for commitment or additional inpatient care.

3. **Baker Act Reporting Center (BARC):** The Baker Act Reporting Center at the University of South Florida receives documents related to involuntary Baker Act examinations on behalf of the Department of Children and Families and enters data into a statewide database from the 125+ Baker Act receiving facilities. Additional information concerning BARC and the limitations of the data available to threat assessment teams can be found in the FAQ section of the Florida Schools Safety Portal.

4. **Education records:** Any records or documents, including information derived from those records or documents, that are directly related to a student and are maintained by an educational agency or institution, or by a party acting for the agency or institution. 34 C.F.R. s. 99.3. In most cases, this includes student health and mental health records maintained by an educational agency or institution. Law enforcement unit records, as defined by 34 C.F.R. ss. 99.3 and 99.8, are not considered education records.

5. **Individuals with Disabilities Education Act (IDEA):** The IDEA is a federal law that makes an appropriate, free public education available to eligible children with disabilities and ensures that special education and related services are provided to those children.

¹ Definition adopted from “Threat Assessment in Virginia Public Schools: Model Policies, Procedures, and Guidelines” (Second Edition, August 2016, Reprinted May 2019), located at <https://www.dcs.virginia.gov/sites/dcs.virginia.gov/files/publications/law-enforcement/threat-assessment-model-policies-procedures-and-guidelinespdf.pdf>.

6. **Individualized Education Plan (IEP):** A written plan for each child eligible under the IDEA that governs how the district will educate that student. The parents, student (if appropriate) and a team of educators and professionals, known as the IEP team, develop the IEP, which details education and related services the student will receive and outlines required modifications, accommodations and behavioral interventions.
7. **Manifestation determination:** When a student receiving special education services is being considered for a change in placement due to a behavioral issue, including a threat to others, the IEP team must determine whether the IEP was being implemented correctly at the time of the behavior, and whether the behavior was a manifestation of the student's disability. A manifestation means that the behavior had a direct and substantial relation to the disability.
8. **Threat:** A threat is a communication of intent to harm someone that may be spoken, written, gestured or expressed in some other form, such as via text messaging, email or other digital means. An expression of intent to harm someone is considered a threat regardless of whether it is communicated to the intended target(s) or whether the intended target is aware of the threat. Threats may be implied by behavior that an observer would reasonably regard as threatening, planning or preparing to commit a violent act. Not all types of misbehavior that may warrant discipline or even criminal consequences are threats. It is limited to instances where there is a threat to harm someone else. **If there is doubt, the communication or behavior should be treated as a threat and a threat assessment should be conducted.**
9. **Threat assessment:** A problem-solving approach to violence prevention that involves assessment and intervention with students who have threatened violence. It is a fact-based process that emphasizes identification, evaluation, intervention and follow-up in order to prevent serious threats of harm or actual acts of violence from occurring.
 - **Threat assessment is not an emergency or crisis response.** If there is an indication that violence is imminent, such as when a person is at school with a gun, a crisis response is indicated. School staff must take immediate action by calling 911 and following local crisis or emergency response plans.
 - **Threat assessment is not a disciplinary process.** District procedures regarding discipline and referral to law enforcement should be followed, no matter the outcome of a threat assessment. Information learned in a threat assessment may be used in disciplinary proceedings, where appropriate.
 - **Threat assessment is not a suicide or self-harm assessment.** While there may be cases where a threat to harm others may be accompanied by a threat to harm oneself, in most cases, a threat assessment should not be completed when someone is threatening suicide or self-harm. The individual still may require intervention and assistance, but it is a different process than a threat assessment. Threat assessment is focused on threats of harm to others.²

² Suicide prevention resources for school districts, including Florida's approved youth suicide risk assessment instruments (The Columbia and SAFE-T) and youth suicide awareness and prevention training resources are available on the FLDOE's Office of Safe Schools website: <http://www.fldoe.org/safe-schools/suicide-prevent.stml>.

- **Threat assessment is not a means to profile the next school shooter.** There is no known profile of a school shooter or student attacker. The threat assessment process is focused on prevention, not prediction. Because a student has been the subject of a threat assessment does not mean the student is a potential shooter or attacker; it simply means that a threat (whether minor or serious) was reported and evaluated by the threat assessment team.

10. **Transient threats:** Threats where there is not a sustained intent to harm. The critical question is whether the person intends to carry out the threat, or whether the threat was made in the heat of the moment as an expression of anger, frustration or humor without intent to harm. Transient threats can be resolved with an apology, retraction or explanation by the person who made the threat.

11. **Substantive threats:** Threats where the intent to harm is present, or not clear, and require protective action. The question is whether there is an express intent to physically injure someone beyond the immediate situation and there is at least some risk that the person will carry out the threat. **If there is doubt or if the threat cannot clearly be categorized as transient, threats should be treated as substantive.**

- **Serious substantive threats** are threats to hit, fight or beat up another person.
- **Very serious substantive threats** are threats to kill, rape or cause serious injury with a weapon.

REQUIRED DISTRICT POLICIES

Districts must adopt threat assessment policies that address:

- The coordination of resources and assessment of and intervention with individuals whose behavior may pose a threat to the safety of staff or students, pursuant to [s. 1006.07\(7\)](#), F.S.;
- The identification of mental health services available in the district, as required by [s. 1012.584\(4\)](#), F.S., and the procedure for referrals to those mental health services; and
- The procedures for behavioral threat assessments using the instrument, CSTAG, adopted by the Office of Safe Schools. [s. 1006.07\(7\)\(a\)](#), F.S.

Districts must have policies for reporting threats to law enforcement: District school boards are required to adopt policies that define criteria for reporting to a law enforcement agency any act that poses a threat to school safety that occurs whenever or wherever students are within the jurisdiction of the school board. [s. 1006.13\(2\)\(a\)](#), F.S.

- District policies must define acts that pose a threat to school safety and petty acts of misconduct which are not a threat to school safety and do not require law enforcement consultation. [s. 1006.13\(2\)\(b\)-\(c\)](#), F.S.
- District policies must require the threat assessment team to consult with law enforcement when a student exhibits a pattern of behavior, based on previous acts or the severity of the act, which would pose a threat to school safety. [s. 1006.13\(2\)\(f\)](#), F.S.

Districts must have policies for engaging local behavioral crisis resources: If an immediate mental health or substance abuse crisis is suspected, school personnel must follow policies established by the threat assessment team to engage behavioral health crisis resources. As provided by [s. 1006.07\(7\)\(e\)](#), F.S., district policies should address the following requirements:

- Behavioral health crisis resources, including, but not limited to, mobile crisis teams and school resource officers trained in crisis intervention, must provide emergency intervention and assessment, make recommendations and refer the student for appropriate services.
- Onsite school personnel must report all such situations and actions taken to the threat assessment team, which must contact other agencies involved with the student and any known service providers to share information and coordinate any necessary follow-up actions.
- Upon the student's transfer to a different school, the threat assessment team must verify that any intervention services provided to the student remain in place until the threat assessment team of the receiving school independently determines the need for intervention services.

Districts must have agreements with their local sheriff's office and police department regarding reporting specified actions or behavior to law enforcement. The agreement must:

- Specify guidelines for ensuring that acts that pose a threat to school safety, whether committed by a student or an adult, are reported to a law enforcement agency; and
- Include the role of school resource officers, if applicable, in handling reported incidents and require school personnel to consult with school resource officers concerning appropriate delinquent acts and crimes. [s. 1006.13\(4\)](#), F.S.

ESTABLISHMENT OF THE THREAT ASSESSMENT TEAM

Threat assessment teams are required. All public schools in Florida, including charter schools, must establish threat assessment teams, pursuant to ss. [1002.33\(b\)\(16\)9](#). and [1006.07\(7\)](#), F.S.

Composition of the threat assessment team. Each threat assessment team must include persons with expertise in counseling (school psychologist, social worker or counselor), instruction (teacher or administrator with instructional experience), school administration (principal or other senior administrator), and law enforcement (ideally, a School Resource Officer (SRO)). [s. 1006.07\(7\)\(a\)](#), F.S.

- Guardians, private security guards with guardian training, or other campus security staff may not serve in place of sworn law enforcement on threat assessment teams.
- **If there is not an SRO or other sworn law enforcement officer assigned to the school, the district should work with local law enforcement entities in order to ensure the required law enforcement presence on the team.** Having an active, sworn law enforcement officer on the threat assessment team is essential because an officer has unique access to law enforcement databases and resources that inform the threat assessment process.
- **Other school staff or community partners may also be invited to serve on the team or may be consulted during the threat assessment process, as needed.** Those that may be able to contribute to the threat assessment process include, but are not limited to, school nurses, guidance counselors, teachers, coaches, transportation or bus drivers, and representatives from the IEP team, where appropriate.
- Human resources professionals should also be involved if the threat assessment concerns a threat by faculty or staff.

Each person serves a unique role on the team. Suggested duties for each team member include:

- **Team leader:** Threat assessment teams should have a designated team leader, typically the principal, assistant principal or other school administrator.
- **SRO or law enforcement officer:** Advises team, responds to illegal actions and emergencies and researches criminal history information when needed.
- **Mental health staff:** Conducts mental health assessments, reviews mental health records¹ and leads provision of follow-up interventions.
- **Teachers, aides, other staff:** Provides additional input to team, reviews education records and IEP documents, assists with interviews and executes other tasks, as assigned.

Triage and screening: Some districts may choose to implement a triage process where the team leader designates a subset of team members, trained in CSTAG, to triage and screen reported threats. In such cases, at least two members of the team should review the initial reported threats to determine if the issue can be easily resolved, or whether the full team should further assess and manage the situation. All members of the team should have an opportunity to review triaged cases to ensure they have been addressed.

District threat assessment teams: District teams are not required by statute, but may be established at the discretion of the superintendent. District-level teams typically oversee and provide support for school threat assessment teams within the district. If established, the team should include individuals with expertise in education, school administration, mental health, law enforcement and human resources.

Generally, district-level teams should ensure that procedures are maintained for effective information sharing between the school district, community mental health and law enforcement agencies; evaluate the effectiveness of the threat assessment process throughout the school district; and recommend changes to policies and procedures to maintain an effective threat assessment process.

THREAT ASSESSMENT TEAM MEETINGS & RESPONSIBILITIES

Threat assessment team meetings: Threat assessment teams should meet regularly to discuss new and ongoing cases.

- Districts may explore technological solutions for meetings, such as using Zoom, Skype, Microsoft Teams or other similar programs.
- Every threat may not require a meeting of the entire threat assessment team. It is recommended that at least two team members be involved in the threat assessment process for transient threats. Substantive threats should engage several team members and may require more in-depth review and assessment.
- All members of the threat assessment team should be involved with the assessment and intervention of individuals whose behavior poses a serious substantive threat.

Best practices for threat assessment teams:

- Threat assessment teams should identify members of the school community to whom threatening behavior should be reported.
- Threat assessment teams should identify all means of reporting threats, including FortifyFL (the statewide mobile suspicious activity reporting tool) and any similar reporting tools or apps used by the school district. Local hotlines, websites or other community-based resources should also be identified.
- Threat assessment teams should provide guidance to students, faculty and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school or self.
 - Remember, behavior that may not meet the definition of a threat or is not indicative of violence may still require intervention and services. Concerning behavior, such as increased absenteeism, withdrawal from friends or activities, changes in habits or appearance and other mental or emotional health concerns should not be ignored.
 - Threat assessment teams should coordinate with other multidisciplinary teams available in the school or district to ensure that all available resources are provided to students in need of support.

THREAT ASSESSMENT DOCUMENTATION

It is considered a best practice for threat assessment teams to document all reported threats (even those determined not to be a threat), the evaluation process and any resultant action. All districts in Florida are required to use the CSTAG instrument, which is available at <http://www.fldoe.org/safe-schools/threat-assessment.stml>. Documentation is important to the threat assessment process because:

- If a student later carries out a threat that was determined to be transient, districts will need documentation to show the efforts made to assess the threat and to show any resources provided to the student.
- If a student makes multiple threats, documentation may be useful for understanding the student's history.

Threat assessment records are required to be transferred when a student transfers schools. Verified reports of serious or recurrent behavior patterns, including threat assessment evaluations and intervention services, must be transferred within three school days when a student transfers from school to school, pursuant to [s. 1003.25](#), F.S. and Rule 6A-1.0955, Florida Administrative Code (F.A.C.). Districts should also ensure that such records are transferred when a student progresses from elementary school to middle school, or from middle school to high school.

All forms that are part of the CSTAG instrument are not required to be used in every threat assessment. The forms used may vary on a case-by-case basis, but general guidelines for use of the forms are:

- Transient cases can be documented with only a few pages, such as the Threat Report, Interview(s), Key Observations and Threat Response. Most cases fall into this category.
- Very serious substantive threats should require completion of all of the CSTAG forms.

Every section of each form is not required to be completed. Threat assessment teams should use their judgment as to what is appropriate to be completed for each assessment and intervention in accordance with district policies.

- Any member of the team can handle the completion of the forms.
- If a threat is resolved, it should not change the classification of the threat to "no threat." The classification reflects an initial assessment and informs the team's next steps, regardless of how the threat is resolved. The resolution of the threat should be recorded in the Case Plan section of the form.
- Districts can determine how to file and maintain threat assessment records in accordance with Rule 6A-1.0955, F.A.C.

CONDUCTING A THREAT ASSESSMENT

Identifying and Reporting Threats

- When an individual makes a threat, engages in concerning communications or exhibits behavior that suggests the likelihood of a threatening situation, the district procedures for threat assessment must be followed.
- All school employees, volunteers and contractors should be required to report any expressed threats or behaviors that may represent a threat to the school, community or self. Reports can also come from students, parents, community members or others.
- Threat assessment is not part of the disciplinary process. District procedures related to student discipline or referral to law enforcement should be followed, regardless of the outcome of the threat assessment process. Information learned during a threat assessment may be used in a disciplinary proceeding, where appropriate.
- A threat assessment should be conducted if a student or other individual (parent, faculty, staff, etc.) makes an explicit or implicit threat to harm others.
- If a person's behavior poses an imminent threat of serious violence, school security and law enforcement should be notified immediately in accordance with school board policies and local crisis response plans.

Assessing Threats

- **Initial evaluation:** When a threat is reported, the threat assessment team should begin an initial evaluation of the situation pursuant to district policies. It is considered a best practice to begin this evaluation the same day the report is received.
 - Many threat assessment teams employ a triage process, where the school administrator or threat assessment team leader works with at least one other member of the team to complete this initial evaluation.
 - If there is an indication that violence is imminent, a crisis response is required by calling 911 and following local crisis or emergency response plans.
 - If there is not an imminent threat present, or once the imminent threat is contained, the threat assessment team leader should ensure the threat is evaluated using the CSTAG model and in accordance with district policies.
- **Interviews:** All cases, even threats that are determined to be transient, should include an interview of the person who made the threat. Other interviews may also be determined to be useful to the team's evaluation, such as with the target(s) of the threat, witnesses, parents and teachers or other staff involved.

Key questions when conducting a threat assessment (these can be modified for situations involving a non-student):³

- What are the student's motives and goals? What first brought him or her to someone's attention?
- Have there been any communications suggesting ideas or intent to attack?
- Has the student shown any inappropriate interest in school attacks/attackers, weapons, incidents of mass violence?
- Has the student engaged in attack-related behaviors?
- Does the student have the capacity to carry out an act of targeted violence?
- Is the student experiencing hopelessness, desperation, or despair?
- Does the student have a trusting relationship with at least one responsible adult?
- Does the student view violence as an acceptable, desirable – or the only – way to solve a problem?
- Are the student's conversation and "story" consistent with his or her actions?
- Are other people concerned about the student's potential for violence?
- What circumstances might affect the likelihood of an attack?

Responding to Threats

The CSTAG leads threat assessment teams through a 5-step "School Threat Assessment Decision Tree." Each step in the process is critical. The decision tree is summarized below:

STEP 1: Analyze information and classify the threat. Once the threat assessment team has interviewed the student and gathered necessary information, the team determines whether a threat is present, and if so, the kind of threat and the response indicated.

- **If there is not a communication of an intent to harm someone or behavior suggesting an intent to harm someone, then there is not a threat.** Remember, even if a threat is not present, the individual may still be expressing anger or exhibiting behavior that merits attention or requires services.
 - **If there is a threat of suicide or self-harm, additional mental health assessments are needed. These are done outside the threat assessment process unless there is also a threat to harm others.** While threat assessment and suicide risk assessment are generally two separate processes, there may be cases where both a threat to others and a threat to self are present. Threat assessment teams should involve mental and behavioral health experts to ensure the correct screenings and referrals are completed.
 - **Even if no threat is present, the student may still be subject to disciplinary consequences as a result of the behavior or statement at issue.** Local procedures regarding student discipline and involvement of law enforcement should be followed.
- **Threats of violence or physical harm to self or others must be reported to the superintendent or his or her designee.** The threat assessment team must immediately report its determination that a student poses a threat of violence or physical harm to self or others. [s. 1006.07\(7\)\(b\)](#), F.S.

³ U.S. Secret Service and U.S. Department of Education, Guide to Managing Threatening Situations and Creating Safe School Climates (2002).

The superintendent or designee must immediately attempt to notify the student's parent or legal guardian. [s. 1006.07\(7\)\(b\)](#), F.S.

- This required reporting does not preclude school personnel from taking immediate action to address an imminent threat, including contacting law enforcement and engaging in local crisis response procedures. [s. 1006.07\(7\)\(b\)](#), F.S.
- If an immediate mental health or substance abuse crisis is suspected, school personnel must follow policies established by the threat assessment team to engage local behavioral crisis resources, including, but not limited to, mobile crisis teams and SROs trained in crisis intervention. [s. 1006.07\(7\)\(e\)](#), F.S.
- Nothing precludes the threat assessment team from notifying the superintendent (or designee) of any individual (other than a student) who poses a threat of violence or physical harm to self or others. District policies should address whether such reporting is required. [s. 1006.07\(7\)\(b\)](#), F.S.
- Schools must follow local policies regarding consulting with and reporting or referring to law enforcement. [s. 1006.13](#), F.S.

STEP 2: If a threat is identified, determine if the threat is transient. A transient threat may be an expression of anger, rhetoric, humor or frustration that can be easily resolved with no sustained intent to harm another person.

- Consider whether the person being assessed retracted the threat, offered an explanation or offered an apology that indicates no future intent to harm someone. **When in doubt, treat the threat as substantive.**
- **Determining the appropriate response to a transient threat depends on the context of the threat, whether the threat requires disciplinary action and what is necessary to resolve the situation.** Many transient cases come from a misunderstanding of what was communicated, something taken out of context, or a statement made in the heat of the moment without actions to indicate intent to cause harm. Transient threats can often be resolved with a clarification, explanation, retraction or an apology – all of which (in conjunction with the absence of any other behaviors of concern) indicate that the threat is minimal. Responses to transient threats may include, but are not limited to:
 - **Parent notification:** Transient threats, by definition, do not appear to pose an ongoing threat to safety and should not require protective action. Parents or guardians of the student who made a transient threat, as well as parents or guardians of the target (when the target is a student) may be notified at the discretion of the threat assessment team. Parents should be assured that a threat has been resolved and told of any action taken.
 - **Discipline:** Students making transient threats may be subject to disciplinary action based on school board policy.
 - **Additional resources:** Transient threats may be resolved with referral to school-based or community-based resources, as needed.

- **Monitor, as needed:** The case management plan can be reevaluated or amended upon receipt of new information. There may be cases that were determined to be transient that may need to be changed to substantive. This change and the factors that lead to it should be documented on the Key Observations form under “Threat Classification.”

STEP 3: Respond to a substantive threat. A substantive threat is one where an intent to harm someone is present or not clear. Even if a threat appears to be transient, if there is doubt or one does not feel comfortable resolving the threat as transient, then the threat should be considered substantive. Substantive threats may be serious, meaning a threat to hit, fight or beat up someone else, or very serious, meaning a threat to kill, rape or cause very serious injury with a weapon. All substantive threats require protective action.

- **For all substantive threats, the threat assessment team should take immediate action to protect victims, reduce the risk of violence, and manage the situation. Protective actions include:**

- Taking precautions to protect potential victims;
- Warning potential victims and their parents;
- Looking for ways to resolve conflicts; and
- Disciplining the student, when appropriate.

STEP 4: If the threat is a very serious substantive threat, the team should complete a safety evaluation. In addition to the protective actions listed above, when there is a very serious substantive threat, meaning a threat to kill, rape or cause serious injury with a weapon, the following actions are considered a best practice:

- **Take immediate precautions to protect victims.** This generally includes notifying the potential target(s) of the threat, as well as their parent or guardian if the target is a student. Parents should be made aware of the seriousness of the threat and any responsive action. Schools should take immediate action to monitor and supervise the subject of the threat so that the threat cannot be carried out at school, at a school event or on school transportation.
 - **Screen the student for mental health services and counseling and refer the student for school-based or community-based services as needed.** When a mental health condition is suspected to be the cause of the threat or behavior at issue, a mental health assessment should be conducted. Threat assessment teams should follow local procedures for referrals to community services or health care providers for evaluation or treatment.
 - **Contact law enforcement.** Law enforcement can assist with supervision and monitoring of the student and can determine the need for additional action. When appropriate, law enforcement should conduct an investigation for evidence of planning, preparation or criminal activity. Each district is required to have policies and agreements in place for reporting threatening behavior. [s. 1006.13\(4\)](#), F.S.
 - **Develop a safety plan that reduces risk and addresses student needs.** The plan should include a review of the student’s IEP, if the student is already receiving special education services, and a disability assessment if appropriate.

- **Develop a safety plan for the student to return to school.** Most students are able to return to school following a threat assessment with appropriate services in place.
 - The school administrator should determine the conditions of readmission to school, which may include a required mental health evaluation. Situations where a parent refuses any element of the safety plan should be evaluated on a case-by-case basis in accordance with district policies and direction from legal counsel.

STEP 5: Implement and monitor the safety plan. The safety plan should be documented and should include maintaining contact with the student.

- **Threat assessment does not end after the initial assessment and response.** Threat assessment is a continuous process designed to make sure the student continues to be able to access resources that are needed to be successful. Many cases should be kept open and subject to periodic review until the student is no longer attending that school. If the plan is no longer working, it may need to be revised.
- **Districts can consider the use of alternatives to expulsion or law enforcement involvement where appropriate.** While threat assessment is a separate process from student discipline, the actions and behaviors that bring a student to the attention of a threat assessment team can lead to disciplinary action and law enforcement involvement in some cases. Districts may use alternatives to address disruptive behavior, such as restitution, civil citation, teen court, neighborhood restorative justice or similar programs, unless those alternatives would pose a threat to school safety. [s. 1006.13\(1\), \(8\), F.S.](#) It is considered a best practice to report all very serious substantive threats to law enforcement in accordance with district policies.

REVIEWING RECORDS & THE FLORIDA SCHOOLS SAFETY PORTAL (FSSP)

Threat assessment teams will need to determine on a case-by-case basis when it is necessary to review documents and gather additional information in order to get a complete picture of what may be driving a person's behavior and to take appropriate action. District policies should identify local databases where records are kept and how the threat assessment team can obtain access to those records if they do not already have it.

In most cases, locally-kept education records and law enforcement records contain the majority of the information needed to complete a threat assessment. At a minimum, a records review should be conducted in all cases of very serious substantive threats, but may be valuable in other cases as determined by the team. In order to maximize the core competencies of each member of the threat assessment team, each person should have a defined role in gathering and reviewing records based on their expertise.

School administrators/teachers should review education records, such as:

- **Threat assessment records:** These should be stored locally in a place easily searchable by the threat assessment team.
- **Discipline records:** These should be in the student's cumulative file and may also be in various electronic databases in use at the district level. While School Environmental Safety Incident Reporting (SESIR) incidents are searchable in the Florida Schools Safety Portal (FSSP), a review of the student's cumulative file is required to obtain the details of any incident. There may also be disciplinary records related to incidents that did not rise to the level of a SESIR incident.
- **Academic records:** Includes grades, attendance and class assignments. It may be useful to review or discuss these records with the student's teacher(s) in order to understand how the student has been performing in class.
- **Special education records:** Where appropriate, a student's IEP should be reviewed. Special education teachers and others involved with providing educational services to the student (classroom aides, therapists, etc.) should be involved in the threat assessment process.
- **Records from other schools:** If the student has recently moved from another state, district or school, the threat assessment team may need to contact the student's prior school in order to obtain relevant education records and to understand more about the student in question.
- **Employment records:** If the subject of the threat assessment is not a student, but is a member of the faculty or staff, the school administrator should review the individual's employment and personnel records.

Mental health team member(s) should review:

- **Health and mental health records:** These include treatment plans, therapy progress notes, psychological evaluations and any other records available regarding the student's mental and emotional health. These records are typically maintained at the school.
- **Baker Act records:** The mental health team member is the only one who can access Baker Act data on the FSSP according to the parameters set forth in the FSSP user agreement.

- **Records from other agencies:** In some cases, threat assessment teams may know of other agencies or local providers that are involved with a particular student's mental health care. The mental health professional on the team may be able to access this additional information with consent, a court order or where another exception to the Health Insurance Portability and Accountability Act (HIPAA) is present.

The Florida Schools Safety Portal: The FSSP is a tool that allows threat assessment teams access to information from a variety of data sources that can assist in evaluating the seriousness of a reported or identified threat. Use of the FSSP should be determined on a case-by-case basis, but is not likely needed in all cases, especially where the threat is transient.

Currently, the FSSP contains several data sources that are accessible by those assigned to specific user roles within the system:

Role	Description
Education	Users assigned this role have access to SESIR, FortifyFL and Social Media Monitoring Data. Those assigned to this role may include teachers, school administrators and others on the threat assessment team that meet the definition of school officials with legitimate educational interests under 34 C.F.R. s. 99.31(a)(1)(i)(A) or (B).
Mental Health	Users assigned this role have access to DCF Baker Act data, which contains records protected by HIPAA. This role should only be assigned to a team member that is experienced in behavioral health, such as a school counselor, social worker, psychologist or other mental health professional on a threat assessment team.
Law Enforcement	Users assigned this role have access to Criminal Justice Data. This user role may only be assigned to sworn law enforcement with access to CJNet.

Questions concerning access to the FSSP should be sent to: flsafetyportal@fldoe.org.

Access to and disclosure of records: Questions regarding access to and disclosure of records by the threat assessment team are often fact-specific and should be discussed with local counsel. Such discussions should involve careful review of the district and individual access agreements for the FSSP, which govern access to and sharing of records. In general, Education and Baker Act records are confidential from disclosure to others without consent, unless an exception to federal or state law is present. Guidance regarding access to and disclosure of records is shown in the following chart:

Type of Record	Access to Records	Sharing/Disclosure of Records
Education Records (incl. student health/mental health records)	Threat assessment team members may access education records if:	Threat assessment team members may re-disclose education records to:
	1. They have consent of the parent or eligible student (over age 18 or attending postsecondary school); or	1. Anyone, with consent of a parent or eligible student;
	2. They are a school official with a legitimate educational interest in the information. 34 C.F.R. s. 99.31(a)(1)(i)(A) or (B).	2. Other school officials, including threat assessment team members, with a legitimate education interest; or to
		3. Appropriate parties, including to parents and law enforcement, if the disclosure is in connection with an articulable and significant threat to the health or safety of a student or others and knowledge of the information is necessary to protect the health or safety of the student or other individuals, provided that there is an actual, impending or imminent emergency such as a natural disaster, terrorist attack, campus shooting or epidemic;
		4. In order to comply with a subpoena or court order; or
		5. If another exception listed in 34 C.F.R. s. 99.31 is present.
Law Enforcement Unit Records	Records created and maintained by a law enforcement unit for a law enforcement purpose are <u>excluded</u> from the definition of education records under the Family Educational Rights and Privacy Act (FERPA). Districts should have policies to addresses access to law enforcement unit records.	Records that meet the law enforcement unit exception may be disclosed without consent, as they are not considered education records. Consult local policies on this issue.
Baker Act Records	The mental health professional on the team (school psychologist, social worker, or counselor) may access Baker Act data with approved access to the FSSP, as a mental health user:	Baker Act data may only be shared if:
	1. With consent from the parent/guardian or subject individual (if over 18); or	1. There is consent from the parent/guardian or subject individual (if over 18); or
	2. There is a court order granting access to the subject individual’s Baker Act records; or	2. There has been a preliminary determination that the individual poses a threat of violence to himself or herself or others or exhibits significantly disruptive behavior or need for assistance; or
	3. The threat assessment team has determined that a serious and imminent threat to the health and safety of the subject individual or others exists and that access to Baker Act records is necessary to prevent or lessen that threat. 45 C.F.R. s. 164.512(j).	3. The disclosure is for the purpose of providing or coordinating care or treatment for the individual.

Records Available to Law Enforcement Officers

Local RMS/CAD Information: Records maintained in local law enforcement databases, such as local Records Management Systems and Computer-Aided Dispatch (RMS/CAD), are often the best source of information when conducting a school-based threat assessment, as they show all law enforcement contact with a particular individual or those that live with them, rather than focusing solely on criminal history. Law enforcement officers conducting a threat assessment investigation should start with these records and should contact their local employing agencies for access requirements and instructions.

Access to additional law enforcement information through the FSSP: Law enforcement officers serving on threat assessment teams have access to a Law Enforcement landing page within the Portal. This landing page contains a link to the Florida Criminal Justice Network (CJNet), the Comprehensive Case Information System (CCIS), FortifyF, and the Driver and Vehicle Information Database (DAVID).

Law enforcement officers serving on threat assessment teams should already have access to CJNet, which provides access to resources that may be of value when conducting a threat assessment, including:

- **Florida Safe Families Network (FSFN):** FSFN is the Department of Children and Families' child welfare database.
- **Department of Corrections (FDC):** While FDC has a public website, law enforcement officers have access to additional information via CJNet.
- **Juvenile Justice Information System (JJIS):** Department of Juvenile Justice information on juvenile offenders.
- **Law Enforcement Exchange (LinX):** LinX is a data-sharing system that allows law enforcement agencies to input and share their RMS data with others.
- **Florida Intelligence System (InSite):** InSite is the state's criminal intelligence information sharing platform.
- **Florida Crime Information Center/National Crime Information Center (FCIC/NCIC):** Law enforcement officers can search FCIC/NCIC which enable officers to search for criminal justice information and criminal history record information such as arrest records, judicial records, incarceration information, juvenile record, and expunged or sealed information.

Access to and Sharing of Criminal Justice Information and Criminal History Record Information (CJI/CHRI)

Many of the databases listed above contain Criminal Justice Information (CJI) and Criminal History Record Information (CHRI), which are governed by federal regulations, including the FBI's CJIS Security Policy. Law enforcement officers serving on threat assessment teams with access to these databases should contact their local employing agencies with questions concerning the standards and requirements for accessing and sharing these records.

Guidance concerning sharing CJI/CHRI with the threat assessment team members depends on whether the records concern juveniles or adults:

CJI/CHRI concerning juveniles: Upon a preliminary determination by the threat assessment team that a student poses a threat of violence to himself or others, or exhibits significantly disruptive behavior or need for assistance, authorized members of the threat assessment team may obtain criminal history

record information pursuant to [s. 985.04\(1\)](#), F.S. A member of threat assessment team may not disclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose for which such disclosure was made to the threat assessment team. [s. 1006.07\(7\)\(c\)](#), F.S.

CJI/CHRI concerning juveniles may be shared with:

- The superintendent and others as permitted in the local school district's agreement created in compliance with [s. 985.04](#), F.S., and
- Appropriate members of the threat assessment team, if the local district's interagency agreement under [s. 985.04](#), F.S., authorizes such sharing of information; and only if
 - There has been a preliminary determination that the individual poses a threat of violence to himself or herself or others or exhibits significantly disruptive behavior or need for assistance, and
 - If the information is limited to Florida records regarding Florida juveniles.

The agreement required by [s. 985.04](#), F.S., should allow sharing of Florida records concerning juveniles, should address how such information may be shared, and should identify which school personnel may receive this information. Such personnel must undergo a fingerprint-based background check under the criminal justice agency's Originating Reporting Identifier (ORI) and must complete level 2 security awareness training.

CJI/CHRI concerning adults: There is not a similar statute that permits sharing CJI on adult subjects in the same manner as is permitted for juvenile information. In cases where the subject of a criminal history search is an adult, the law enforcement officer can only share information with the threat assessment team that would otherwise be available to the public. Officers may also be able to obtain information from police reports, court records, or other sources that do not have the same limitations as the FCIC/NCIC databases, and then share that information with the threat assessment team.

STUDENTS WITH DISABILITIES

A determination that a student poses a threat of violence cannot be based on generalizations or stereotypes about a person with a disability, but must be based on an individualized threat assessment.

Threat assessment teams must consider the relationship between the behavior at issue and the student's disability, and should involve parents, members of the IEP team, special education teachers and other professionals (classroom aides, etc.) in order to understand the situation. While students with disabilities cannot be punished for behavior that is caused by a disability, school officials must maintain the safety of the school, students and staff above other considerations.

Issues involving students with disabilities and threat assessment should be discussed with the local counsel. A summary of federal regulations implementing IDEA follows:

- **Removal for less than 10 days:** School personnel may remove a student with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or may suspend the student for not more than 10 consecutive school days (to the extent those consequences are also applied to students without disabilities). Students with disabilities may be subject to removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct. 34 C.F.R. s. 300.530(b)(1).
- **Change in placement:** If a student with a disability is removed from his or her current placement for 10 school days in the same school year, it is considered a change in placement. 34 C.F.R. 300.536. During any subsequent days of removal, the local education agency (LEA) must provide services as required under 34 C.F.R. s. 300.530(d).
 - Services may be required when a student with a disability is removed from his or her current placement for less than 10 school days, if those services are also provided to a student without a disability that is similarly removed. 34 C.F.R. s. 300.530(d)(3).
- **Manifestation determination:** Within 10 school days of a change in placement of a student with a disability based on a violation of the code of student conduct, the LEA, parent and other members of the IEP team must review all relevant information and must determine:
 - If the conduct in question was caused by, or had a direct and substantial relationship to the student's disability; or
 - If the conduct in question was the direct result of a failure to implement the student's IEP, and if so, take steps to remedy the issue. 34 C.F.R. s. 300.530(e).
- **If the behavior is determined to be a manifestation of the student's disability:** The IEP team is required to conduct a functional behavioral assessment and implement a behavioral intervention plan, or if one is already in place, the plan must be reviewed and modified as needed to address the behavior. The parent and LEA may agree to a change in placement as part of the modification to the behavioral intervention plan. 34 C.F.R. 300.530(f).
- **If the behavior is determined not to be a manifestation of the student's disability:** Disciplinary procedures may be applied in a same manner as they would to students without disabilities, except that students with disabilities must continue to receive educational services. 34 C.F.R.

300.530(c)-(d). The IEP team may also consider whether the student's IEP needs to be revised. A change in placement is also permitted with parental consent.

- **Alternative placements are allowed for 45 days in certain circumstances:** If the threat assessment team and school administration determine that it is not safe for a student to remain in his or her current placement, IDEA allows for a temporary alternative placement of up to 45 school days, even where the behavior in question was determined to be a manifestation of the student's disability. A temporary alternative placement is available only if the student:
 - Carries a weapon to or possesses a weapon at school, on school premises or at a school function;
 - Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises or at a school function; or
 - Has inflicted serious bodily injury on another person while at school, on school premises or at a school function. 34 C.F.R. 300.530(g).

- **The 45-day alternative placement can be ordered or extended by a hearing officer:** If an LEA believes that maintaining the current placement of a student with a disability is substantially likely to result in injury to the student or others, the LEA may request a hearing, where a hearing officer will determine whether the student should be returned to their previous placement (if removal was improper or that the behavior at issue was a manifestation of the student's disability) or can order a change in placement for up to 45 days. 34 C.F.R. s. 300.532(a)-(b).
 - These procedures may be repeated, if the LEA believes returning the student to the original placement is substantially likely to result in injury to self or others. 34 C.F.R. s. 300.532(b)(3).

THREATS BY ADULTS & WORKPLACE VIOLENCE

While the focus of the CSTAG protocol is on threats made by students, there may be times when a threat comes from someone else, such as a parent, sibling or other family member of a current student; a former student; a member of the faculty or staff; a significant other of a student; a member of the faculty or staff; or someone not connected to the school. In such cases, the CSTAG decision tree should be followed with adjustments made to fit the situation at issue.

In cases involving a non-student, greater reliance on law enforcement may be required, given the lack of authority schools have over adults or non-students. Representatives from human resources or personnel should be included in the threat assessment process where appropriate.

ADDITIONAL RESOURCES

Florida Department of Education, Office of Safe Schools:

<http://www.fl DOE.org/safe-schools/index.stml>

Legislation:

- SB 7026 (2018): [Marjory Stoneman Douglas High School Public Safety Act](#)
- SB 7030 (2019): [Implementation of Legislative Recommendations of the Marjory Stoneman Douglas High School Public Safety Commission](#)

Information on the CSTAG Threat Assessment: <https://www.schoolta.com/>

Dr. Cornell provides short educational videos geared toward parents, students, and staff to learn more about the threat assessment process. Districts can contact Dr. Maeng at the University of Virginia to obtain access codes and instructions, which will be unique for each district, at (434) 924-0837 or jlc7d@virginia.edu

Marjory Stoneman Douglas High School Public Safety Commission:

- [Marjory Stoneman Douglas High School Public Safety Commission Report](#)
- [Marjory Stoneman Douglas High School Public Safety Commission \(Second Report\)](#)
- [Meeting Materials and Presentations](#)

School Violence and Threat Assessment:

- [Final Report of the Federal Commission on School Safety](#)
- [A U.S. Secret Service Analysis of Targeted School Violence \(2019\)](#)
- [U.S. Secret Service - Making Schools Safer: Quick Reference Guide \(2018\)](#)
- [U.S. Secret Service - National Threat Assessment Center: Enhancing School Safety Using a Threat Assessment Model \(Full Report\)](#)
- [U.S. Secret Service - National Threat Assessment Center: Enhancing School Safety Using a Threat Assessment Model Brief \(Brief\)](#)
- [Prior Knowledge of Potential School-Based Violence \(The Bystander Study\)](#)
- [Virginia Student Threat Assessment Guidelines](#)
- [Prior Knowledge of Potential School-Based Violence](#)
- [DHS: K-12 School Security Guide](#)
- [DHS: Planning and Response to an Active Shooter](#)
- [FBI: Violence Prevention in Schools](#)

Guidance Concerning Privacy and Data Sharing:

- [School Resource Officers, School Law Enforcement Units, and the Family Educational Rights and Privacy Act \(FERPA\), February 2019.](#) Guidance concerning threat assessment and law enforcement in schools and data sharing permitted under FERPA.
- [Joint Guidance on the Application of the Family Educational Rights and Privacy Act \(FERPA\) and the Health Insurance Portability and Accountability Act of 1996 \(HIPAA\) to Student Health Records, December 2019 Update.](#)
- [Addressing Emergencies on Campus, June 2011.](#)
- [FBI CJIS Security Policy Resource Center](#)

Other related resources:

- [SchoolSafety.gov](https://www.schoolsafety.gov)
- [DJJ: Resource Guide on School Threats](#)
- [FBI: Developing Emergency Operations Plans for Schools](#)
- [Readiness and Emergency Management for Schools](#)
 - [REMS: Online Courses](#)
- [DHS: Exercise Starter Kits](#)
- [Guide for Developing High-Quality School Emergency Operations Plans \(School Guide\)](#)
- [The Role of Districts in Developing High-Quality School Emergency Operations Plans \(District Guide\)](#)

Mental Health Resources:

- [Florida AWARE - Training for Youth Mental Health First Aid](#)
- [Florida AWARE Program Model](#)
- [The PREPaRE School Crisis Prevention & Intervention Curriculum](#)
- [A Framework for Safe and Successful Schools](#)

Statutes and Rules Related to Threat Assessment:

- ss. [394.451-394.47892](#), F.S. (Baker Act)
- [s. 943.082](#), F.S. (FortifyFL)
- [s. 985.04](#), F.S. (confidentiality of information relating to juveniles)
- [s. 1001.212](#), F.S. (Office of Safe Schools)
- [s. 1002.22](#), F.S. (Education records of K-12 students)
- [s. 1002.221](#), F.S. (K-12 education records, public records exemption)
- [s. 1002.222](#), F.S. (Limitations on collection of information and disclosure of confidential and exempt student records)
- [s. 1002.33](#), F.S. (Charter Schools)
- [s. 1003.25](#), F.S. (Maintenance and transfer of student records)
- [s. 1006.07](#), F.S. (School board duties relating to student discipline and school safety)
- [s. 1006.08](#), F.S. (Superintendent duties relating to student discipline and school safety)
- [s. 1006.09](#), F.S. (School principal duties relating to student discipline and school safety)
- [s. 1006.12](#), F.S. (Safe-school officers at each public schools)
- [s. 1006.13](#), F.S. (Policy of zero tolerance for crime and victimization)
- [s. 1012.583](#), F.S. (Continuing education and inservice training for youth suicide awareness and prevention)
- [s. 1012.584](#), F.S. (Continuing education and inservice training for youth mental health awareness and assistance)
- Rule 6A-1.0955, F.A.C. (Student records)
- FERPA: 20 U.S.C. § 1232g; 34 C.F.R. Part 99
- HIPAA Privacy Rule: 45 C.F.R. Part 160 and Subparts A and E of Part 164
- IDEA: 20 U.S.C. § 1400 et seq., 34 C.F.R. Part 300