

ADVISORY

ADDRESSING THREATS AND OTHER SIGNS OF POTENTIAL SCHOOL VIOLENCE

**Prepared by the PSEA Legal Division
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In the current climate, educators have become increasingly concerned about how to respond to threats and other signs of potential violence against members of our school communities.

School employees and school employers need to discuss in depth the options for threat assessment and the range of responses that can and should be considered in order to protect all students and staff. Your PSEA local association should have involvement and input into these discussions. The discussions should lead to protocols which among other things address identifying and reporting threats, assessing threats, and responding to and managing threats. As well, school employers should have protocols to be followed in the event of a crisis. Your local association can request assistance from PSEA if any of the protocols are objectionable

School employees should make sure they are aware of any employer policies addressing school safety and should follow those policies. If an employee has questions or concerns regarding their school policy, they can contact their local association.

If a school employer does not have a policy for responding to threats or threatening behavior, employees should request written guidance from their school administration and contact the local association for assistance. In addition, employees can take the steps identified below when they have concerns that a student may commit a violent act against one or more members of the school community. Ultimately, safety is paramount and if an employee believes that a student is ready to harm or kill others, the employee should act appropriate to the situation, governed by common sense and for the purpose of protecting others.

Even if not required by school employer policies, employees should take the following steps when they have concerns that a student may commit a violent act against one or more members of the school community:

- Document the threat or threatening behavior. Include a specific report as to what happened, provide the names of any witnesses, and request that the employer speak to other staff who may have additional information. Submit the report to the administration, retaining a copy. To the extent that the document contains personally identifiable information about one or more students, the parents of the student(s) will have a right to access the document. Therefore, it is important to document concerns in a strictly objective manner.

- Request that the employer perform a risk assessment to determine whether it is likely that the student will commit a violent act. *See, e.g.,* <https://www2.ed.gov/admins/lead/safety/threatassessmentguide.pdf>
- Request that the employer refer the student to the Student Assistance Program (SAP) responsible for assisting students in obtaining coordinated educational and mental health services.
- If the student is already receiving mental health services, and the parent has given consent to allow the education and mental health agencies to share information, ask school officials to notify mental health officials of the violence concerns and request a joint meeting to discuss and devise plans to address such concerns. If the parent has not consented to the sharing of records, school officials should request that the mental health agency attempt to obtain such consent and, if received, notify mental health officials of violence concerns and request a joint meeting.
- If the student is identified as a student with disabilities, his/her teacher should refer the student for a reevaluation including a medical evaluation to determine if there are medical or medication issues contributing to the student's potentially violent behavior. While school officials may not mandate that students take medication, this information may be helpful should the parents choose to address recommendations. The reevaluation should also be designed to identify any changes needed in the student's placement, services, or program. The IEP team should meet to review the results of the reevaluation and to make appropriate changes in the IEP (e.g. additional counseling or behavioral support, change to a more restrictive placement).
- If the student has not been identified as a student with disabilities, employees should refer the student for an evaluation to determine whether he/she is eligible for services under the IDEA or Section 504 due to emotional disturbance, cognitive impairment, or other disabilities.
- Where appropriate, request that the employer consider disciplining the student if he/she has violated the Code of Conduct. It is important to note, however, that recent cases have shown that discipline of students who pose a violence risk may exacerbate that risk. Therefore, it is critically important that school officials consult with the school psychologist, guidance counselor and other mental health experts before pursuing this option. In addition, school officials may not discipline students with disabilities for a behavior which is a manifestation of their disability.
- Request that the employer consider placement of the student in an alternative education program. Note that school entities may not place students with disabilities in these programs if their behavior is a manifestation of disability.
- In extreme cases, if the student is at immediate risk of seriously harming himself /herself or others, request that school officials work with the parent to consider voluntary commitment to a mental health facility.

- Certain behaviors may require the involvement of law enforcement. Employees should be aware of their employers' policies with respect to contacting the police. If a student poses a clear and imminent threat of serious violence towards others, employees should ask the school employer to notify law enforcement. If the employer refuses to do so, the employee should contact their UniServ Representative and Region Attorney for assistance.

Local associations and PSEA can assist members when the steps above are necessary, especially where a school employer is unwilling to acknowledge the members' concerns. In requesting assistance from local leaders or PSEA UniServes, the member should refrain from providing personally identifiable information about the student to members of the local or to the Uniserv Representative because such disclosure is not permitted under FERPA (the federal student records law).

PSEA believes that all school employers need to be prepared to respond to students who are violent, or who demonstrate a propensity for violence. Such approaches must be multi-faceted, and the best results will be achieved where the local association and PSEA members participate in development and implementation of school plans and protocols. In addition, training of school employees on identification, assessment, response, and management of threats is critical, and should occur annually, when new employees are hired, and/or when requested.