



Behavioral Threat Assessment & Management (BTAM): Special Education Considerations



Melissa A. Reeves, Ph.D., NCSP, LPC
drmelissareeves@gmail.com

The information provided in this workshop does not, and is not intended to, constitute legal advice. All information, content, and materials provided are for general informational purposes only.

An educational attorney, in your relevant jurisdiction, should be contacted to obtain advice with respect to any particular legal matter.

Only your individual attorney can provide assurances that the information contained herein – and your interpretation of it – is applicable or appropriate to your school/district's particular situation. It is important to assure legal counsel has training in school safety and crisis law and threat and suicide risk assessment law.

Thus, this workshop provides guidance regarding best practices based upon the presenter's professional experience and expertise in conducting threat and suicide risk assessments, serving as an expert witness in court cases involving threat assessment and targeted violence, and as a national expert in comprehensive school safety, and crisis prevention through recovery.

This workshop is NOT teaching how to conduct a threat assessment. Additional training is required to learn how to conduct threat assessments.

Objectives

Participants will:

1. review the foundations of BTAM
2. understand the clear distinction, yet complimentary aspects, between threat and special education policies and procedures
3. discuss IDEA, 504, ADA Title II and special education considerations regarding BTAM

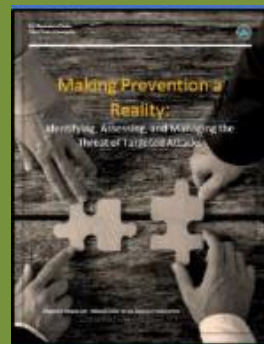
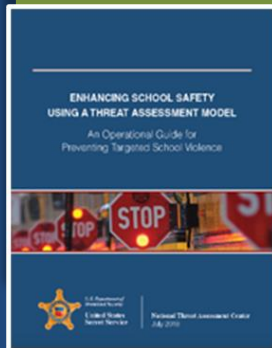
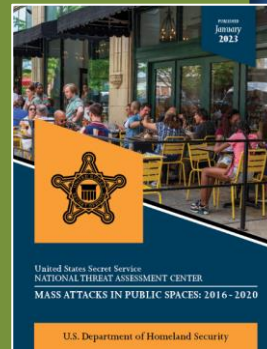
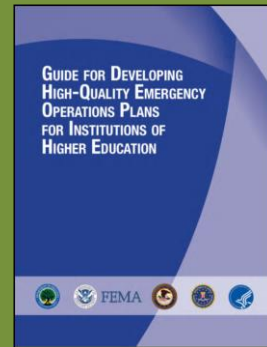
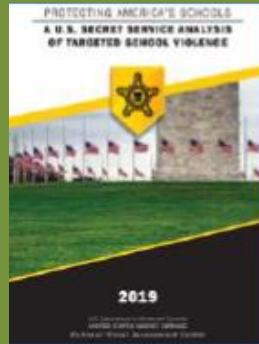
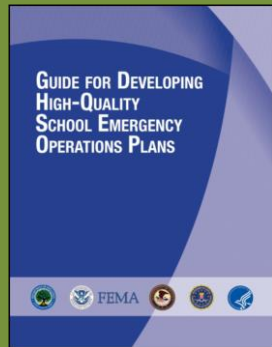


Foundations of BTAM



BTAM Informed by Research & Practice

- <https://www.schoolsafety.gov/resource/protecting-america-s-schools-us-secret-service-analysis-targeted-school-violence>
- <https://rems.ed.gov/REMSPublications.aspx>
- <https://www.cisa.gov/publication/enhancing-school-safety-using-threat-assessment-model-operational-guide-preventing>
- www.fbi.gov/file-repository/making-prevention-a-reality.pdf
- <https://www2.ed.gov/admins/lead/safety/prevention/gattacksreport.pdf>
- <https://www2.ed.gov/admins/lead/safety/threatassessmentguide.pdf>
- <https://www.secretservice.gov/newsroom/reports/threat-assessments/mass-attacks-public-spaces/details-1>



Best Practice Resources

United States Secret Service/
National Threat Assessment Center Model

The BTAM Process

A systematic process that is designed to:



• **IDENTIFY** situations/persons of concern



• **INQUIRE** & gather information

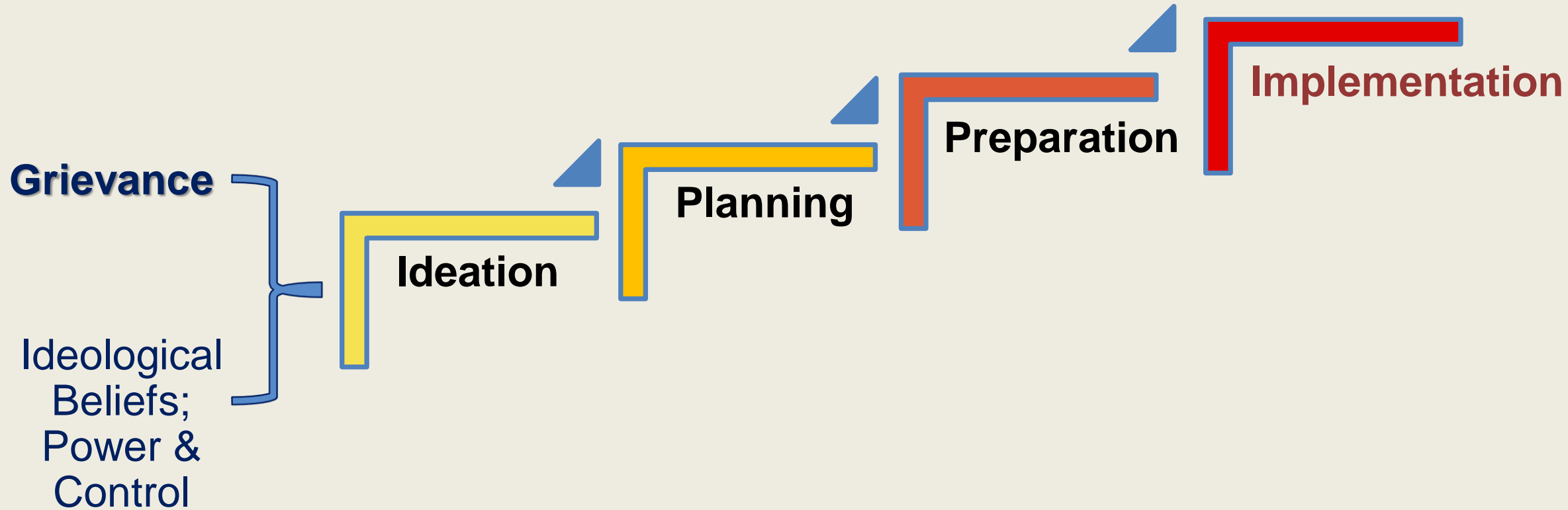


• **ASSESS** situation



• **MANAGE** the situation/mitigate risk

Pathway to Violence

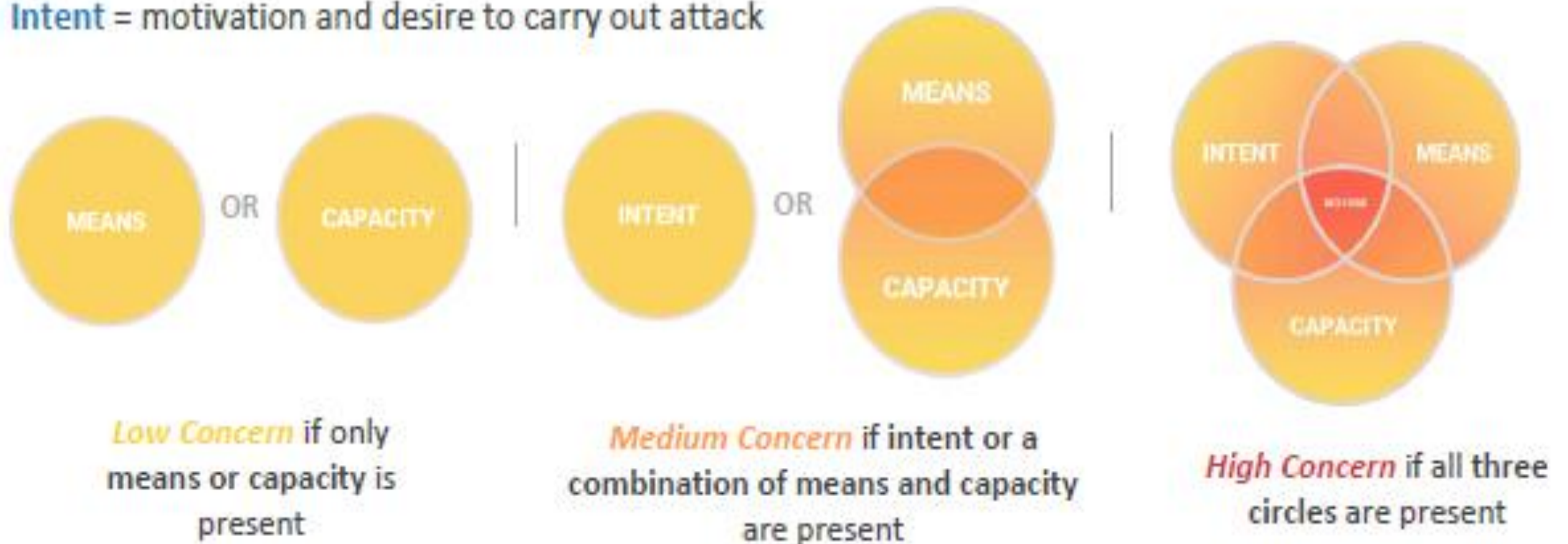


***POSES* A THREAT?**

Means = access to weapons

Capacity = physical and cognitive capacity and physical proximity to carry out attack

Intent = motivation and desire to carry out attack



BTAM is....

- Systematic and fact-based
- Collection and analysis of multiple sources of information
- Focuses on patterns of thinking and behavior
- Individual and dynamic factors
- Identifies escalating behaviors
- Do they *POSE* a threat?
- Level of concern based on behaviors detected
- Goal is risk management (interrupt pathway)
- Must measure change (progress monitor) and help individual's off the pathway to violence.

How is K-12
BTAM unique?

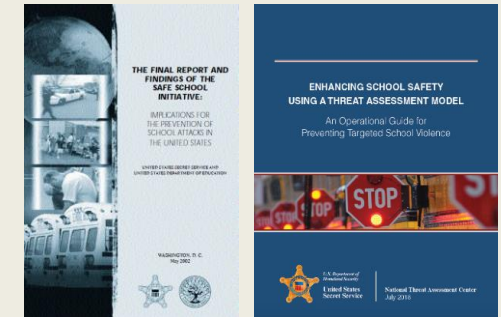
BTAM IS NOT

*A threat assessment is
a safety assessment*

Behavioral Threat Assessment is:

- NOT the same as profiling
- NOT adversarial
- NOT the same as a disciplinary process
- NOT a panacea for safe schools
- NOT an educational evaluation, special education evaluation, or a mental health evaluation
- NOT the same as a (functional) behavioral assessment
- NOT the same as other types of risk assessments
- NOT to be used for the purpose of exclusion
- NOT used to predict future behavior

*Is parent permission
needed?*





**BTAM is an intervention
process...it is NOT a
disciplinary process!**





Considerations regarding Title II/ Special Education/IDEA/504

FAPE (Free & Appropriate Public Education)

- IDEA
 - *must provide FAPE ages 3-21 who need special education and related services*
 - *IEP*
 - *Must consider positive behavioral interventions and supports and other strategies to address that behavior (34 CFR 300.324(a)(2))*
- Section 504 & Title II
 - *Provide all students with disabilities general or special education and related aids and services that are designed to meet their needs as adequately as the needs of non-disabled students are met*
 - *504 plan*
- If have disability – OCR says **MUST** develop a BIP if behavioral difficulties significantly interfere with ability to benefit from education

Title II (ADA) – Direct Threat Standard

- A "direct threat" is a significant risk to the health or safety of others that cannot be eliminated or reduced to an acceptable level by the public entity's modification of its policies, practices, or procedures, or by the provision of auxiliary aids or services. The public entity's determination that a person poses a direct threat to the health or safety of others may not be based on generalizations or stereotypes about the effects of a particular disability.
- Similar to Secret Service definition
- Specifically applies to situations which a district seeks to remove a student with a disability from the school setting due to safety concerns
- 28 CFR 35.139(b) states a district is not required to permit a student with a disability to participate in or benefit from district programs and activities when a student poses a direct threat

Title II (ADA) – Direct Threat Standard

- TA is an individualized assessment based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence to ascertain:
 - *The nature, duration, and severity of the risk*
 - *The probability the potential injury will actually occur; and*
 - *Where reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk*
- Making this assessment will not usually require the services of a physician
- Failure to consider all the above can invalidate results to TA and any removal based upon results

BTAM

SPECIAL EDUCATION

Goal is ensuring health and safety of all involved (i.e., subject and potential targets).

Goal is meeting individual needs related to suspected or existing disability.

Considers needs of all students involved.

Consider needs of individual student only.

Multidisciplinary team of professionals who have received specialized threat assessment training

Mandated engagement of educational professionals who have the appropriate professional licensure and certification to serve students who qualify for special education services.

Assesses if the student legitimately poses a threat.

Makes the determination if a student has a disability and qualifies for special education services.

Parent consent is not required, but parent participation in interviews and intervention planning is highly recommended and should be solicited.

Parent consent/participation is required.

Decisions can inform special education programming, but a threat assessment does not replace or override IEP processes and procedures.

Decisions are legally binding as part of the IEP.

BTAM & IDEA Regulations

[Additional Info regarding BTAM and SpEd:
https://www.nasponline.org/btam-sped](https://www.nasponline.org/btam-sped)

Safeguards to ensure special education procedures are followed:

- assessing behavior:
functional behavioral assessment
- specialized supports:
behavior intervention plan
- disciplinary removals (if less than
10 days or more than 10 days)
- manifestation determination
reviews (MDRs)
- interim alternative educational
placement (45-day rule)
- changes in placement or
programming
- parent notification, consent,
appeals/due process
- access to records (FERPA)

Appropriate to Conduct TA w/Disability

- Wynar vs Douglas Co SD (NV) – 113 LRP 35121, 728 F.3d 1062 (9th Cir 2013)
 - *Temporary expulsion for 90 days when posted social media threat to shoot specific classmates, break shooting record, and identified specific date*
 - *District acted reasonably as threat interfered with rights of others and potential for significant disruption of school activities*
- Jones v. Espanola Municipal SD, 117 LRP 43208 (D.N.M, 9/20/2016)
 - *“List of hell” identifying several students by name and violent drawings, done during school day*
 - *Raised reasonable safety concerns*
 - *School can act to prevent problems if could lead to substantial disruption or interference with rights of others*

Prior Written Notice (PWN)

- IDEA
 - *Parents are entitled to received PWN before district proposes or refuses “ to initiate or change identification, evaluation, or educational placement of the child or the provision of FAPE to the child” [34 CFR 300.503(a)]*
- Section 504
 - *PWN “with respect to actions regarding identification, evaluation, or educational placement of persons, who because of handicap, need or are believed to need special education or related services” [34 CFR 104.36]*

According to Onaga (2022), “district will need to send PWN to parent if it seeks to evaluate or reevaluate the student’s behavioral, social skills, or MH needs or change the student’s educational placement due to safety concerns regardless of whether it conducts a threat assessment.” (p.8)

**Important to designate that TA’S are SAFETY assessments,
NOT AN ACADEMIC, MH, BEHAVIOR EVALUATION OR CHANGE OF PLACEMENT DETERMINATION**

Threat Assessments are NOT Manifestation Determination Reviews

MDR's	TA's
Conducted by IEP team, parent, and often district personnel	Multi-disciplinary team including administration, MH, LE and other pertinent members specifically trained in TA
Focus on the student's special ed. needs and services as it relates to a specific event	Reviews the student's patterns of dangerous behaviors and the school's past interventions
Are the behaviors related to disability or cause by failure to implement IEP?	Does the student POSE a threat to safety and/or health of school community?
Can you discipline according to discipline policies? May lead to changes in service/placement or to expulsion hearing	IF poses a threat, must immediately implement interventions to reduce risk; focus on <i>preventative planning</i> in a specific setting to mitigate risk

IDEA & 504 Disciplinary Protections

- Duty to conduct MDR if proposing disciplinary measures that result in change in placement (procedural protection)
 - *Removal exceeds more than 10 consecutive school days or total more than 10 days in a SY;*
 - *Are results of substantially similar behaviors;*
 - *Indicate a pattern based upon additional factors including length of removal, total amount of time removed, proximity of removals*
- Neither 504 or Title II require performing a TA every time a student with disabilities engages in dangerous behaviors but duty to conduct a TA arises if seek to remove from campus or restrict participation
- TA is not a procedural protection afforded to student with disabilities
 - *But a TA must determine whether a student has the capacity to harm or carry out threat*

Threat Assessments are NOT FBA's

FBA	Threat Assessments
What is the purpose of the student's problem behavior?	Does the student POSE a threat to safety and/or health of school community?
IDEA does not describe steps and/or specific individuals necessary to complete FBA; state and local laws may specify Professionals with specific FBA training	Recognized evidenced-based/informed BTAM models Multi-disciplinary team including administration, MH, LE and other pertinent members specifically trained in TA
Results help determine WHY a student engages in particular behavior(s) to develop positive behavioral interventions to reduce that behavior	IF poses a threat, must immediately implement interventions to reduce risk; focus on <i>preventative planning</i> in a specific setting to mitigate risk

Denial of FAPE & Info Sharing

- Fail to consider disability
- If a private evaluation is necessary to provide FAPE, school may have to reimburse parents, especially if threat made at school
- May and should share results of TA with IEP team and related services professionals if necessary to understand scope of needs, develop plan, provide services, and ensure safety
 - *Berkeley (IL) Sch Dist, 67 IDLER 100 (OCR 2015)*

If remove student from school while doing a TA could be considered a change in placement and then parent consent may be needed and or MDR may be required!

Prince William County (VA), 116 LRP 21763

- OCR 11/02/15
- District violated Section 504 and Title II – failure to consider disability
- Threatened to poison classmate with hand sanitizer
- Failed to conduct an appropriate threat assessment for student with Asperger's
- TA failed to cite medical or other objective data about the threat made
- Failed to determine if there was a high probability injury would occur
- Never considered if could mitigate risk of injury with reasonable modifications or auxiliary aids or services
- TA deviated from requirements of Title II, thus district discriminated against student when it relied on flawed TA to remove him from magnet school

Berkeley (IL) Sch Dist, 67 IDLER 100 (OCR 2015)

- Psychiatric evaluation indicated an 8th grader with ADHD was “dangerously violent” and had the potential to harm others
- District did NOT discriminate when subjected student to 1:1 monitoring and daily searches
- Appropriate to share results with IEP team to inform programming

Interim Alternative Educational Settings

- In certain situations, districts may unilaterally place in alternative setting for up to 45 days regardless if a manifestation if (while on school campus or function):
 1. *Carries a weapon or posses a weapon*
 2. *Knowingly possesses or uses illegal drugs of solicits safe of controlled substance*
 3. *Has inflicted serious bodily injury upon another person*

**not based upon belief of potential safety risk but actual behavior*

 - *Oakland Unified Sch Dist, 71 IDLER 205 (SEA CA 2017) – 8 year old*
 - *Student with a Disability, 117 LRP 20580 (SEA IL 4/6/2017) - 6 year old*
- Verbal threats may not constitute enough for removal
- TA can help to formally document escalating concerns; physical risks
- *Honig Injunctions (Honig vs. Doe, 559 IDLER 231, U.S. 1988)*
- Must be allowed to return as soon as no longer poses a threat

Management for Student with Disabilities

- Must involve IEP team or Section 504 team to ensure FAPE
- Use results of TA to develop supports and interventions
- May need to follow up with comprehensive psychological evaluation, FBA, or another assessment to reduce risk
- Must consider use of positive behavioral interventions and supports
- Strongly consider MH services (but this is not the magical answer!)
 - *CFR 300.34(c)(10) – IDEA counseling services must be provided when student needs services to access educational programming and FAPE*
- Cannot exclude indefinitely – “return-to-school” plan

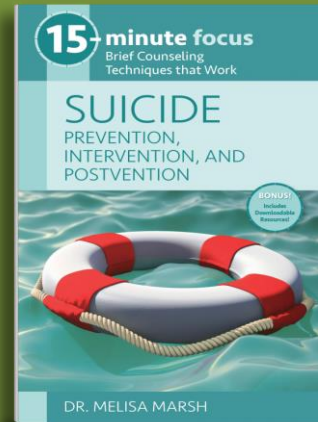
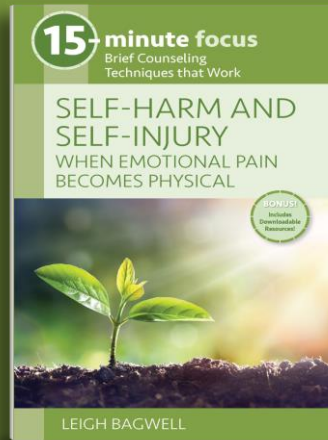
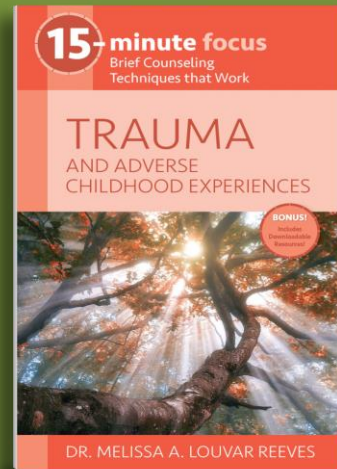
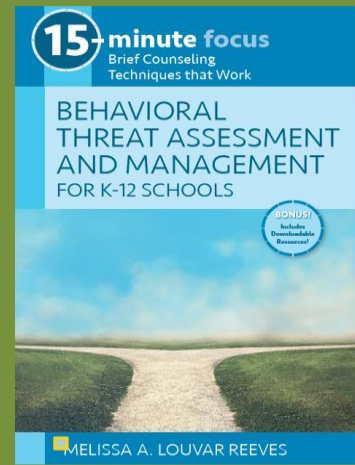
Summary

- It is the behavior of concern that activates a threat assessment
- Must follow best practice guidelines when conducting a threat assessment
- Ensure BTAM team expertise in special education and procedural rights laws
- Communication between BTAM and IEP/504 team is critical
- Must consider use of positive behavioral interventions and supports and FAPE

- GOAL IS INTERVENTIONS AND SUPPORTS!!!

*****BTAM SAVES LIVES, ENSURES
PROCEDUARAL SAFEGUARDS ARE
FOLLOWED, AND DECREASES
DISPROPORTIONALITY *****

15-Minute Focus Series



- <https://ncyi.org/shop/landingpages/15-minute-focus-series/>
- Also includes:
 - *Behavioral Threat Assessment & Management*
 - *Growth Mindset, Resilience, & Grit*
 - *Diversity, Bias, and Privilege*
 - *Counseling Techniques*
 - *Anger and Aggression*
 - *Anxiety, Depression, Suicide*
 - *Trauma*
 - *Grief*
 - *And more....*

Practitioner Friendly: Administrators, Teachers, School Mental Health Professionals, Support Staff, and Parents - \$12.95-17.95



**Conducting
Threat Assessments
That Comply With
the IDEA, Section 504
and Title II**

Amy K. Onaga, Esq.

LRP
Publications®

BTAM, IDEA, 504, Title II

- Excellent guidance on BTAM and students with disabilities
- Many court cases referenced
- <https://www.shoplrp.com/product/p/300726.htm>
- \$34.95

NASP School Safety and Crisis

Behavioral Threat Assessment and Management (BTAM) Best Practice Considerations for K-12 Schools

Behavioral threat assessment and management (BTAM) is a fact-based, systematic process designed to identify, assess, and manage potentially dangerous or violent situations. School safety experts, law enforcement officials, and the United States Departments of Education, Justice, Secret Service, and Federal Bureau of Investigation (2017, 2018) have cited research indicating that before a student commits an act of violence on a school campus, warning signs are usually evident. Research and best practice guidelines provided by these entities also indicate that a collaborative, multidisciplinary approach to behavioral threat assessment and management can identify effective interventions and supports that mitigate a potential threat and help the person(s) toward a more positive pathway.

Research has also shown that when BTAM is implemented according to best practices and implemented with fidelity, students on which a threat assessment has been conducted are more likely to receive counseling services and a parent conference and are less likely to receive long-term suspension or an alternative placement (Cornell et al., 2012). Preliminary research has also shown that, when implemented correctly, no disparities were found: Black, Hispanic, and White students in out-of-school suspensions, school transfers, or legal actions; that, an assessment process may reflect a generalizable pathway for achieving parity in school discipline (Cornell, 2018). The primary goal of BTAM is intervention. Violence is preventable, and school threat assessment is a critical component to school safety.

COMPREHENSIVE SUPPORTS

Threat assessment is most effective when embedded within a comprehensive multilevel system that involves interdisciplinary, collaborative partnerships, focusing on prevention. A *Framework for Successful Schools* (Cowan et al., 2015) specifies best practices for establishing safe and successful schools. This framework can help to identify students before they enter onto the pathway to violence in need of additional supports. The outcomes of an effective BTAM process and MTSS. This framework can help to identify students before they enter onto the pathway to violence in need of additional supports. The outcomes of an effective BTAM process and MTSS. This framework can help to identify students before they enter onto the pathway to violence in need of additional supports. The outcomes of an effective BTAM process and MTSS.

LEGAL AND ETHICAL RESPONSIBILITIES

An increased number of states have passed legislation that v... process¹. In addition, multiple government agencies have v...

NASP School Safety and Crisis

Upholding Student Civil Rights and Preventing and 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 threat assessment, or unnecessarily referred to the justice system with necessary interventions and supports, unnecessarily suspended or expelled, or placed in placement in special education. Disparities 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 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 close examination of the relationship between BTAM processes and outcomes for students with disabilities and other marginalized students.

This document provides clarification on what properly conducted behavior threat assessment and management is; how it complements, 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, not punishment, is 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, schools, or
• the same as a (functional) behavioral assessment.

¹ As of April 2020, Virginia, Florida, Maryland, Rhode Island, Texas, Tennessee, Oregon, Idaho, Minnesota, Georgia requires training but does not mandate establishment of teams. (Note: On...)
A School Safety and Crisis Resource
© 2021 National Association of School Psychologists | 4340 East West Hwy, Bethesda, MD 20814 | www.nasponline.org | 301-657-0270

National Association of School Psychologists

Threat Assessment Resources

Behavioral Threat Assessment and Management (BTAM): Best Practice Considerations for K-12 Schools

- www.nasponline.org/btam

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

- <https://www.nasponline.org/btam-sped>

PREP_aRE Crisis Prevention & Intervention Curriculum

- Workshop Descriptions & Target Audiences
- Program Evaluation Data
- Upcoming Trainings
- List of Local Trainers
- FAQs



<http://www.nasponline.org/prepare/index.aspx>

Melissa A. Reeves, Ph.D., NCSP, LPC

Nationally Certified School Psychologist

Licensed Professional Counselor

Licensed Special Education Teacher

Senior Threat Manager, SIGMA Threat Management Associates, an Ontic Company

Mental Health & Threat Assessment Specialist, Safe & Sound Schools

Former Associate Professor, Winthrop University, SC

Past-President, National Association of School Psychologists

drmelissareeves@gmail.com



@melissareevessp



<https://www.linkedin.com/in/melissa-a-louvar-reeves-388b97bb/>