Program-Based Threat Assessment

Definitions

For purposes of ESD 123 or program-based threat assessments of students, the following definitions will apply:

1. A **program-based threat assessment** means the formal process, established by ESD 123, of evaluating the threatening, or potentially threatening, behavior of a student, and the circumstances surrounding the threat, to uncover any facts or evidence that the student or other actor is likely to carry out the threat.
2. **Program-based threat management** means the development and implementation of a plan to manage or reduce the threatening, or potentially threatening, behavior of a student in a way that increases the physical and psychological safety of students, staff, and visitors while providing for the education of all students.
3. A **threat** is an expression of an intent to cause physical harm to self/others. 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, such as "I am going to beat you up." or indirect, such as, "I'm going to get him."
4. A **low-risk threat** is one in which it is determined that the individual/situation does not appear to pose a threat of serious harm to self/others, and any exhibited issues/concerns can be resolved easily.
5. A **moderate risk threat** is one in which the person/situation does not appear to pose a threat of violence or serious harm to self/others, at this time; but exhibits behaviors that indicate a continuing intent and potential for future violence or serious harm to self/others; and/or exhibits other concerning behavior that requires intervention.
6. A **high-risk threat** is one in which the person/situation appears to pose a threat of violence, exhibiting behaviors that indicate both a continuing intent to harm self/others and efforts to acquire the capacity to carry out the plan; and may also exhibit other concerning behavior that requires intervention.
7. An **imminent threat** exists when the person/situation appears to pose a clear and immediate threat of serious violence toward self/others that requires containment and action to protect identified or identifiable target(s), and may also exhibit other concerning behaviors that require intervention.
8. **Terrorism** - Any activity involving a criminally unlawful act that is dangerous to human life or potentially destructive to critical infrastructure or key resources, and that appears intended to:
    - Intimidate or coerce a civilian population,
    - Influence government policy by intimidation coercion, or
    - Affect the conduct of a government by mass destruction, assassination, or kidnapping.

9. **Targeted Violence** - Acts that are dangerous to human life, in violation of the criminal laws of the United States or any state, and that:
    - Involve a degree of planning, and
    - Have a pre-identified target, often including:
        - Individual(s) based on actual or perceived identity traits or group affiliation, or
        - Property based on actual or perceived identity traits or group affiliation.

10. **Targeted violence appears intended to:**
    - Intimidate, coerce, or otherwise impact a broader population beyond the immediate target(s), or
    - Generate publicity for the perpetrator or their grievances.

11. **Additional Criteria:**
    - Occurs within the territorial jurisdiction of the United States.
    - Excludes acts of interpersonal violence, street or gang-related crimes, violent crimes perpetrated by organized crime syndicates or similar organizations, and financially motivated crimes.

Principles

Six principles form the foundation of the threat assessment process. These principles are:

1. Targeted violence is the end result of an understandable, and oftentimes discernible, process of thinking and behavior.
2. Targeted violence stems from an interaction among the individual, the situation, the setting, and the target.
3. An investigative, skeptical, inquisitive mindset is critical to successful threat assessment.
4. Effective threat assessment is based on facts rather than on characteristics or "traits."
5. An "integrated systems approach" should guide threat assessment inquiries and investigations.
6. The central question in a threat assessment inquiry or investigation is whether a student poses a threat, not whether the student has made a threat.

Identifying and Reporting Threats

Timely reporting of expression to harm is crucial to an effective program-based threat assessment program.

Anyone, including students, families, and community members may report communication or behavior that appears to be threatening or potentially threatening to an ESD 123 program administrator or Assistant Director for Special Services and Programs.

All program ESD 123 employees, volunteers, and contractors should report immediately to an ESD 123 program administrator or Assistant Director for Special Services and Programs any expression of intent to harm another person, concerning communications, or concerning behaviors that suggest an individual may intend to commit an act of violence.

Anyone who believes that a person or situation poses an imminent threat of serious violence that requires containment should notify program security and/or law enforcement.

Assessing Threats

A program-based threat assessment is distinct from a law enforcement investigation (if any). The goal of the threat assessment process is to take appropriate preventive or corrective measures to maintain a safe and secure program environment, protect and support potential victims, and provide assistance, as needed, to the individual being assessed. Program-based threat assessment is also distinct from student discipline procedures. However, the functions of program-based threat assessment may run parallel to student discipline procedures.

Triage

The Superintendent or designee will designate a team leader for each threat assessment team(s), such as a program administrator or an ESD 123 administrator. If it is not feasible for all team members to be involved with the screening of initial reports referred to the team, the threat assessment team leader may designate a subset of team members to triage cases and determine their appropriateness for review and/or action by the full team. If a team implements a triage process, at least two members of the team will review initial reports and determine if the full team should further assess and manage the situation. All triaged cases must be shared with all members of the assessment team to ensure the cases are adequately addressed. All threat assessment team members shall be trained to triage cases effectively.

Imminent

Upon notification of threatening behavior or communications, the program administrator, threat assessment team, or triage team shall first determine if an imminent threat is believed to exist. If the individual appears to pose an imminent threat of serious violence to themselves or to others in the program, the program administrator or assessment team shall notify law enforcement.

Moderate or high-risk threat

If the threat assessment team cannot determine with a reasonable degree of confidence that the alleged threat is not a threat or is a low-risk threat, then the threat assessment team will undertake a more in-depth assessment to determine the nature and degree of any safety concerns and to develop strategies to prevent violence and reduce risk, as necessary.

The threat assessment team’s review may include but is not limited to: reviews of records; interviews and consultations with staff, students, family members, community members, and others who know the individual; and interviews of the individual and the target/recipient(s) of the threat(s). The threat assessment team will also screen for risk of self-harm and suicidal ideation, regardless of whether the alleged threat also included possible self-harm.

Upon a determination that a student poses a threat of violence or physical harm to self or others, a threat assessment team shall immediately report its determination to the Superintendent or designee. The Superintendent or designee shall immediately attempt to notify the student's parent or legal guardian. ESD 123 will ensure that the notice is in a language the parent and/or guardian understand, which may require language assistance for parents or guardians with limited English proficiency under Title VI of the Civil Rights Act of 1964.

In instances where the threat is deemed moderate risk or high risk or requires further intervention to prevent violence or serious harm, the program administrator shall notify the parent and/or guardian of any student who is the target/recipient of a threat as well as the parent and/or guardian of any student who made the threat. See Policy and Procedure 4314 – Notification of Threats of Violence or Harm. ESD 123 will ensure that the notice is in a language the parent and/or guardian understand, which may require language assistance for parents or guardians with limited English proficiency under Title VI of the Civil Rights Act of 1964.

If the threat assessment team determines that an individual poses a threat of violence, based on the information collected, the threat assessment team develops, implements, and monitors intervention strategies to address, reduce, and mitigate the threat and assistance to those involved, as needed. If these strategies include disciplinary consequences, ESD 123 will provide notice to the student and their parents or legal guardian consistent with Student Discipline Policy and Procedure 3241.

The threat assessment team may assist the individual(s) within the program to access appropriate program and community-based resources for support and/or further intervention. This includes assisting those who engaged in threatening behavior or communication, and any impacted staff or students.

In cases where the student whose behavior is threatening or potentially threatening also has a disability, the threat assessment team must align intervention strategies with the student's individualized education program (IEP) or the student's plan developed under section 504 of the Rehabilitation Act of 1973 (section 504 plan) by coordinating with the student's IEP team or section 504 plan team.

No identifiable threat or low-risk threat

If the threat assessment team concludes that no further assessment is necessary to determine whether the reported possible threat is not identifiable or constitutes a low threat of violence or harm to self or others, the threat assessment team need not intervene or take further steps.

Data Collection, Review, and Reporting

The Superintendent or designee shall establish procedures for collecting and submitting data related to the program-based threat assessment program that complies with OSPI's monitoring requirements, processes, and guidelines.

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