

Addressing Serious Student Misconduct and Threats: Confidentiality and the Media, Threat Assessments and Options for Discipline

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“Violence -- whether in a school, home, workplace, or on the street -- is a complex issue with complex causes and consequences. Imagining that there are easy answers and instant solutions is counterproductive: there is no easy way to attack the causes and no simple formula that can predict who will commit a violent act. It is also true, however, that violent behavior develops progressively, that making a threat represents a stage in an evolutionary process, and that there are observable signs along the way that most of us can see if we know what to look for. “

Federal Bureau of Investigations, “The School Shooter: A Threat Assessment Perspective” (1999)- <https://www.fbi.gov/file-repository/stats-services-publications-school-shooter-school-shooter/view>



Scenario

- Within 1 week of the Parkland Florida School Shooting, a student picks up a note on the hallway floor articulating a threat (“Parkland #2 is coming”);
- Later that day, a student finds a similar message written on the bathroom wall;
- The following day, another message is found in another school, across the county.
- Where to begin . . .
- Schools are evacuated multiple times; law enforcement is brought in and school is significantly disrupted

One step at a time . .

- Crisis Response, if necessary
 - Keep students and staff safe
 - Remove threat
 - Contact Law Enforcement
- Public Relations
 - What do we say
 - Who do we say it to
 - What can we “give to law enforcement”
- Student Discipline
 - Suspension
 - Assessments

Scenario

- Your investigation determines who wrote some of the messages
 - It is two middle school girls from upper middle class families.
 - No discipline record.
- Which way does the pendulum swing:
 - Long Term Suspension, Criminal Prosecution; or
 - Psychological assessments and short term suspension.

Determining If A Threat Exists

- Within 6 days of the Parkland shooting, there were scores of reported incidents involving threats and/or weapons at schools across the U.S.
 - Spartanburg, SC – student posts photo showing assault weapon with the words “Round 2 of Florida tomorrow.”
 - Arlington, TX – 13 year old arrested after he told other students he wanted to shoot up the school and mentioned guns.
 - Norfolk, VA – 14 year old arrested for threatening to harm classmates if they attended school the following day.
 - Nutley, NJ – entire district shut down after parent reported seeing a video that included images of a student firing a gun at a school building.
- **A student’s fascination with other shootings, especially if expressed shortly after one happens elsewhere and is widely covered in the news, may heighten the seriousness of a threat.**

The Copycat Effect

“School shootings and other violent incidents that receive intense media attention can generate threats or copycat violence elsewhere. Copycat behavior is very common, in fact. Anecdotal evidence strongly indicates that threats increase in schools nationwide after a shooting has occurred anywhere in the United States. Students, teachers, school administrators and law enforcement officials **should be more vigilant in noting disturbing student behavior in the days and weeks or even several months following a heavily publicized incident elsewhere in the country.**”

--Federal Bureau of Investigation, “The School Shooter: A Threat Assessment Perspective.” (1999).

Goal of a Threat Assessment

- Define the threat;
- Determine the threat's motivations;
- Determine whether any signs or indicators of violence exist;
- Determine the seriousness of the threat and the level of risk.



Who Conducts the Threat Assessment?

- Student Services Team, counselors, psychologists, administrator and teachers
- Others knowledgeable about the student
- Student's physician or mental health provider
- When appropriate, include parent and/ or student
- May include law enforcement

When to Conduct?

- Student is involved in assault, serious fights with potential retribution or further violence;
- Serious attempts to harm self or others;
- Written (including on-line) threats against individuals or groups, or the school as a whole
- When student enters back into the school environment

Factors in a Threat Assessment

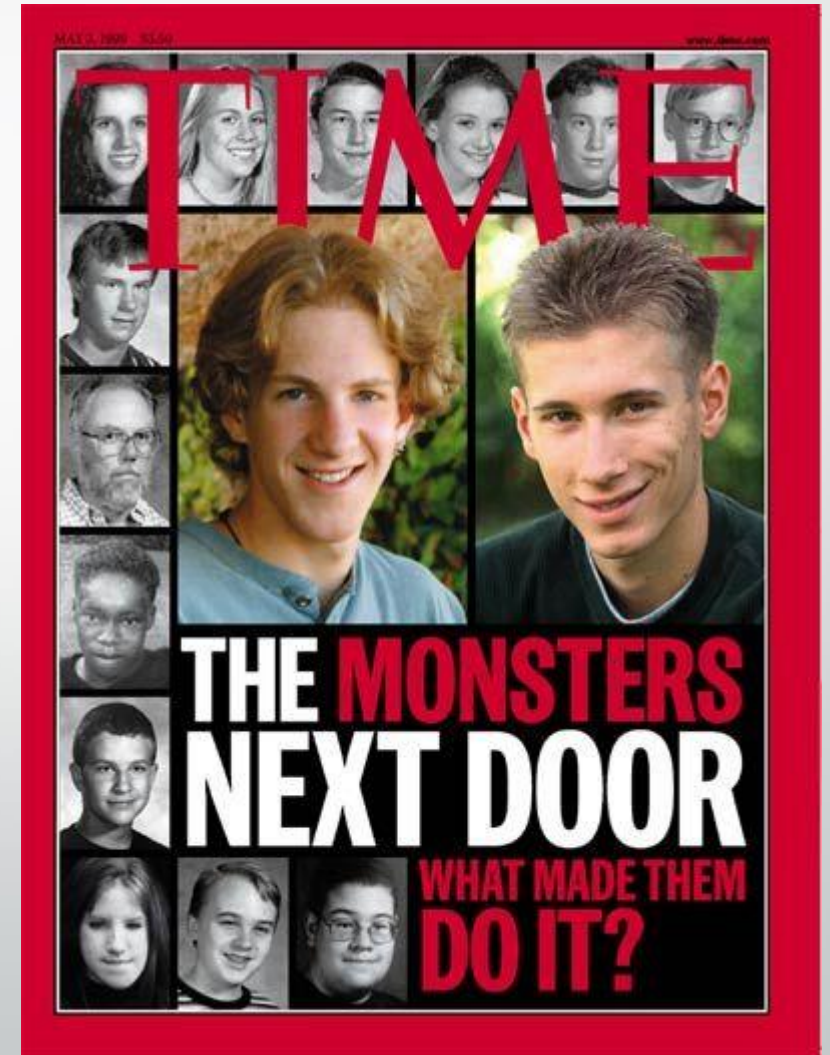
- Specific, plausible details (identity of victim(s), identity of threatener, types of means/methods (weapons, explosives, etc.), reason for the threat, (date, time, place))
- Emotional content of the threat—clue to the threatener's mental state
- Precipitating stressors—circumstances, reactions, or situations that can trigger a threat
- Level of risk—low, medium, high

Levels of risk

- Low—vague, indirect, inconsistent or implausible, unrealistic, unlikely to be carried out
 - Was threat made for another reason: attention, harassment, or disruption
- Medium—more direct and concrete, wording suggests some prior thought, general indication of time/place/manner but not specific, no indication of preparatory steps, veiled reference to weapons, may be a specific statement to convey that threat is not empty (i.e. “I really mean this.”).
- High—direct, specific, plausible, suggests concrete preparatory steps have been taken, may include statements that threatener has acquired and practiced with a weapon

Four Pronged Assessment

- Personality of the student and student history
- Family dynamics
- School dynamics and the student's role in those dynamics
- Social dynamics



Personality of the Student

Goal should be to develop a clear understanding of how the child views the world and himself/herself in it.

Clues to a student's personality can come from observing their behavior when:

- Coping with conflicts, failures, frustrations, insults
- Expressing rage, frustration, disappointment, humiliation, sadness or similar feelings
- Responding to rules, instruction, or authority
- Demonstrating to failing to demonstrate resiliency
- Being controlling, attention-seeking, or narcissistic
- Failing to empathize with others

DISCLAIMER: This model is not a "profile" on a school shooter.

Personality of the Student—Important Questions

- How does child handle frustration?
- Does child struggle to manage anger and stress?
- Does child resort to fighting or violence?
- Has child ever hurt other family members or pets?
- Has child been unusually nervous, anxious, irritable?
- Has child expressed any delusions, hallucinations, hearing voices?
- Has child shown any decrease in appetite or had problems with sleep?

Personality of the Student—Important Questions

- Does child have history of mental illness?
- Has child ever been suicidal or expressed suicidal thoughts?
- Is child routinely exposed to violence or violent portrayals in television or video games?
- Does the child fascinate about violence?

These questions are best assessed from somebody who knew student before he/she made a threat

Family Dynamics

“When a student has made a threat, knowledge of the **dynamics within the student’s family**—and how those dynamics are perceived by both the student and the parents—is a **key factor in understanding circumstances and stresses in the student’s life and could play a role in any decision to carry out the threat.**”

-Federal Bureau of Investigation, “The School Shooter: A Threat Assessment Perspective.”

Family Dynamics—Important questions

- What do parents know about the threat?
- Have parents heard child talk about violence or threats before?
- Is family familiar with the victim?
- Does child have access to weapons or other means to carry out the threat?
- What is parent planning to do to address the behavior outside of school?

School Dynamics

“It is necessary [for administrators] to have some level of understanding of the particular dynamics in their school because their school can ultimately become the scene of the crime.”

-Federal Bureau of Investigation, “The School Shooter: A Threat Assessment Perspective.” (1999).



School Dynamics—Important Questions

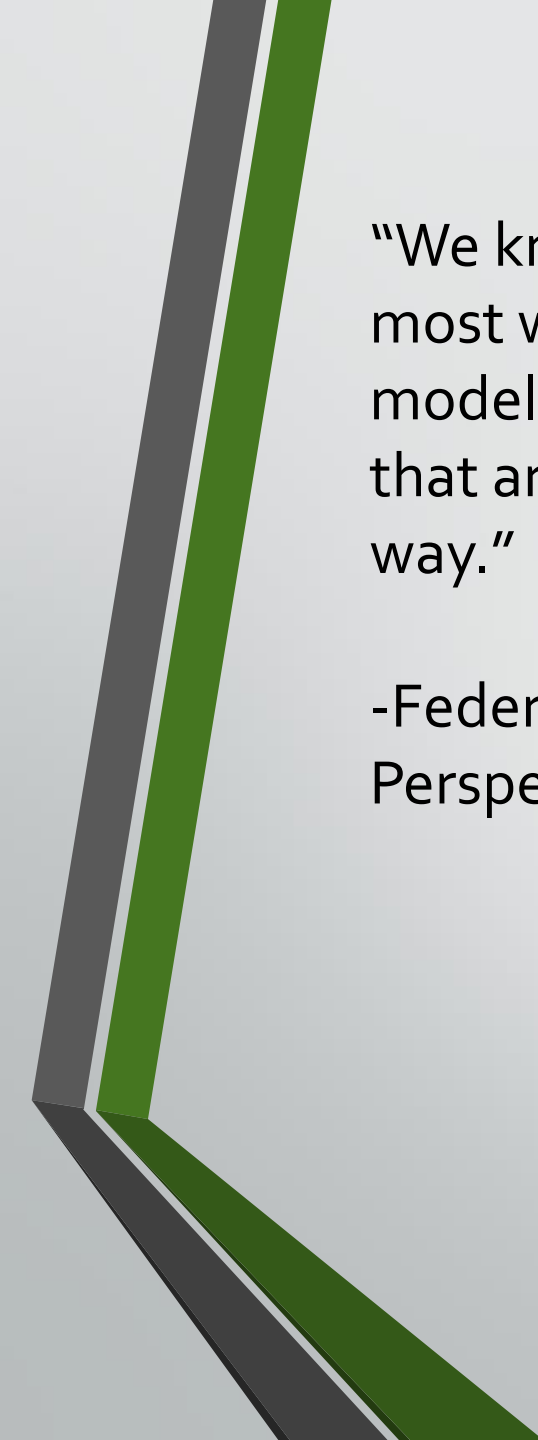
- Does school have established social groups or castes?
- Is the school's culture static, unyielding, and insensitive to change?
- Do student's perceive teachers and administrators to be fair and equitable, particularly in discipline?
- Do students feel safe from other students?
- Do students feel comfortable going to administrators or teachers with concerns?

Social Dynamics

There is a natural overlap between personality of the student and school dynamics. Social dynamics is a variety of such factors applied to the student's environment and how he/she views themselves within that environment.

Social Dynamics—Important Questions

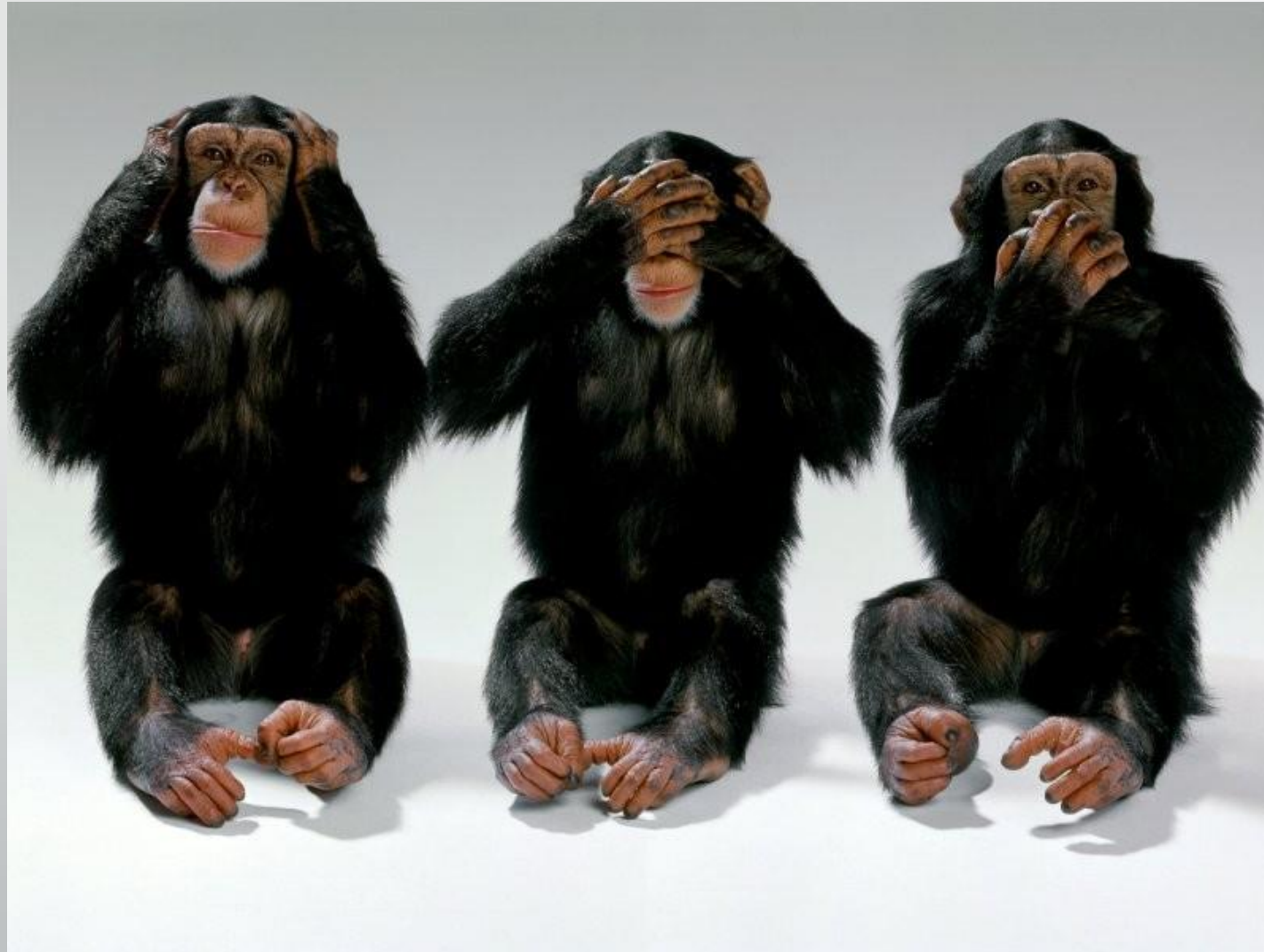
- Who are student's friends? What, if any, peer or friend groups is the student involved with? How exclusive is that peer group? Is that group fascinated with violence or extremist beliefs?
- Does student use or have access to drugs and alcohol?
- Does student report being bullied or harassed by others at school or in the community?
- What are student's outside interests?
- What does child do after school?
- How is child influenced by peers?
- Has child ever done things that did or could have resulted in arrest?
- Is there violence in the child's neighborhood?



“We know that students will continue to make threats in schools, and that most will never carry them out. The use of this assessment/intervention model will help school authorities identify and deal with the high-risk threats that are the major concern, and respond to less serious threats in a measured way.”

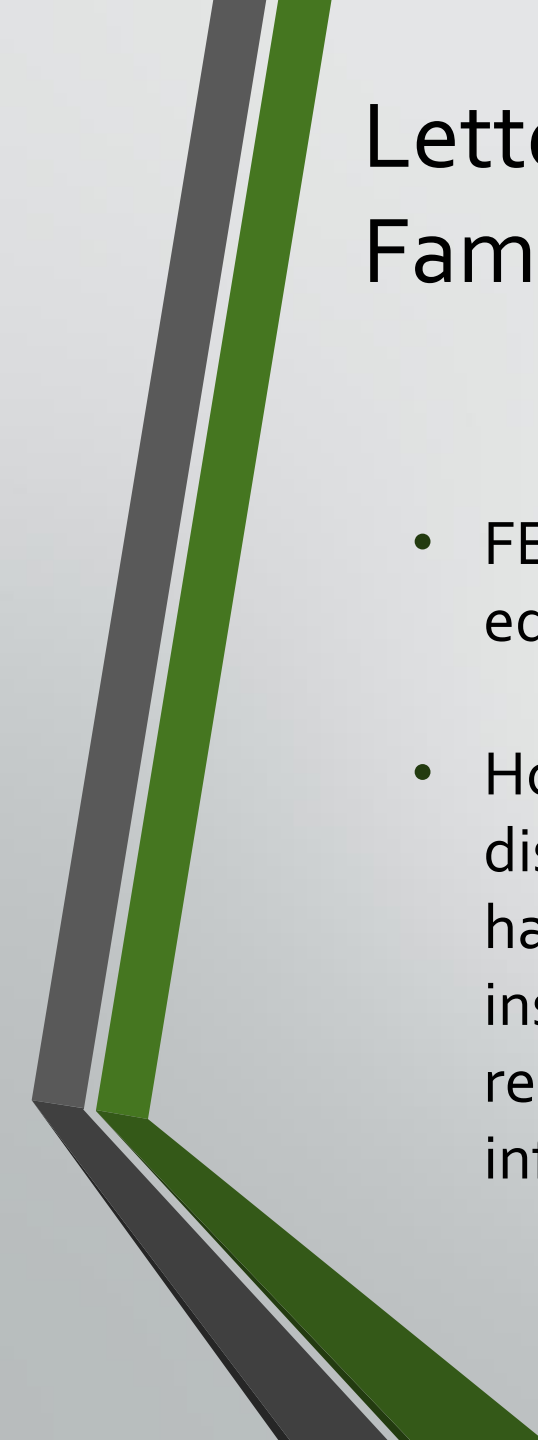
-Federal Bureau of Investigation, “The School Shooter: A Threat Assessment Perspective.” (1999).

Student Confidentiality and the Media



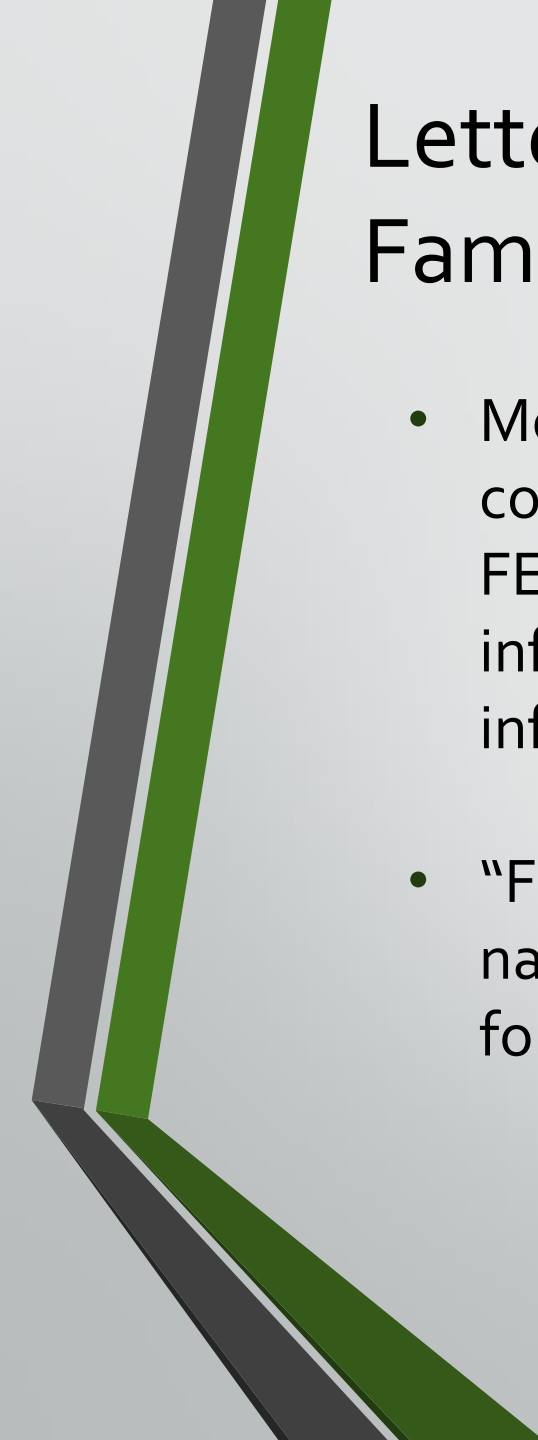
Initial Considerations

- Specific Media Requests about students and/or incidents
 - Can we release/confirm what is already publicly known?
 - Can we describe the threat?
- Auto-calls to parents
 - When do you call? During the lock-down? After?
- Use of media to demonstrate crisis response and consequences
- Release of Information to Law Enforcement
 - FERPA Emergency Exceptions
 - Warrant or Subpoena



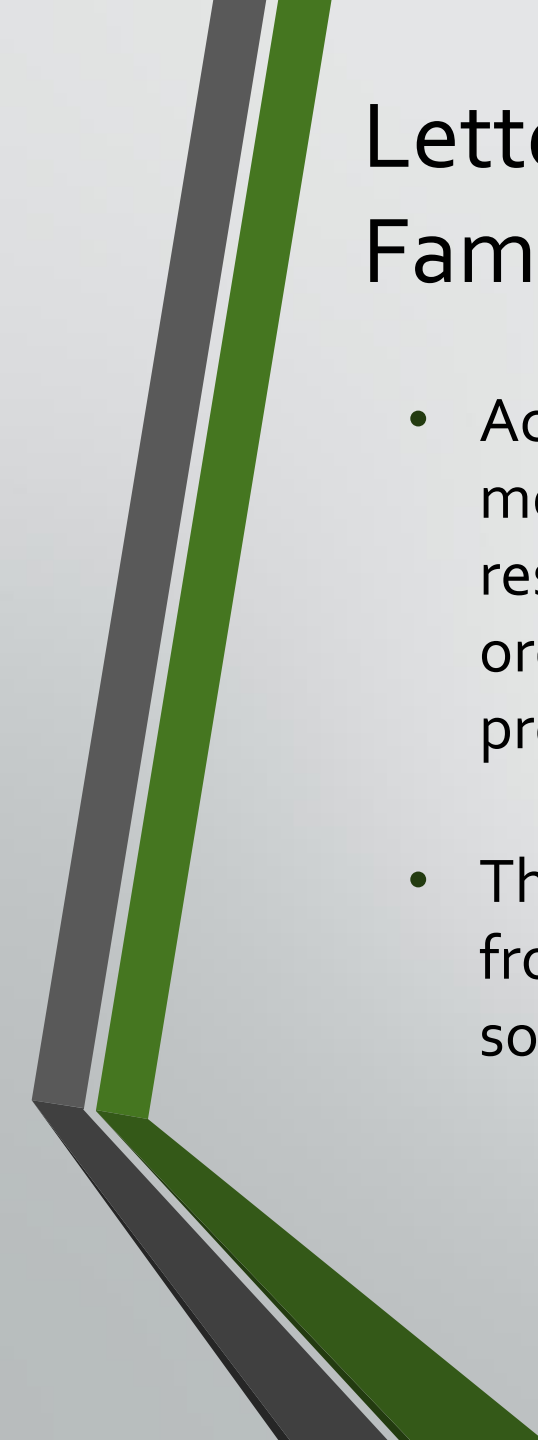
Letter to Wagoner, from LeRoy S. Rooker, Director, Family Policy Compliance Office, March 10, 1999.

- FERPA does permit the nonconsensual disclosure of information from education records in certain limited circumstances.
- However, none of these circumstances permits nonconsensual disclosure of education records to the public, even if a parent or student has made certain claims in public about the educational agency or institution or certain of its employees or representatives. This restriction applies to educational agencies and institutions even if the information could be obtained from another source.



Letter to Wagoner, from LeRoy S. Rooker, Director, Family Policy Compliance Office, March 10, 1999.

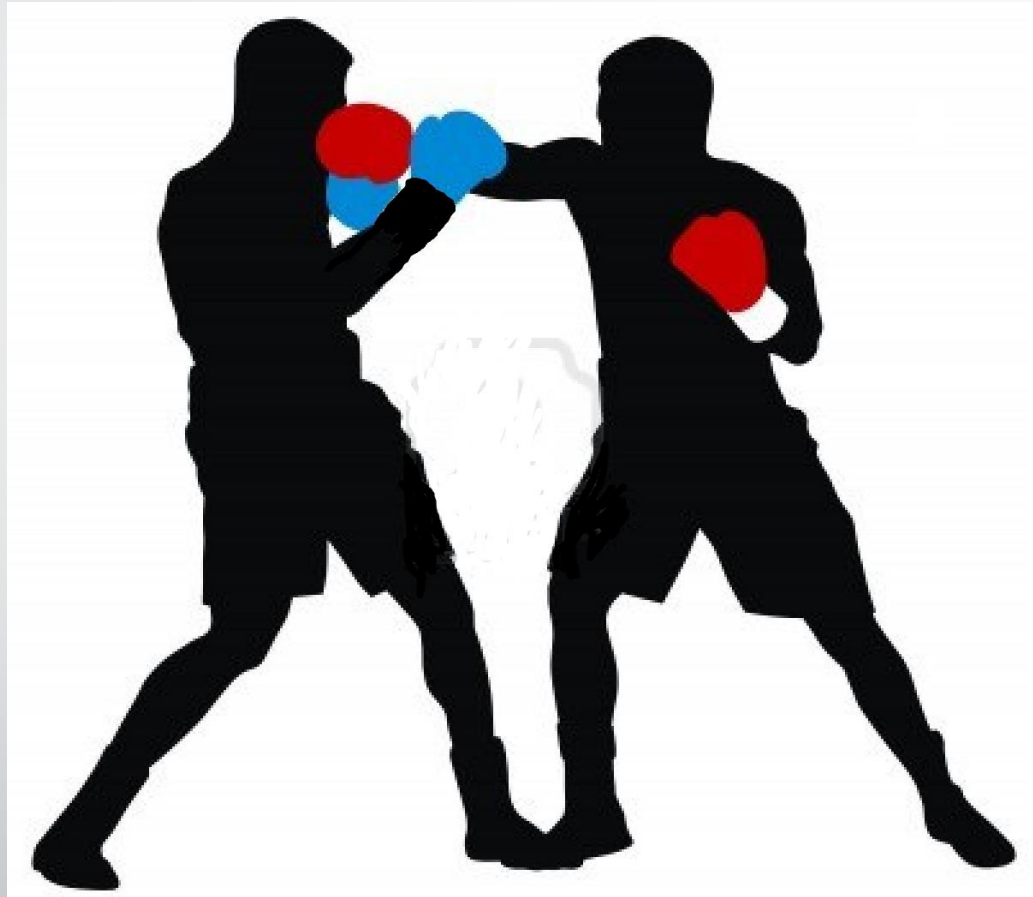
- Moreover, verification or confirmation of facts contained in or which constitute education records without prior written consent violates FERPA because it requires disclosure of personally identifiable information from an education record, or at the least, a reliance on information contained in education records.
- “For future reference, when the District has a media inquiry of this nature, this Office would always advise that the parents provide consent for the disclosure.”

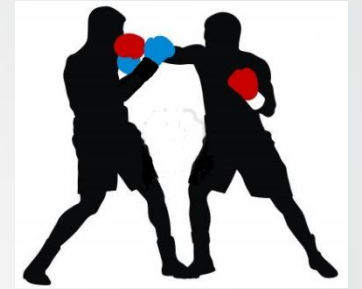


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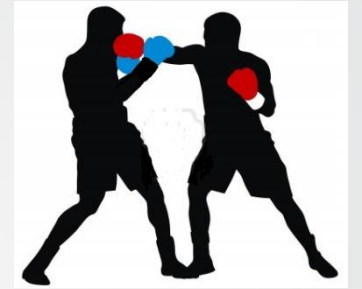
- Accordingly, in a situation where the District receives a request from the media and wishes to respond, the District should indicate that FERPA restricts the disclosure of information from education records, and that in order to discuss any details from such records, the parents will have to provide their prior written consent.
- The District may want to add that it would be free to discuss information from education records after it receives the parents' written consent to do so.

Duck, Pivot & Punch





- Duck and Pivot: “In accordance with federal law we cannot discuss specific student matters. However, we take student safety very seriously and work hand-in-hand with law enforcement anytime a serious issue arises. In addition, school policies allow for short and long term suspensions of students when necessary to maintain order and safety in our schools.”
- Punch: “We know of no current safety issues at the High School.”



- Duck and Pivot: "All students making threats regarding the safety of the school will be subject to long-term suspension and the matter will be turned over to law enforcement."
- Punch: The students who made the threats have been long term suspended.

Be Proactive with Media

- Have staff begin working on announcements or press releases early.
 - Focus on what you can discuss (discuss with school attorney):
 - Importance of student safety
 - General description of threat
 - General consequences for student behavior, including referral to law enforcement
 - Positive crisis response
 - Partnership with law enforcement
 - Follow up services/plans for students
- Do not release specific safety plans to media or public.

Be Proactive with Parents/Students

- Make a determination now about when the call will go home to parents.
 - If we go on hard lock-down, we will call when . . . Follow up call . . .
 - If we evacuate, we will call, when
- Have someone review principal messages to parents, to ensure confidential information is not on the recording.
- Hold community/parent nights if necessary.
 - Inform/warn parents and students that all threats are taken seriously
 - See something, say something

AND ALWAYS REMEMBER

No Private Right of Action

Discipline Options



In North Carolina 2016-17 School Year

- 18 Expulsions (33.8% decrease)
- 9,834 criminal offenses reported (1.9% decrease)
 - 89 bomb threats
 - 105 possession of firearm or explosives
 - 1,431 assaults on school staff
 - 278 other offenses labelled as violent or dangerous
- 695 long-term suspensions
- 5,054 students assigned to alternative learning programs or alternative schools

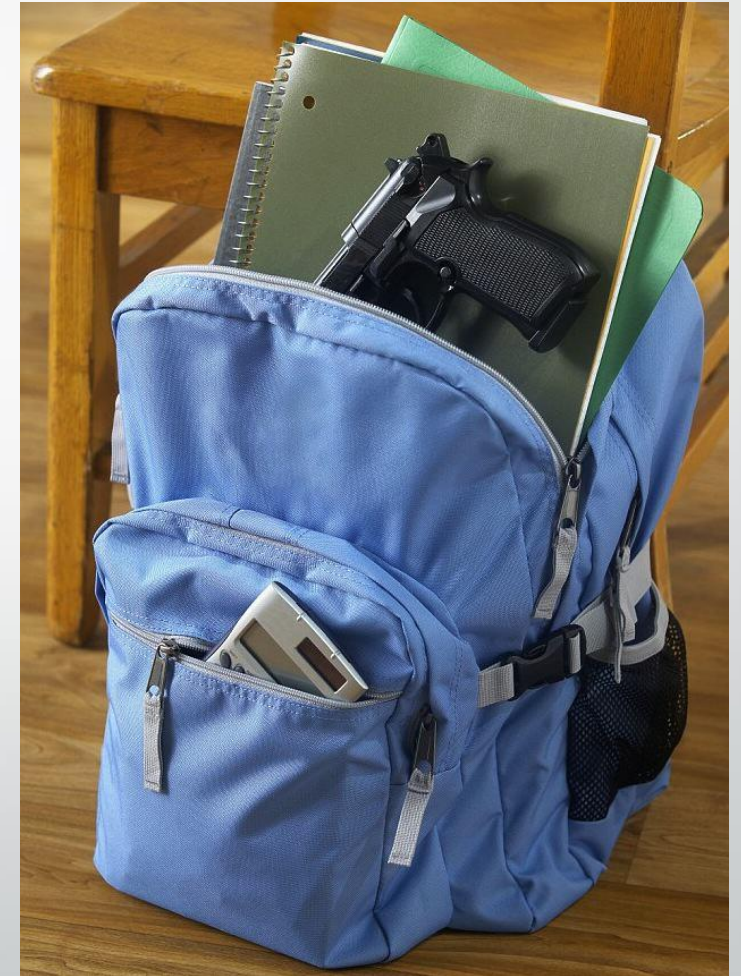
- NC Department of Public Instruction, "Annual Report on School Crime and Violence"

Long-term Suspensions—115C-390.7

- Any suspension lasting longer than ten days must be approved by the Superintendent (usually on Principal's recommendation).
- Student and parents have a right to notice of the recommendation and a hearing to allow them to respond and present mitigating evidence. Procedures are outlined in 115C-390.8.
- Does not include reassignment to an alternative education program.
- Superintendent must consider alternative services, unless the Superintendent has significant reason to decline such offer.

Mandatory 365 Day Suspension—115C-390.10

- 115C-390.11—Student who is found to have brought or been in possession of a firearm or destructive device must be suspended for 365 calendar days
- Requires notice and due process procedures similar to long-term suspension
- Student may request readmission after 180 calendar days. Board policy must have published written policies and procedures for such requests. Board (or Superintendent) may review student's records and request and readmit if it is determined that he/she is no longer a threat to safety of students or staff—115C-390.12



Alternative Educational Services

115C-390.9

Superintendent must offer when considering long-term suspension, unless exception applies:

- violent behavior;
- threat to other students or staff;
- substantially disrupts school;
- other serious misconduct;
- AES not available.

Alternative program/placement must meet State Board of Education standards and provide student with timely opportunity to make progress towards graduation

Expulsion

- Indefinite exclusion from school for disciplinary purposes. Student ceases to be considered a student in the district. Cannot access or enter facilities.
- Action may be taken by the Board upon Superintendent recommendation
- Student must be 14 years of age or older
- “Continued presence constitutes a clear threat to the safety of other students or school staff.”
- Board must conduct hearing. Student must be made aware of the recommendation of expulsion and the date/time/place of the hearing.
- Board must consider alternatives, including alternative program placement.


Other Discipline Sanctions/Actions

The Carrot and the Stick

- Psychological Assessment and Counseling
- Voluntary consent to search bags, jackets, pockets upon entry into school
- Community Service
- Alternative Education Services (Homebound, On-line, etc.)



<https://wresa.org/essential-risk-management-issues-and-professionalism-topics/>



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