Issue Date: October 13, 2023

Behavioral Threat Assessment Policy Themes

Purpose:

This document is a current running list of items that we have noted to help guide the Agency in future school safety conversations and policy discussions. The themes below are what have come up in conversation so far. This document is meant to be dynamic and continually updated as additional observations, insights, and values are shared. If you would like additional themes or more context added to the document, please contact Ted and Lindsey.

This document is up to date as of **October 23, 2023**

Risks identified prior to the stakeholder process:

1. Disproportionate impact on historically marginalized students, including people or communities of color (BIPOC), students with disabilities, and low-income students.
2. Concern that Behavioral Threat Assessment (BTA) process will preempt or "short circuit" existing disciplinary, due-process, and support services for students, or that schools will use a "threat" as an excuse to not provide services.
3. Concerns about training and proper implementation.
4. Concerns about relationship between BTA process and law enforcement, specifically disproportionate impacts of policing in schools.

Themes identified during stakeholder process:

1. **Importance of initial and ongoing training**: We heard congruent commentary from many participants in our October 5 meeting that the model seems robust and has many appropriate safeguards and a restorative focus. Many expressed interest in learning more about how this plays out in terms of training and implementation. There was an emphasis on ensuring training is ongoing, meaningful, specific, and repeated with a focus on the overall goal of the training and not just hours completed or checking a box. There was also a desire to know who is being trained on what. Specifically, what training members of a BTA team receive versus the school community generally. It is important that all staff are oriented and familiar with the process to help build out a succession plan. It was also noted that within bias training it is important to tease out specifically what biases we are referring to.
2. **Integration into pre-existing systems for student support:**
   We heard from Dr. Reeves that when done right, BTA process

supports or complements, but does not supplant existing processes for supporting students, promoting positive school climate, etc. The BTA process should not (and may not be pursuant to Act 29) replace processes established under federal and state law to protect students (e.g. individualized education program (IEP) process, disciplinary process, etc.). Many expressed interest in how these should best integrate. It was noted that specifying the existing systems would be helpful in the process or incorporating them. It was also noted this would help identify offramps to shift the process according to individual student needs.

3. **Collateral impacts of BTA process:** There was discussion during our October 11 meeting about the implications of BTA records, in particular in cases where the BTA process is not "continued" beyond an initial assessment. These records can be requested by a guardian (including the Department of Children and Families (DCF)) and may end up in court proceedings where the human context might be very important to supporting a finding that a student poses no threat is lost.
    a. Concern that mere presence of record has an impact.
    b. Concern about implicit bias, both in school context, and in other "downstream" context
    c. Discussion of potential mitigating factors, such as a uniform format for reporting / contextualizing. Recommendation of further legislation to establish a separate category of records outside of a standard student record and defining what constitutes the need to share a BTA record.

4. **Confidentiality**: Beyond just records and their management, confidentiality, and who has access to what information was a theme during our October 11 meeting. There was discussion about creating a removal process for unfounded reports.

5. **Interaction between BTA process and law enforcement, particularly School Resource Officers (SROs)**: Some initial conversation was had on this topic on October 11. Some members of the group have strong concerns about SROs in particular due to data showing disproportionate impact of arrests / interactions with law enforcement (LE) on students of color, students with disabilities, and LGBTQIA+ students (when SROs are present?). (aligned to Risk #4, above). It was noted that it would be beneficial to name the position of SROs in the model policy specifying that the adoption of the model policy does not equate to the automatic adoption of an SRO as well as specifying MOUs with departments.

6. **Relationship between BTA process and exclusionary discipline:** During the Q&A on October 11, there were questions about what the student experience looks like while the BTA is ongoing, and whether students were suspended.

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