



 NEW  
AMERICA

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# **THREAT ASSESSMENT SYSTEMS AS A SCHOOL SAFETY STRATEGY**

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## Introduction

[Jamari Nelson](#) was seven years old, in the first grade, and already diagnosed with autism when a 2019 incident resulted in his physical restraint and the injury of two teachers. Jamari was labeled a “high-level threat” following a review by a threat assessment team and ultimately pulled out of Albuquerque Public Schools by his mother. Despite having a documented disability, Jamari was never issued a [behavioral intervention plan](#), and he was physically restrained without his parents being notified, a violation of [New Mexico’s state law](#).

Jamari’s experience is just one example of how threat assessment is being employed in schools in the United States and why many are questioning its use. Threat assessment is a school discipline strategy that analyzes the potential threat that a student presents, and an appropriate intervention designed to protect both the student and the school community is implemented. The strategy typically involves the development of a [school-based threat assessment team](#) that consists of law enforcement, school-employed mental health professionals, school leadership or administrators, and teachers. The team is responsible for [determining whether a threat made by a student](#) is transient (an expression of anger or frustration that can quickly be resolved), or substantive (an expression of a serious intent to harm others that involves a detailed plan and means).

Threat assessment originated as a strategy of the [U.S. Secret Service](#) to assess and respond to threats made against public officials in public spaces. The [first school-based program](#) was developed by University of Virginia professor [Dewey Cornell](#) and adopted in Virginia schools. Cornell positioned threat assessment as an answer to the [criticisms of the zero-tolerance](#) policies developed during the Reagan-era “war on drugs.” These policies, which mandate student suspension or expulsion for misconduct in schools, rose sharply in popularity in response to the [political climate around crime](#) and the increase in school shootings [in the late ‘80s and early ‘90s](#) but they showed scant evidence of reducing crime or violence in schools. On the contrary; [research](#) found that zero-tolerance policies disproportionately impact students of color and students with disabilities, lead to higher rates of exclusionary discipline, and have a negative relationship with schoolwide academic achievement.

As a strategy, threat assessment attempts to be less exclusionary and more focused on prevention: identify and stop the threat before the misconduct occurs. [According to Cornell](#), threat assessment’s multi-step [decision tree](#) provides standardized guidance to

staff and “a calmer, more common-sense way to deal with student threats.” Yet, while intuitively appealing, this prevention approach mirrors some of the same concerns of zero-tolerance, all while growing in popularity and adoption. As schools and districts across the country consider how best to address school safety and violence amidst rising rates of student mental health concerns, policymakers and practitioners should carefully consider if and how threat assessment is an appropriate response.

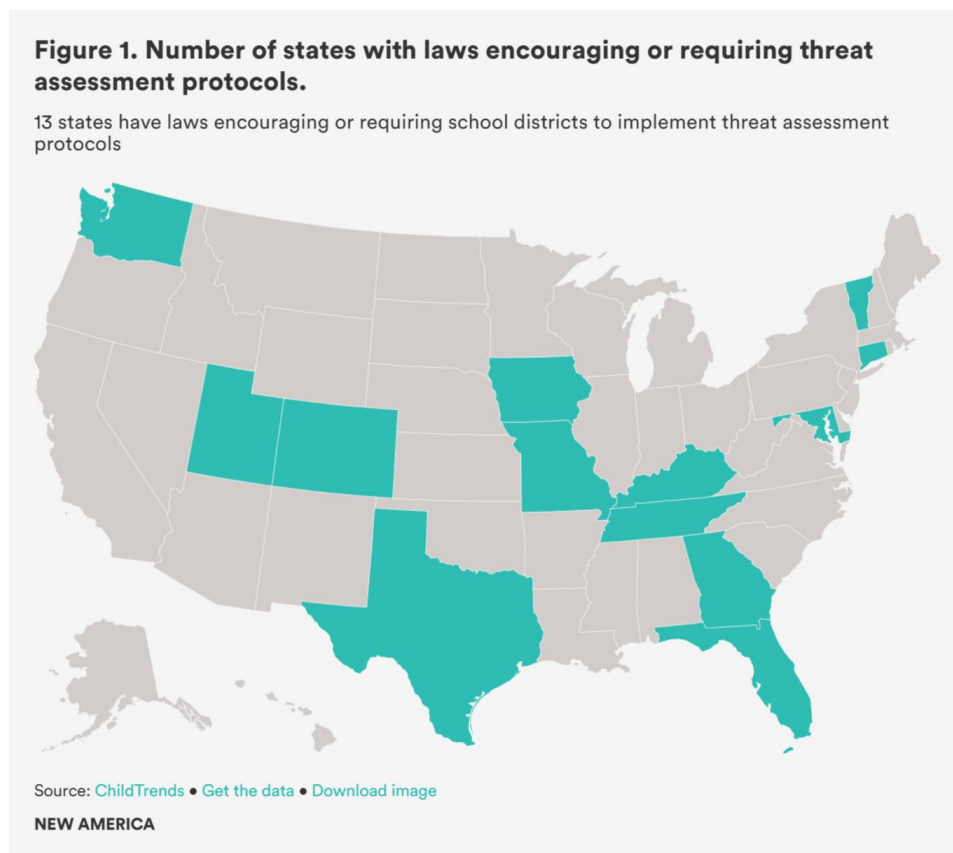
## The Evolution of School-Based Threat Assessment

As [Child Trends reports](#), there is a pattern of ramping up school safety measures following major violent events, namely school shootings. The National Threat Assessment Center ([NTAC](#)) was developed in 1998 as a part of the U.S. Secret Service and was tasked with providing research and guidance to the field. The [Columbine shooting](#) took place in April of the following year, which catalyzed the national conversation around gun control and student mental health. In 2001, the FBI published [The School Shooter: A Threat Assessment Perspective](#), a report offering the use of threat assessment as a strategy to combat school shootings specifically.

A year later, NTAC published findings from the [Safe Schools Initiative](#), a combined effort with the U.S. Department of Education (ED), that researched incidents of [targeted school violence](#) over a span of 25 years. [Key among report findings](#) was that incidents of violence in schools were rarely sudden and were often preceded by warning signs in student behavior, planning, and even the involvement of other students. The report [ended with the recommendation](#) that threat assessment be used for the prevention of targeted school violence, as defined by the Safe Schools Initiative and the Secret Service. The report also recommended that law enforcement personnel be involved in the analysis of student behavior and communications if threat assessment is used in this way. It noted that some states have enacted legislation that makes it easier to share student information with law enforcement agencies.

According to the National Association of State Boards of Education (NASBE)’s [State Policy Database](#), threat assessment is required by law in 18 states, encouraged in five states, and is in non-codified policy in 16 states. [According to Child Trends](#), Virginia was the first state to pass a threat assessment law in 2000, followed by Indiana in 2013 (the year

after the [Sandy Hook](#) shootings), and 10 other states in 2018 and 2019 (following the [Parkland shooting](#)) as shown in Figure 1.



## Implementation Concerns

Despite the growing support for threat assessment as a school safety strategy, there is limited research to back its efficacy and some notable concerns about its implementation and outcomes. The most studied model to date is that of Professor Cornell. In 2014 the University of Virginia received a [\\$2.5 million grant](#) from the U.S Department of Justice to use Virginia schools as an example of how threat assessment could be used nationally to reduce school violence and school suspensions, including the disproportionate suspension of minority students. This grant funded Cornell and Jennifer Maeng's [study](#),

published in February 2020, which examined the implementation of threat assessment, what student outcomes were associated with them, and how training and technical assistance could be used to improve threat assessment in the state.<sup>1</sup>

The Cornell and Maeng study was based on the examination of responses from the state's 1,900 public schools' mandated school safety audit survey, completed annually by school administrators. The authors found, on average, only 77 percent of threat assessment team members had received formal training in assessment procedures, ranging from a half to full day, in the past three years. They also found that approximately 14 percent of schools reported not knowing or not having a record-keeping policy for threat assessment procedures. They found that students receiving special education services were 3.9 times more likely to be referred for threat assessment than students who did not receive special education services. The authors also found that Black students were referred for threat assessment at a rate of 1.3 times higher than White students and note that referrals for threat assessment "may be subject" to the same influences that lead to higher rates of disciplinary referrals for Black and Brown students.

Civil and disability rights advocates have been [criticizing the use of threat assessment](#) since the Parkland shootings, but the issue has gotten more attention recently in the aftermath of George Floyd's murder. A number of groups [signed on to a joint comment](#) asking the U.S. Department of Education to end federal funding for threat assessment practice and promotion, to increase oversight and data collection for those that use it, and to invest in alternatives. Miriam Rollin of the National Center for Youth Law explained the risk that threat assessment poses to students. Threat assessments are "referrals to nowhere [and] that's not going to help the situation for a kid," [she said](#). "It's an injustice giving a kid a referral for services when there are no services available to them."

The disproportionate identification of students with disabilities and students of color, noted in Cornell and Maeng's research, is part of a broader concern about the profiling of youth as threats. In 2001, Janet Reno, former U.S. Attorney General and proponent of threat assessment, [warned](#) against potential bias and that the model must be used "judiciously" because "the risk of unfairly labeling and stigmatizing children is great."

While some materials make a [clear distinction](#) between threats and profiling, stories like that of Sanders, [a 16-year old autistic student in Oregon](#), illustrate how vague and speculative the standards for threat assessment can be. Sanders's interest in guns and his dependency on his trench coat as a safety blanket are what initiated the complaints against

him and led to his investigation. The threat assessment procedures interrupted Sanders's learning to the point that the school recommended he transfer to night school, which he did but ultimately dropped out. Sanders's story also raises the question of what can trigger the threat assessment process, as he never made a verbal or physical threat to anyone; he just had complaints made about him.

Many have asked about the trauma and emotional toll threat assessment has on both students and families. [Research](#) shows that both students and families felt that the school's use of threat assessment were personal actions against students, undermined efforts to provide an emotionally safe and supportive learning environment, and exacerbated feelings of marginalization by causing both students and families to internalize the label "threat." A related concern is whether it is the student's [behaviors and words](#) that are being assessed, or the student themselves, as in the case of [Jamari Nelson](#). How students experience disciplinary action is often left out of the conversation about how to manage behaviors, but it is an area that policy must be prepared to address.

Cornell and Maeng's study and others advocate for a distinction between how schools and teams identify students' intent to harm others versus themselves. As research has shown, there's been an increase in self-harm and suicides in recent years. According to the [National Institutes of Health](#), in 2019 suicide was the second leading cause of death in the U.S. for individuals between the ages of 10 and 24. Despite the recommendations for a clear distinction between harm to self and harm to others, threat assessment protocols have been positioned as a [potential part of the school-based strategy](#) to combat the upward trend in self-harm and suicide. The state of Pennsylvania's [guidelines for threat assessment](#), for example, characterize the strategy as "a way to identify someone who has the potential for violence in many forms—self-harm, assault, risk-taking behaviors, suicide, substance abuse, and other aggressive or dangerous behaviors." The extent to which this strategy includes support from a trained mental health provider is unclear. Nationally, the ratio of school psychologists to students is more than 1,000 to 1.<sup>2</sup>

Finally, whether student behavior should be managed by law enforcement is an ongoing and fierce debate. At what point do disciplinary procedures move beyond the purview of school-based educators, counselors, and psychologists to law enforcement? According to Cornell and Maeng's research, [law enforcement serves on all threat assessment teams](#). This not only raises concerns about the role of law enforcement versus school-based educators, counselors, and school psychologists for managing student behavior, but also introduces concerns over student privacy and the sharing of student records and data with law enforcement agencies. While there are privacy laws that typically protect student

information and [require parent consent prior to sharing education records](#) with personally identifiable information, threat assessment practices can be deemed [exceptions within those laws](#).

## Federal Support for Threat Assessment

Despite limited research and concerning findings, threat assessment receives broad federal support as a national school discipline strategy from the U.S. Department of Education, the U.S. Department of Homeland Security, the U.S. Department of Justice, and the U.S. Secret Service. New funding was appropriated recently through the [STOP School Violence Act of 2018](#). The legislation offered [a grant matching opportunity](#) through the Department of Justice’s Bureau of Justice Assistance (BJA) and COPS (Community Oriented Policing Services) to support a number of school safety practices, including the development and implementation of threat assessment programs at the state and local levels.

In Congress, the [Threat Assessment, Prevention and Safety \(TAPS\) Act](#) and the [EAGLES Act](#) have garnered bipartisan support in the House over the last three years. This legislative session, the Behavioral Intervention Guidelines (BIG) Act of 2021 was introduced and saw support in both the [House](#) and [Senate](#). And most recently, it has been [reported](#) that the [National Defense Authorization Act](#), a defense spending bill that has already [passed the House](#), would include language from the [Luke and Alex School Safety Act of 2021 \(LASSA\)](#) in the form of a Senate amendment. LASSA codifies the recommendation of the [Federal School Safety Commission](#) (which included leadership from the Departments of Education, Homeland Security, Health and Human Services, and Justice under the Trump administration) to develop a [federal clearinghouse](#), managed by the Department of Homeland Security, to assess, identify, and share best practices related to school security measures, technologies, and innovations.

The same 2018 report that inspired LASSA also recommended that the federal government support the use of threat assessment at the state and local levels and [recommended the rescission](#) of the [2014 School Discipline Guidance](#), which was carried out by ED under Secretary DeVos’s leadership in the same year. While the discipline guidance in 2014 did not include threat assessment, the next iteration likely will. The Biden administration has [expressed intent to reinstate the guidance](#), and this year the ED posted a notice in

the *Federal Register* [requesting information on the nondiscriminatory administration of school discipline](#), including a request for opinions on the use of threat assessment specifically. The Department will take [over 3,600 responses](#) into consideration as it develops updated guidance, technical assistance, and resources. These resources will likely include further guidance on any implementation of threat assessment in schools.

## Looking Ahead

Adoption of programs at the state level combined with increased funding and support at the federal level have made threat assessment a significant national school discipline and safety strategy. The problem is real: policymakers and practitioners need to ensure that schools are safe spaces for students and staff, and school staff need structures and resources to help provide supports to students. However, given the research that does exist and the concerns that have been raised about implementation, Congress and federal agencies must also do their due diligence in ensuring that strategies like threat assessment do not reinforce the same inequitable patterns as zero-tolerance and other exclusionary discipline practices.

There are a few ways forward in policy and practice. First and foremost, the U.S. must confront its relationship with guns. Until that happens, school shootings will remain a threat to the lives of students and staff. Threat assessment, school shootings, and gun control are intimately related. And while schools cannot and should not be at the front of this nation's battle over this policy issue, schools continue to be deeply impacted by the policy choices that are or are not made about gun laws and gun safety.

Secondly, threat assessment is part of a larger collection of school discipline and safety strategies that includes mental health supports, school personnel training, restorative justice practices, and a host of others. More research is needed to understand the national landscape of school discipline and safety strategies and which policies are guiding the use, oversight, and reporting of these strategies. More rigorous studies are also needed to determine which strategies, individually or in combination, are the most effective school-based approaches to school-based safety and violence, and what kinds of impact these strategies are having on students, especially those who are disproportionately disciplined in schools.

Ultimately, we must shift how we think about school discipline and safety to prioritize student health and well-being. Policymakers must ensure that schools are prepared to identify and meet student mental health needs, and to provide the wraparound services required to support the [whole child](#). Systems of identification that already exist, like those within the Individuals with Disabilities Education Act ([IDEA](#)) and Medicaid’s Early and Periodic Screening, Diagnostic, and Treatment ([EPSDT](#)), are woefully under resourced and should be prioritized. We should also prioritize the hiring and training of school-based staff to implement identification and discipline [strategies](#) that align with the developmental needs of children and youth.

Students, families, and school personnel across the country are depending on policymakers and education leaders to ensure that schools remain safe places to teach, learn, and grow. How students experience discipline is an extraordinarily important part of that equation, as is schools’ preparedness to provide safe learning spaces. Until those experiences become a part of policy decisions, a system that prioritizes discipline without care will be a threat to the health and safety of our schools and children.

## Notes

<sup>1</sup> Cornell and Maeng note that in 2016, the Virginia Department of Criminal Justice decided to no longer collect case-level data on threat assessment like student demographics, nature of the threats made, school response, and outcome in order to lighten the reporting burden on schools and agency staff. This limitation means that they could only draw from data collected at the school level, and that narrowed what information they had access to.

<sup>2</sup> According to [May 2020 Bureau of Labor Statistics](#) data, there were 44,970 psychologists employed in schools. With enrollment of [48.1 million students in 2020](#), that is a ratio of 1,070:1.