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

School officials have a responsibility to maintain the safety of students, staff, and visitors to the school, and to investigate threatening circumstances. Behavioral threat assessment and management (BTAM), when done properly, is a critical component in schools' overall ability to effectively identify and address the needs of students whose behavior raises concerns about risk of harm to others. When not done properly, or when the process is not used in the context of threatening behavior, students may be misidentified or labeled, not provided with necessary interventions and supports, unnecessarily suspended or expelled, or unnecessarily referred to the juvenile justice system. Concerns have emerged that school-based threat assessment can be discriminatory and biased, may violate student's civil rights, and may lead to disproportionality in the application of discipline and placement in special education. Data show that racially minoritized students and students with disabilities have experienced disproportionate rates of exclusionary discipline (e.g., suspension and expulsion) and referrals to law enforcement when compared to White and nondisabled peers. This has resulted in a closer examination of the relationship between BTAM processes and outcomes for students with disabilities and other minoritized students.

This document provides clarification on what properly conducted behavior threat assessment and management is; how it compliments, yet is distinct from, special education policies and procedures; and how a multidisciplinary team process can mitigate bias and disproportionality, while connecting the student with necessary social–emotional and mental and behavioral health supports. In many cases, the BTAM process helps to identify underlying student needs so proper interventions (i.e., student supports) can be provided to ensure safety for all.

For a more detailed explanation of BTAM and some of the concepts discussed in this document, please see [Behavioral Threat Assessment and Management: Best Practice Considerations for K–12 Schools](#) (NASP School Safety and Crisis Response Committee, 2021)

What BTAM Is, and What It Is Not

BTAM is a multidisciplinary, fact-based, systematic process designed to identify, assess, and manage potentially dangerous or violent situations where someone is intending to injure or kill others. The primary goal of BTAM is intervention, not punishment. Violence is preventable, and school threat assessment teams are a critical component to school safety. The BTAM process is utilized specifically in response to a threatening situation and when there are concerns for targeted acts of violence. The BTAM process does not replace, nor is it a substitute for, child study/behavioral intervention teams that engage with other nonviolent behaviors of concern (e.g., academic, attentional, emotional regulation, social skills). BTAM is not a mechanism to allow schools to remove children from school because they may have behaviors that are difficult to manage. Rather, the

> Behavioral threat assessment and management is *not*:
> - profiling,
> - adversarial,
> - a disciplinary process,
> - a panacea for safe schools, or
> - the same as a (functional) behavioral assessment.

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purpose of the BTAM team is to identify, evaluate, and address potential threats to help schools distinguish between incidents where a threat was made but there is no legitimate intent to harm and other incidents in which the student poses an actual threat of targeted violence.

Threat Assessments and Disproportionality

While some research has shown an overrepresentation of students with disabilities in threat assessments (Crepeau-Hobson & Leech, 2021), this is not necessarily unexpected as the nature of some students' disabilities are related to low frustration tolerance, impulsive and aggressive behaviors and poor coping skills (Cornell et al., 2018). Preliminary research has shown that when implemented correctly, BTAM does not result in disparities among Black, Hispanic, and White students in terms of out-of-school suspensions, school transfers, or legal actions; thus, a threat assessment process may reflect a generalizable pathway for achieving parity in school discipline (Cornell et al., 2018). Importantly, the primary goal of BTAM is to connect a student to interventions and supports (i.e., management). Biases and stereotypes, if not properly identified, understood, and mitigated, can inappropriately influence the initiation of a BTAM process on the basis of specific characteristics of the student making the threat (e.g., race, disability status, ethnicity). The behavioral threat assessment and management process should be initiated by the threatening situation itself, not because of stereotypes, labels, or diagnoses. The threat assessment process will help determine if the threat is valid and legitimate, and it takes into consideration the ways in which the student's disability may affect the validity of the threat. The BTAM team must be aware of their own implicit biases and any potential triggers that may create a situation where their own biases negatively influence the BTAM process.

BTAM Training and Team Membership

All BTAM teams should be multidisciplinary and must receive appropriate training. High-quality threat assessment training teaches that assumptions should never be made before a thorough threat assessment is conducted. High-quality BTAM training also includes discussion on how implicit and explicit bias can impact perspectives and BTAM decisions, and it challenges participants to adjust automatic patterns of thinking to help eliminate discriminatory behaviors and unfair discrimination against people based on race, religion, or disability. BTAM training should also include antibias/antiracist discussions. Antibias education challenges team members to increase their understanding of differences, to reflect on their values regarding a respectful and civil society, and to actively challenge their own bias, stereotypes, and other forms of discrimination. Antiracist training provides education about systemic racism and empowers team members to identify the sources of resistance to dismantling racism and to discuss strategies to embrace and implement an antiracist BTAM process.

The core BTAM team must include an administrator, at least one school mental health professional (school psychologist, school counselor, school social worker), and a school resource officer (SRO) or law enforcement officer. It should be noted that an SRO/law enforcement officer may not need to take directive action in every case. (See NASP School Safety and Crisis Response Committee, 2020, and Reeves, 2021, for further information on the appropriate role of the SRO and other key members to serve on the BTAM team.) If a student is receiving special education services, an expert in special education must be a member of the BTAM team. It is highly recommended that person be a school psychologist, as they are one of the most knowledgeable professionals regarding special education, legal issues, behavioral intervention, and child and adolescent development. Special education expertise on the BTAM team helps to provide context and understanding regarding the potential threatening behavior, and it is critical to ensuring special education processes and protocols and threat assessment processes and protocols are kept separate, yet are complementary to one another, with the goal of connecting the child to appropriate interventions. The BTAM team should never be a replacement for a special education Individualized Education Program (IEP) team. The BTAM team does not have the federally mandated authority to make special education decisions (i.e., eligibility, manifestation determination).

BTAM Processes

Schools serve students with a variety of developmental ages, abilities, and emotional maturity levels. There are times when students may *make* a threat but have no genuine intent to harm (e.g., "I'm going to kill you if you don't help me pass this test," but followed by a genuine apology and acknowledgement of frustration with test content). This type of threat may be in response to a specific frustrating situation, be stated as a sarcastic joke, or be a misunderstanding of cultural norms/differences with no intent to harm. The BTAM team assesses if the individual who made the threat has indicators of pathway behaviors (ideation, planning, preparation with movement toward implementation) that *pose* a legitimate threat. When BTAM is properly implemented and it is determined that a student made a threat but does not pose a threat, the situation can often be resolved or managed through a problem-solving process, existing supports, or restorative practices, and this can be used as a learning opportunity or as an opportunity to increase supports.

BTAM, Special Education, and Section 504

BTAM teams must uphold the rights afforded to students by the Individuals with Disabilities Act (IDEA) and Section 504 of the Rehabilitation Act of 1973. Thus, threat assessment and IEP teams must work together to ensure student's rights and specific needs are balanced with school safety. The BTAM process does not remove any student's legal rights or protections afforded through IDEA or Section 504. Threat assessment teams must operate with an understanding of the impact that IDEA regulations have on decisions made during the threat assessment process for students with disabilities. These regulations include:

- Safeguards to ensure special education procedures are followed
- Processes to assess the function of a behavior and establish supports (functional behavioral assessment, behavior intervention plan)
- Procedures for disciplinary removals (if less than 10 days or more than 10 days) and interim alternative educational placement (45-day rule)
- Manifestation determination reviews (MDRs)
- Procedures for change in placement or programming
- Parent notification, consent, appeals/due process
- Access to records (FERPA)

It is important to train BTAM teams to better understand how indicators of violence and disability characteristics could be related to or distinct from one another. While there can be an overlap between the observable, concrete behavior related to a specific disability and the observable, concrete behavior that leads to violence, it is incorrect to imply that those behaviors are one and the same. While most individuals with an identified

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disability or diagnosis will never be violent, it is erroneous to suggest that a student with a disability or a mental health diagnosis could never pose a threat, or risk of harm, to the health and safety of the community. Thus, what initiates a threat assessment is the behavior itself, not the label or disability.

After a BTAM team has analyzed the risk of harm, the team determines if the situation poses a legitimate threat and makes recommendations for next steps. The IEP team, not the BTAM team, makes the final determination about any changes to a student's placement or educational programming based on the context of the student's disability and IEP needs. However, those determinations may be better informed with input from the threat assessment process. Sometimes supports are provided outside the special education process (e.g., additional community supports for the family), and the BTAM team can help the parents engage those services.

For example, if a student is receiving special education services, the threat assessment team will make the determination if the behaviors actually pose a threat. If the situation and behaviors pose a threat, that information would be shared with the IEP team. Further, if the school team determines that suspension or

expulsion is necessary, an MDR may need to be conducted. (Note: In regard to suspension, an MDR is only required if the suspension is more than 10 consecutive days or if the length of the current suspension results in an accumulation of more than 10 days of suspension for that school year). The MDR is to be conducted separately, and the results of that meeting may then be shared back with the threat assessment team to determine the best way to manage risk and provide interventions. The threat assessment team and IEP team work together, along with the parents or primary caregiver to determine how to best support that child. It is also important to note that not all behaviors that initiate and require a manifestation meeting need to be referred to the BTAM process (e.g., if a student with an identified emotional disability is caught smoking marijuana on campus, or if a student with autism repeatedly states that he will kill someone due to echolalia with no intent to harm others). To reiterate, the BTAM process is reserved for potential targeted acts of violence.

If the student receiving special education services does not pose a threat (e.g., "You'd better give me the pencil back or I will cut you with a knife," with no evidence of intent to actually harm), the results of the threat assessment are still shared with the IEP team in case services need to be modified (e.g., increased time receiving social skills group instruction). The IEP team follows special education procedures to appropriately reflect the increase in those services. If a student receiving special education services does not pose a threat but other supports could be helpful outside of special education (e.g., mentoring, family support in community, engaging student in a school club or organization), the threat assessment team would work with the caregivers to access supports, if the caregivers agree.

Thus, the BTAM and special education processes must complement each other and protect students from rash decisions that could negatively affect a student receiving special education services. Parents and families are partners in both processes when it comes to implementing interventions and services, and collaboration is critical throughout.

Referral and Identification

While students with disabilities do not necessarily engage in targeted violence at higher rates, the characteristics associated with certain disabilities can lead to increased frequency of verbal or physical aggression, which is more likely to come to the attention of others. In addition, reactive behavior is common in students with disabilities, particularly disabilities that are associated with impulsivity, low frustration tolerance, challenges with emotional regulation or social skills/perspective taking, as well as poor coping skills (Cornell et al. 2018).

The BTAM team should analyze whether the disability could be contributing to the observable, concrete behaviors of concern, or whether there is evidence of escalating and planning behaviors that would require safety and security interventions. Some students with specific disabilities may lack social reciprocity, lack perspective-taking skills, or mimic behaviors that could result in their saying or doing threatening things without understanding that others perceive and interpret those words or acts as threatening. The systematic implementation of BTAM helps avoid impulsive and potentially harmful decisions that can lead to overmanagement (i.e., suspension and expulsion), and requires teams to consider the context and disability rather than using a zero-tolerance approach.

Separate, Yet Complementary Processes

A threat assessment is used to analyze whether the observable, concrete behaviors presented by a student pose a legitimate risk of harm to others. It is not a disciplinary process, nor is it a way to determine eligibility for special education. The BTAM team focuses on safety matters and provides information for the IEP team to consider regarding safety issues that may affect learning. If a district fails to appropriately consider the student's disability during a threat assessment process, any safety precautions or interventions implemented by the district based on the results of a threat assessment may result in the denial of FAPE under IDEA or disability discrimination under 504 or Title II of the Americans with Disabilities Act, which is a violation of that student's civil rights. Table 1 highlights the distinction between the two processes.

Table 1.

Behavioral Threat Assessment	Special Education Process
• Goal is ensuring health and safety of all involved (i.e., subject and potential targets). • Considers needs of all students involved. • Multidisciplinary team of professionals who have received specialized threat assessment training. • Assesses if the student legitimately *poses* a threat. • Parent consent is not required, but parent participation in interviews and intervention planning is highly recommended and should be solicited. • Decisions can inform special education programming, but a threat assessment does not replace or override IEP processes and procedures.	• Goal is meeting individual needs related to suspected or existing disability. • Considers needs of individual student only. • Mandated engagement of educational professionals who have the appropriate professional licensure and certification to serve students who qualify for special education services. • Makes the determination if a student has a disability and qualifies for special education services. • Parent consent/participation is required. • Decisions are legally binding as part of the IEP.

The information gathered during the BTAM process can help to inform the special education programming (see Table 2).

Table 2.

BTAM Process		Special Education/IEP Process
File review	➡	Prior life events/contributing factors
Behavior	➡	IEP goals
Triggers	➡	FBA/BIP/BSP, accommodations
Inhibitors	➡	FBA/BIP/BSP, accommodations, services
Management plan	➡	Services, placement

Note. IEP = Individualized Educational Program; FBA = functional behavioral assessment; BIP = behavior intervention plan, BSP= behavior support plan

A file review conducted by the BTAM team may uncover prior history that needs to be addressed or a prior life event that may be contributing to an escalation of behaviors (e.g., anniversary of the death of a parent).

The concerning behavior identified can translate into IEP goals. For instance, if a student is making threats when students come into their personal space, an IEP goal focused on self-advocacy and effective peer communication could be helpful. In addition, information gathered during the BTAM process could help inform a functional behavioral assessment (FBA) or the development or revision of a behavior intervention plan. The IEP team, in accordance with local, state, and district policies, would make these determinations in collaboration with the parent/primary caregiver. If both threat assessment and IEP team meetings are needed, it is important to be clear when one ends and the other begins. Decisions made as part of the threat assessment can inform the IEP process, but they do not override decisions made by the IEP team.

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Access to Records

The threat assessment process is designed so that only members of the BTAM team can view and share information in accordance with state, district, or school guidance. Information is only shared with those school officials that have legitimate educational interest to the information in adherence with FERPA. Team members should only access records and information necessary to evaluate the specific threat. Clear parameters of how the information should and should not be used must be clearly articulated. If a school resource officer, other law enforcement official, or other community-based partners (e.g., public mental health, juvenile justice) are granted access to student records as part of the BTAM process, their access to student records must be articulated in the district Memorandum of Understanding, with clear prohibitions of using that data for purposes outside of the BTAM process. Federal guidance regarding FERPA and school resource officers/law enforcement is available here.

Disciplinary Decisions

The BTAM threat assessment process considers individual contextual factors in each case. If a student makes a threat (e.g., "I will kill you"), school staff may assume the individual is serious and actually poses a threat, and handle the situation accordingly (i.e., suspension, expulsion, notifying police). The threat assessment process helps to mitigate automatic and erroneous assumptions of danger and the application of exclusionary and unnecessary disciplinary action or police involvement by determining legitimacy and plausibility of the threat. It also takes into consideration the context of the behavior/communication as well as situational factors in the student's life, and it can help to recommend intervention with the goal of support instead of punishment.

The BTAM process does not determine disciplinary action when a student violates a school rule or code of conduct. That decision is made by school administration with consideration of the strengths and needs identified within the BTAM process. The BTAM team should carefully consider disciplinary actions for the student who poses a threat since disciplinary actions can provide further motive or trigger a student to engage in threatening behavior against others. A threat assessment can occur, and a determination can be made that disciplinary action is not necessary or appropriate. If disciplinary actions are deemed necessary for a student in special education, at a minimum, the IEP team is to be notified. An MDR would occur only if conditions are met that require an MDR be held; thus, not every threat assessment conducted on a student receiving special education services requires an MDR.

Collect and Analyze Data

It is important to track threat assessment data and use the data to inform best practices that can mitigate bias and disproportionality. Schools and districts are encouraged to collect, analyze, and publicly report data that, at a minimum, includes the following:

- Numbers of threat assessments conducted, disaggregated by identified disability, race, and ethnicity.
- Outcomes of each threat assessment case and disaggregated by identified disability, race, and ethnicity.
- Referral, removal, involuntary commitment, and arrest rates for students who have had a threat assessment conducted, and disaggregated by identified disability, race, and ethnicity.

If disproportionality is identified for any group or subgroup of students, it is imperative that schools immediately seek to examine factors that contributed to identified disparities and take corrective action to promote equitable practices and outcomes.

Conclusions

In summary, when BTAM best practices are followed, the process helps prevent or reduce the overuse of restrictive placements and punitive measures for students with disabilities and students of color. The threat assessment process is activated by the threatening situation itself, and all threats must be taken seriously

regardless of the cause. The threat assessment process will help determine if the threat is valid and legitimate and takes into consideration the disability while also ensuring special education policies and procedures are followed. For more information about BTAM, see http://www.nasponline.org/btam.

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