

**Rhode Island Threat Assessment Teams
Implementation Guidance**



**Developed by the
Rhode Island School Safety Committee
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Introduction

In the 2019 Legislative session the Rhode Island General Assembly amended Chapter 16-21 of the General Laws entitled “Health and Safety” of students, by adopting “**R.I.G.L. §16-21-23.2. Threat Assessment Teams and Oversight Committees**”. R.I.G.L. §16-21-23.2. specifies that:

“Each local school board or committee shall adopt written policies for the establishment of threat assessment teams, including the assessment and intervention with individuals whose behavior may pose a threat to the safety of school staff or students, consistent with the model policies developed by the School Safety Committee. Such policies shall include procedures for referrals to community services or health care providers for evaluation or treatment when appropriate”

The “*Threat Assessment Teams Implementation Guidance*” was developed by the Rhode Island School Safety Committee and is intended to provide school administrators and their community partners assistance in incorporating the threat assessment process for investigating, evaluating, and managing targeted violence into strategies to create safe and secure school environments that enhance the learning experience for all members of the school community. The guide is based upon the most up to date information on preventing, mitigating, responding to, and recovering from disruption in the school environment.

Effective threat assessment can only occur in a larger context of school safety. Cultures and climates of safety, respect, and emotional support can help diminish the possibility of targeted violence in schools. Environments in which students, teachers and administrators pay attention to students’ social and emotional needs—as well as their academic needs—will have fewer situations that require formal threat assessments. Additionally, the well-being of students, staff and community are sustained and enhanced through a policy of developing:

- C:** Caring environments and connections to build a positive school/campus climate
- A:** Awareness of resources and reporting options;
- R:** Recognition of (and response to) aberrant and concerning behaviors
- E:** Engagement with the community and persons within the school for whom there is a concern
- S:** Support for each other.

In addition to adopting written policies for the establishment and obligations of threat assessment teams, R.I.G.L. §16-21-23.2 specifies that each local school board or committee shall require the superintendent of each school district to:

- Establish a district committee charged with the oversight of the threat assessments teams operating in the district, and
- Establish a threat assessment team for each school in the district, and
- Ensure that the threat assessment teams are made up of persons with expertise in guidance, counseling, school administration, mental health, and law enforcement.

Each threat assessment team shall:

- Provide guidance to students and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self
 - This could be accomplished by conducting presentations, broadly disseminating relevant information, and ensuring access to consultation from threat assessment teams;
- Identify members of the school community to whom threatening behavior should be reported to; and
- Implement local school district policies in an effective manner for the assessment of intervention with individuals whose behavior poses (or may pose) a threat to the safety of school staff or students, including (where appropriate) referrals to community services or mental health care providers for evaluation or treatment, and
- Not disclose any information obtained during their assessment beyond the purpose for which the disclosure was made to the threat assessment team

The intent of this guide is to assist school districts/departments in the implementation of R.I.G.L. §16-21-23.2 by providing model practices and procedures that can assist districts in creating their own teams and developing their own district-specific protocols. Ultimately local school districts are responsible for implementing the law, and as such local school district leadership and legal council should be consulted to ensure that the protocols meet the intent of the law.

NOTHING IN THIS GUIDANCE SHALL PRECLUDE SCHOOL DISTRICT PERSONNEL FROM ACTING IMMEDIATELY TO ADDRESS AN IMMINENT THREAT

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The rationale for utilizing a threat assessment team approach:

Following the shooting at Columbine High School in 1999, the U.S. Secret Service partnered with the U.S. Department of Education to study school violence. Completed in 2002, the *Safe School Initiative* examined 37 incidents of targeted violence that occurred at elementary and secondary schools (i.e., K–12).³ The study sought to analyze the thinking and behavior of students who committed these acts from an operational perspective. Its key findings include:

- Incidents of targeted violence at K–12 schools were rarely sudden or impulsive acts.
- Prior to most incidents, other people knew about the attacker’s idea and/or plan to attack.
- There is no accurate or useful “profile” of students who engaged in targeted school violence.
- Most attackers engaged in some behavior prior to the incident that caused others concern or indicated a need for help.
- Most attackers had difficulty coping with significant losses or personal failures. Moreover, many had considered or attempted suicide.
- Many attackers felt bullied, persecuted, or injured by others prior to the attack.
- In many cases, other students were involved in some capacity.

On February 14, 2018, fourteen students and three staff members at the Marjory Stoneham Douglas High School in Parkland, Florida were fatally shot and seventeen others were wounded in one of the deadliest school shootings in United States history. In March, 2018 a “Federal Commission on School Safety” was established to review safety practices in schools and make actionable recommendations of best practices to make students safe. The findings released by the Commission in December of 2018 report that: “Studies have shown that, prior to the incident, most attackers engaged in behavior that caused others concern and that others knew about the attacker’s ideas or plan to attack. Indeed, before the Parkland shooting, multiple reports were allegedly received about the shooter’s concerning behavior”. How they were processed, evaluated, and acted upon remains under review. What is certain is that effective programs addressing suspicious activity reporting and threat assessment can significantly reduce—or prevent—violence.

The school threat assessment process essentially involves a three-step model in which a team *identifies* students of concern, gathers information about their behavior and circumstances to *assess* whether they pose a risk of harm to themselves or the school community, and develops a *management* plan to mitigate that risk. Threat assessment does not definitively predict whether someone will commit an act of violence. Rather, its goal is to evaluate the risk an individual may pose and implement intervention strategies to address concerns.

Establishment of the Threat Assessment Team:

The first step in the threat assessment process is to establish a multidisciplinary threat assessment team (Team) of individuals who will direct, manage, and document the threat assessment process. The Team will receive reports about concerning students and situations, gather additional information, assess the risk posed to the school community, and develop intervention and management strategies to mitigate any risk of harm.

R.I.G.L. §16-21-23.2(c) requirements:

A school threat assessment should be conducted by a multi-disciplinary team of trained professionals. Assessment team members may be chosen by their profession and school role or by their relationship to a threat to be discussed. R.I.G.L. §16-21-23.2(c) states that:

“Each district superintendent shall establish, for each school, a threat assessment team that shall include persons with expertise in guidance, counseling, school administration, mental health and law enforcement.”

Suggested threat assessment team members include:

- School administrators, such as the principal, vice principal or senior administrator
- School guidance counselor
- School psychologist and/or school social worker
- Special education teacher or staff
- Instructional staff, e.g., a teacher or administrator with instructional experience,
- School resource officer or other law enforcement representative
- Human resource professionals as needed;
- Para-professional school staff, e.g. a coach or school nurse-teacher
- A community resource known to the student, e.g., a direct staff worker of the student

The make-up of the threat assessment team can differ from time to time, based upon the type of threat involved, the student making the threat or exhibiting worrisome behavior, the relationship of a faculty or staff member to that student and the availability of threat assessment team members. When students with disabilities are involved, a representative with expertise in special education, e.g. case manager, should be included as a member of the threat assessment team.

Teams should establish protocols and procedures that are followed for each assessment, including who will interview the student of concern; who will talk to classmates, teachers, or parents; and who will be responsible for documenting the Team’s efforts. Established protocols allow for a smoother assessment process as Team members will be aware of their own roles and responsibilities, as well as those of their colleagues.

Team members should meet whenever a concerning student or situation has been brought to their attention, but they should also meet on a regular basis to engage in discussions, role-playing scenarios, and other team-building and learning activities. This will provide members of the

Team with opportunities to work together and learn their individual responsibilities so that when a crisis does arise, the Team will be able to operate more easily as a cohesive unit.

All Team members shall actively, lawfully, and ethically communicate with each other; with school administrators; and with other school staff who have a need to know information to support the safety and well-being of the school, its students and staff. No member of the team shall disclose any information obtained during the threat assessment, beyond the purpose for which the information was originally obtained.

Role of the Team Leader at the School Level:

Each district should designate individuals who will fill the role of team leader, ideally each district will have a district-wide team leader as well as team leaders at each of the district's schools. The threat assessment team leader should coordinate the threat assessment process, from the time of notification of a potential threat, through resolution of the threat including any necessary follow-up.

The team leader may designate a subset of team members to triage cases reported to the team. This triage process serves to screen cases and determine their appropriateness for review and/or action by the full team. If the team elects to implement a triage process, at least two members of the team should review initial reports of concern to determine if existing resources and mechanisms are sufficient to address those concerns, or whether the full team should further assess and manage the situation. All members of the team should have the opportunity to review triaged cases to ensure they have been adequately addressed.

Definitions and explanations that may be helpful:

What is a Threat?

The Oxford Dictionary defines a threat as an expression of intention to inflict pain, injury, damage, or other hostile action on someone in retribution for something done or not done. This expression may be spoken, written, or gestured. Threats can be expressed directly or indirectly to the victim or to others, and threats may be explicit or implied. A threat to harm others can be substantive or transient (i.e., expression of anger or frustration that can be quickly or easily resolved or serious intent to harm others that involve a detailed plan and means)

A threat is a concerning communication or behavior that indicates that an individual poses a danger to the safety of school staff or students through acts of violence or other behavior that would cause harm to self or others. This threat may be expressed/communicated behaviorally, orally, visually, in writing, electronically, or through any other means. It is considered a threat regardless of whether it is observed by or communicated directly to the target of the threat or observed by or communicated to a third party, or whether the target of the threat is aware of the threat.

What is a Threat Assessment?

A threat assessment is a fact-based process emphasizing an appraisal of observed (or reasonably observable) behaviors to identify potentially dangerous or violent situations. This process involves the assessment of what the threat, or potential threat is, who has made the threat, if known, the likelihood of the threatening act occurring, and the development of response. The central question to be answered through the threat assessment process is “ Does this student *pose* a threat”, not whether the student has *made* a threat.

What is involved in a threat assessment?

- A threat assessment involves evaluation and classification of the threat (i.e., transient versus substantive) and appropriate response and intervention, including notification and involvement of parents and a written safety plan. It should include a suicide risk assessment as these students are often also suicidal.
- There is no profile of a student who will cause harm. There is no easy formula or profile of risk factors that accurately determines whether a student is going to commit a violent act. The use of profiling increases the likelihood of misidentifying students who are thought to pose a threat.
- Most students who pose a substantive threat indicate their intentions in some way. Examples include statements to friends, ideas in written work, drawings, and postings on social media that threaten harm.
- It is important to act quickly if there is a concern about a threat, and to call 911 if a threat is imminent. Steps to take can include contacting the appropriate school administrator, the school crisis team leader, the school-employed mental health professional(s) and/or local law enforcement immediately. It is their job to determine next steps, including potentially contacting named intended victim(s).
- The threat assessment should be a component of a comprehensive approach to maintaining a safe school, which offers a balance between physical and psychological safety.

When should the threat assessment and intervention protocol be activated?

- When threats of violence are reported or observed
- When violence against others is reported or observed
- When significant aberrant or worrisome behaviors are reported or observed

What is aberrant or worrisome behavior?

Aberrant or worrisome behavior for an individual involves actions, statements, communications or responses that are unusual for the person or situation; or actions which could lead to violence toward self or others; or are reasonably perceived as threatening or causing concern for the well-

being of the person or others in the school community. These behaviors can include, but are not limited to:

- Unusual social distancing or isolation of subjects from peers and family members
- Sullen or depressed behavior from an otherwise friendly and positive person
- Out of context outbursts of verbal or physical aggression
- Increased levels of agitation, frustration, and anger
- Confrontational, accusatory or blaming behavior
- An unusual interest in or fascination with weapons
- Fixation on violence as a means of addressing a grievance

Behaviors may be classified or described as:

Low-Risk Threat:

One in which the individual/situation does not appear to pose a threat of violence or serious harm to self/others, and any exhibited issues/concerns can be resolved easily. **Example:** Student makes a statement that when put in the environmental context has no other meaning than an angry outburst. There is no specific plan or access to means or ability to follow through.

Moderate Risk Threat:

One in which the person/situation does not appear to pose a threat of violence, or serious harm to self/others, at this time; but exhibits behaviors that indicate a continuing intent and potential for future violence or serious harm to self/others; and/or exhibits other concerning behavior that requires intervention. **Example:** Student made a statement with some thought but has no specific plan or immediate available means.

High-Risk Threat:

One in which the person/situation appears to pose a threat of violence, exhibiting behaviors that indicate both a continuing intent to harm and efforts to acquire the capacity to carry out the plan; and may also exhibit other concerning behavior that requires intervention. **Example:** Student made a clear statement and/or a gesture, has the availability of means to carry out the threat.

Imminent Threat:

Exists when the person/situation appears to pose a clear and immediate threat of serious violence toward others that requires containment and action to protect identified or identifiable target(s) and may also exhibit other concerning behavior that requires immediate intervention. **Example:** Student made a clear and immediate statement/gesture, has a specific plan and has the immediate availability of means to carry this out.

Special Considerations :

A determination that a person with a disability poses a direct threat may not be based on generalizations or stereotypes about the effects of a particular disability and must be based on an individualized assessment, based also on reasonable judgment relying on current medical evidence or on the best available objective evidence, to determine: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures will mitigate the risk.

Procedures:

Identifying and Reporting Threats:

When an individual makes a threat or engages in concerning communications or behaviors that suggest the likelihood of a threatening situation, the policies and procedures created by the local school committee, and/or district should be followed.

The goal of the threat assessment process is to take appropriate preventive or corrective measures to maintain a safe and secure school environment, to protect and support potential victims, and to provide assistance, as needed, to the individual being assessed.

Assessing Threats:

When a threat is reported, the school administrator and/or threat assessment team leader should initiate an inquiry/triage and, in consultation with the threat assessment team, make a determination of the seriousness of the threat as expeditiously as possible.

- If the individual appears to pose a clear and imminent threat of serious violence, the administrator shall notify local law enforcement in accordance with school district policies. Other administrative responses may include evacuation, reverse evacuation, school lockdown, and/or shelter in place for the student body.
- If there is no reasonably apparent imminent threat present, or once such an imminent threat is contained, the threat assessment team leader shall ensure that the situation is screened/triaged to determine if the full threat assessment team needs to be involved.

The safety and security of the students, faculty and staff is the priority and should not be delayed by the notification to law enforcement, any of the above responses can be implemented before, during, or after notification to law enforcement.

Notification to Law Enforcement:

The school administration should have protocols in place for when law enforcement will be notified of behavior that may constitute a violation of criminal law. A member of law enforcement, such as a campus school resource officer is required to be part of the threat assessment team and can provide guidance on what behaviors or acts may constitute a violation of criminal law. The school resource officer will be responsible for all law enforcement activities on the campus in accordance with their departmental policy, and the policies and protocols agreed upon by the school district and local or state law enforcement. School administrators should also develop protocols that detail who to contact if the school resource officer is unavailable and how to report any threats that require immediate notification to law enforcement. (911 or direct line)

The following are examples of incidents requiring immediate reporting:

- assault and battery that results in bodily injury
- sexual assault
- death, shooting, stabbing, cutting, or wounding of any person
- stalking of any person, on a school bus, on school property, or at a school-sponsored activity
- threats against school personnel while on a school bus, on school property or at a school-sponsored activity
- students bringing or possessing firearms or other weapons on school property or events
- illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, or explosive or incendiary devices, or chemical bombs, on a school bus, on school property, or at a school-sponsored activity
- threats or false threats to bomb made against school personnel, students or staff or involving school property or school buses

Parental Notifications:

The school administrator should consult with the school resource officer or local law enforcement to determine when to notify the parents and/or guardians of any minor student who is alleged to have committed a criminal act. This collaboration will allow for proper parental notification, while preserving the integrity of any criminal investigation. R.I.G.L. §16-21.5 details the procedure for the questioning of students by law enforcement and when parental notification should take place. The school administrator should refer the parents and/or guardians to the law enforcement agency for further information.

Information Collection:

This section will provide school districts with guidance on what information should be collected during a threat assessment, and potential sources of that information. Threat Assessment Teams will decide on a case by case basis what information is needed for an assessment, and where that information will come from. School districts may find the forms included later in this guide helpful in compiling this information. Teams may find the forms at the end of this guide helpful in recording the threat assessment process.

Information Sharing:

Threat Assessment Team members should follow district policies as well as relevant laws and regulations regarding information sharing between individuals and agencies. School district policies should clearly outline what information can be shared by and to whom, and when that information can be shared. Team members should be familiar with existing information sharing policies, laws and regulations, and the exceptions to those regulations, so as not to impede the decision-making process during a threatening situation.

Gather a Variety of Information:

- What is the specific threat?
 - *Are the time, place or type of incident contained in the threat?*
 - *Is the threat imminent and emergency procedures need to be activated?*
 - *Do we know the identity of the person making the threat?*
 - *Is the threat against a specific individual(s)?*
 - *Who received the threat, and how was it received?*
 - *What was the context of the reported behavior, and what else was going on at the time of the reported behavior?*
 - *Who, if anyone, observed the reported behavior of concern?*

- What do we know about the person making the threat?
 - *How did the student come to the attention of school officials?*
 - *What behaviors and/or communications were reported?*
 - *Is the person known to school personnel, and if so by whom?*
 - *Has the person exhibited worrisome behaviors before?*
 - *Has the person had any recent triggering events?*
 - *Do they have access to weapons or other means to carry out the threat?*

- Specific, identifying Information:
 - *Name*
 - *Physical description (hair color, scars, clothes, etc.)*
 - *Date of birth*
 - *Identification numbers: student ID, etc.*
 - *Place of residence*

- Current Life Information:
 - *Present stability of living and home situations*
 - *Nature and quality of current relationships and personal support*
 - *Recent losses or losses of status (shame, humiliation, recent breakup or loss of significant relationship)*
 - *Current grievances or grudges*
 - *Perceptions of being treated unfairly*
 - *Known difficulty coping with a stressful event*
 - *Any progression in social, academic, behavioral, or psychological functioning*
 - *Recent hopelessness, desperation, and/or despair, including suicidal thoughts, gestures, actions, or attempts*
 - *Recent interactions with law enforcement either within or outside of the school environment*
 - *Pending crises or change in circumstances*

- *Access to weapons or other means to carry out a threat*
- *Note whether the student has any trusting relationships with adults who are emotionally available to him or her*
- *If there is an adult who is “connected” to the student, that adult may have useful information about the student’s thinking and behavior and may also have the ability to disrupt the negative behavior patterns of the student*

Potential Sources of Information:

- School records including guidance, counseling, or other documentation of previous behavior or activity
- Interviews with other students, faculty, or staff who are familiar with the student
- Information from parents or other family members or caregivers
- Copies of the student’s recent academic work, such as projects, writings or other information the student has produced
- Law enforcement records or information including recent interactions between the student and law enforcement
- Outside agency information such as counsellors or medical professionals
- Information that can be obtained from the student’s internet activity or accounts
- Other public sources of information that may contain information about a student or their behaviors or actions

Interviews:

Prior to an incident the Threat Assessment Team should establish procedures/protocols on the interview process. The decision to interview any particular person will need to be made on a case-by-case basis as every situation is different. These procedures/protocols can include:

- Should the student of concern be interviewed?
- When with the student of concern be interviewed?
- Who else may need to be involved in the interview process (i.e.: parent, law enforcement)?
- Who will conduct the interview?
- Where will the interview be conducted?
- What questions need to be answered during the interview?
- Who else should be interviewed?

Interview the student of concern:

Interviews with a student of concern oftentimes are critical in a threat assessment inquiry. School administrators and law enforcement officials and their respective legal counsels should follow existing policies or develop policies regarding interviews with students of concern.

The primary purpose of a student interview is to learn about the student's thinking, motives, and behavior. The interviewer should have reviewed available information concerning the threat as well as the student's background, interests, and behaviors.

The tone of the interview should be professional, neutral, and non-confrontational, rather than accusatory or judgmental. Generally, a student should be asked directly about his or her intentions.

An interview can also send the message to the student that his or her behavior has been noticed and has caused concern. Student safety should be maintained as a priority while waiting for or during the interview.

Interviews of others who know the student of concern:

Students and adults who know the student who is the subject of the threat assessment inquiry should be asked about communications or other behaviors that may indicate the student of concern's ideas or intent. Some information gathered from these interviews can include:

- Have there been any communications suggesting ideas or intent to attack?
- Has the subject shown inappropriate interest in school attacks or attackers, weapons, incidents of mass violence?
- Has the student engaged in attack-related behaviors?
- Does the student have the capacity to carry out the act?
- Is the student experiencing hopelessness, desperation or despair?
- Does the student have a trusting relationship with at least one responsible adult?
- Does the student see violence as an acceptable or desirable way to solve problems?
- Is the student's conversation and "story" consistent with their actions?
- Are other people concerned about the student's potential for violence?
- What circumstances might affect the likelihood of violence?

Interview the Parent/Guardian:

The decision to interview the parents of a student of concern should be made by the Threat Assessment Team based upon a review of all the facts known about the threat. The parents or guardians of the student of concern should be interviewed in most cases, the Team should review the background of the student to determine if a parental interview is necessary or not.

Parents may be protective of their children, frightened and/or embarrassed about the inquiry and the possibility that their child may be contemplating a violent act. The threat assessment team, therefore, should make it clear to the student's parent or guardians that the objective of the threat assessment inquiry is not only to help prevent targeted school violence and diminish the chance that the student and possibly others would be harmed but also to *help their child* and protect the safety of others.

The threat assessment team should seek the help of the student's parents in understanding the student's actions and interests, recognizing that parents may or may not know much about their child's thinking and behavior. Some areas to focus the parental interview can be:

- Questions for parents should focus on the student's behaviors and communications, especially those that might be attack-related.
- Parents should be encouraged to explore all methods of their child's communications including internet messaging, cell phone communications, and postings on social network sites such as Facebook, Snapchat or any other social media sites.
- The students' interest in weapons should be explored, as well as his or her access to weapons at home.

Interview the potential target:

Individuals who have been identified as potential targets of the student of concern should also be interviewed. The primary purpose of that interview is to gather information about any possible situation of concern.

Obtain outside sources of information:

Information may come to the attention of schools through outside sources such as community organizations, clubs, other schools, and anonymous reporting lines, such as hotlines. It is important to gather as much information about the student to facilitate the decision-making process.

Organize and analyze the information;

Information gathered should be examined for evidence of behavior and conditions that suggest the student of concern is planning for an attack. Some questions to be answered by the threat assessment process are:

- Is the behavior of the student consistent with movement on a path toward attack?
- Consider if the student behavior:
 - normal behavior,
 - boundary probing behavior,
 - attack-related behavior, or
 - attack behavior
- Do the student's current situation and setting incline him or her toward or away from targeted violence?
- (Other assessment tools may also be used to help organize the information)
- There are examples of forms that may be used by school districts to document their threat assessment process located at the end of this section.

Determine the level of concern leading to an action plan – four basic possibilities

Low-Risk Threat:

One in which the individual/situation does not appear to pose a threat of violence or serious harm to self/others, and any exhibited issues/concerns can be resolved easily. The weight of the information is convincing that the student does not pose a threat of targeted school violence nor display any indicators of proactive violence, then the threat assessment team may conclude the threat assessment inquiry at this time and continue monitoring.

Moderate Risk Threat:

One in which the person/situation does not appear to pose a threat of violence, or serious harm to self/others, at this time; but exhibits behaviors that indicate a continuing intent and potential for future violence or serious harm to self/others; and/or exhibits other concerning behavior that requires intervention. An Action and Support Plan needs to be developed and documented. In this case, the team should work with school and district administrators, school district services, community partners, and others to ensure that these individuals receive assistance, continued support, and monitoring.

High-Risk Threat:

One in which the person/situation appears to pose a threat of violence, exhibiting behaviors that indicate both a continuing intent to harm and efforts to acquire the capacity to carry out the plan; and may also exhibit other concerning behavior that requires intervention. This intervention may include:

- An immediate report to law enforcement for a threat assessment investigation, or mental/behavioral professionals for evaluation and/or hold.
- A re-entry meeting must be conducted before the student returns to school to develop a school and community-based action and support plan.
- The plan should establish review dates, provide connection to district and community mental health professionals and provide monitoring measures.

Imminent Threat:

Exists when the person/situation appears to pose a clear and immediate threat of serious violence to self or others and may also exhibit other concerning behavior that requires immediate intervention. Teams should activate their school's emergency response procedures including lockdown, evacuations, or other methods to protect the life and safety of the students, faculty, and staff. These procedures should include:

- An immediate report to law enforcement for a response to the threat
- A threat assessment conducted by mental/behavioral professionals for evaluation and/or hold.
- Re-admission to school based upon the results of the behavioral/mental health evaluation.

Develop an action and support plan:

An Action and Support Plan can be developed for any situation but should be developed if the evaluation indicates medium level concern and/or upon school re-entry of student of high concern. The purpose is to provide management of the situation, to protect and aid possible targets, and to provide support and guidance to help the student deal successfully with his or her issues.

The plan also aids in monitoring of the student in the short-term and long-term. Strategies selected should have the best potential for long-term preventative power. The focus of the process is to connect the student to services and support systems that reduce the likelihood of future threatening behavior:

- Select actions and interventions related to the level of concern.
- Notify the potential target and their parents.
- Consider the history of previous actions, consequences, and interventions and evaluate their effectiveness.
- Start with as intense of a plan as needed, and then adjust based on progress. Timelines for review of progress can be short, if needed.
- Specify consequences, monitoring and supervision strategies, support for skill development and relationship building. Consider possible trauma history of student and plan accordingly.
- Maximize the resources of the student, family, community agencies, other intervention providers, etc.
- Use community collaborative teams for intervention planning or further assessment, as indicated.
- If additional formal assessment is part of the plan, obtain parent permission as necessary.
- Build-in formal follow-up meetings to review progress and response to the plan.
- Adjust plans as necessary .
- If a student has missed any time away from school, be sure to conduct a re-entry meeting with student, parents and appropriate staff members.

Document the threat assessment and keep records:

Regardless of the outcome of the Threat Assessment Inquiry, the Threat Assessment Team should document the behavior of concern, the inquiry process, and any actions taken. The school and/or district should have a central location for the information record-keeping, such as with an administrator and/or team who would have previous records and information if future concerns are raised.

- The reports should include a record of sources and content for all key information considered in the threat assessment, as well as the date that the information was acquired.
- It also is important to document the reasoning that led the threat assessment team to its decision.
- A well-documented record provides baseline information and can be useful if the student comes to authorities' attention again, or if at some point in the future, investigators or

school personnel need to determine whether the subject has changed patterns of thinking and behavior.

- This documentation can also be an asset in demonstrating that a threat assessment process was conducted properly and in compliance with applicable laws, policies, and procedures.
- Threat Assessment Teams should consult their district's policies and procedures for record keeping, ensuring that the Team is in compliance with any policies, procedures or regulations within the district.
- Threat assessments, and the records collected during an investigation, may be prohibited from disclosure based upon both federal and state law. Threat Assessment Teams should consult with the school district's legal advisor when determining the confidentiality of an individual's school record.

Continue monitoring of the student and the effectiveness of action and support plan:

The Team leader will decide of which Team member will be responsible for the implementation of any plans. This member will monitor the student's progress and make periodic reports back to the Threat Assessment Team. The Threat Assessment Team will review the progress and may change the student's plan based upon the needs of the student and the school.



THREAT ASSESSMENT AND RESPONSE PROTOCOL®

Comprehensive School Threat Assessment Guidelines

OVERVIEW

A threat is a communication of intent to harm someone that may be spoken, written, gestured, or expressed in some other form, such as via text messaging, email, or other digital means. An expression of intent to harm someone is considered a threat regardless of whether it is communicated to the intended target(s) and regardless of whether the intended target is aware of the threat. Threats may be implied by behavior that an observer would reasonably regard as threatening, planning, or preparing to commit a violent act. When in doubt, treat the communication or behavior as a threat and conduct a threat assessment. Threats that are not easily recognized as harmless (e.g., an obvious joke that worries no one) should be reported to the school administrator or other team members. The administrator or another team member makes a preliminary determination of the seriousness of the threat. The student, targets of the threat, and other witnesses should be interviewed to obtain information using this protocol. A *transient* threat means there is no sustained intent to harm and a *substantive* threat means the intent is present (or not clear) and therefore requires protective action. This form is a guide for conducting a threat assessment, but each case may have unique features that require some modification.

A threat assessment is not a crisis response. If there is indication that violence is imminent (e.g., a person has a firearm at school or is on the way to school to attack someone), a crisis response is appropriate. Take immediate action such as calling 911 and follow the school crisis response plan.

School Threat Assessment Decision Tree *

Step 1. Evaluate the threat.

Obtain a detailed account of the threat, usually by interviewing the person who made the threat, the intended victim, and other witnesses. Write the exact content of the threat and key observations by each party. Consider the circumstances in which the threat was made and the student's intentions. Is there communication of intent to harm someone or behavior suggesting intent to harm?

No →

Not a threat. Might be an expression of anger that merits attention.

Yes ↓

Step 2. Attempt to resolve the threat as transient.

Is the threat an expression of humor, rhetoric, anger, or frustration that can be easily resolved so that there is no intent to harm? Does the person retract the threat or offer an explanation and/or apology that indicates no future intent to harm anyone?

Yes →

Case resolved as transient; add services as needed.

No ↓

Step 3. Respond to a substantive threat.

For all substantive threats:

- Take precautions to protect potential victims.
- Warn intended victim and parents.
- Look for ways to resolve conflict.
- Discipline student, when appropriate.

Serious means a threat to hit, fight, or beat up whereas very serious means a threat to kill, rape, or cause very serious injury with a weapon.

Serious →

Case resolved as serious substantive threat; add services as needed.

Very Serious ↓

Step 4. Conduct a safety evaluation for a very serious substantive threat.

In addition to a-d above, the student may be briefly placed elsewhere or suspended pending completion of the following:

- Screen student for mental health services and counseling; refer as needed.
- Law enforcement investigation for evidence of planning and preparation, criminal activity.
- Develop safety plan that reduces risk and addresses student needs. Plan should include review of Individual Educational Plan if already receiving special education services and further assessment if possible disability.



Step 5. Implement and monitor the safety plan.

Document the plan.
Maintain contact with the student.
Monitor whether plan is working and revise as needed.



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THREAT REPORT	
<p>A threat is an expression of intent to harm someone that may be spoken, written, gestured, or communicated in some other form, such as via text message or email. Threats may be explicit or implied, directed at the intended target or communicated to a third party. Behavior that suggests a threat such as weapon carrying, fighting, or menacing actions should be investigated to determine whether a threat is present.</p> <p>The process is designed for assessment of threats to harm others and is not intended for individuals who have only threatened to harm themselves. Only a small percentage of cases require both threat assessment and suicide assessment, and in those cases, the team should supplement this form with their choice of a standard suicide assessment protocol.</p>	
Name of person reporting threat:	Date/time threat reported:
Affiliation of person reporting threat: <input type="checkbox"/> Student <input type="checkbox"/> Parent <input type="checkbox"/> Staff <input type="checkbox"/> Other:	
Name of person receiving the report:	

INCIDENT or BEHAVIOR OF CONCERN

Name of person making threat:	Date/time threat made:
Affiliation of person making threat: <input type="checkbox"/> Student <input type="checkbox"/> Parent <input type="checkbox"/> Staff <input type="checkbox"/> Other _____	Status: <input type="checkbox"/> Current <input type="checkbox"/> Former
Identification: <input type="checkbox"/> Male <input type="checkbox"/> Female Age: Grade, if student: School program, if student:	
Emergency Contact:	Relationship:
Home Address:	Phone:
Location threat occurred: <input type="checkbox"/> School Building or Grounds <input type="checkbox"/> School Bus/Other Travel <input type="checkbox"/> School-Sponsored Activity <input type="checkbox"/> Digital communication such as text or post <input type="checkbox"/> Other _____	
Summary of the incident or threat. What was reported? Include who said or did what to whom. Who else was present?	

ASSESSMENT FINDINGS (All sources are not needed in most cases.)

Sources of Information	Was information reviewed?	Relevant Findings (use additional pages as needed)
Prior threats	<input type="checkbox"/> Reviewed <input type="checkbox"/> Not applicable <input type="checkbox"/> Not available	
Prior discipline incidents	<input type="checkbox"/> Reviewed <input type="checkbox"/> Not applicable <input type="checkbox"/> Not available	
Academic records	<input type="checkbox"/> Reviewed <input type="checkbox"/> Not applicable <input type="checkbox"/> Not available	
Special education records	<input type="checkbox"/> Reviewed <input type="checkbox"/> Not applicable <input type="checkbox"/> Not available	
Other records	<input type="checkbox"/> Reviewed <input type="checkbox"/> Not applicable <input type="checkbox"/> Not available	
Records from other schools	<input type="checkbox"/> Reviewed <input type="checkbox"/> Not applicable <input type="checkbox"/> Not available	
Records from outside agencies (e.g., social services or mental health)	<input type="checkbox"/> Reviewed <input type="checkbox"/> Not applicable <input type="checkbox"/> Not available	
Law enforcement records (criminal history, contacts, firearms purchases, etc.)	<input type="checkbox"/> Reviewed <input type="checkbox"/> Not applicable <input type="checkbox"/> Not available	
Employment records (grievances, disciplinary actions, Title IX, etc.)	<input type="checkbox"/> Reviewed <input type="checkbox"/> Not applicable <input type="checkbox"/> Not available	



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Target (person who was target of threat) **OR** **Witness** (person with relevant information)

If more than one, complete additional forms. If a group targeted, describe how subject identified the group (e.g., "everyone on this bus") and list all individuals.

Target Name		ID #	
Affiliation	<input type="checkbox"/> Administrator <input type="checkbox"/> Teacher <input type="checkbox"/> Staff <input type="checkbox"/> Student <input type="checkbox"/> Parent/Guardian <input type="checkbox"/> Other:	Status	<input type="checkbox"/> Current <input type="checkbox"/> Former Grade (if student):
School		Building/ Program	
Emergency Contact		Relation	
Home Address		Phone	
Person(s) Conducting Interview		Location, Date of Interview	

Use these questions as a guide to interview the person targeted by the threat. Ask other questions as appropriate. Try to use open-ended questions rather than leading questions. If target is a minor, record parent under emergency contact. Adjust spacing below as needed.

1. Do you know why I want to talk to you? What happened today when you were [place of incident]? (Record person's exact words with quotation marks for key statements if possible.)

2. What exactly did (subject) say? And what exactly did (subject) do?

3. What did you think he or she meant when he or she said or did that? (Does target believe that subject intends to carry out the threat?)

4. How do you feel about what (subject) said or did?

5. What was the reason (subject) said or did that? (Probe to find out if there is a prior conflict or history to this threat.)

6. What are you going to do now? (Ask questions to determine how target plans to respond to the threat and assist in planning a safe and non-provocative response.) What do you think he/she will do now?



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KEY OBSERVATIONS

These items can help assess whether a threat is transient or substantive, but must be considered in the broader context of the situation and other known facts. Regard these items as a checklist to make sure you have considered these aspects of the threat, but they are not to be summed or used as a score.

Threat is likely to be less serious:

1. Subject admits to threat (statement or behavior).	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
2. Subject has explanation for threat as benign (such as joke or figure of speech).	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
3. Subject admits feeling angry toward target at time of threat.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
4. Subject retracts threat or denies intent to harm.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
5. Subject apologetic or willing to make amends for threat.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
6. Subject willing to resolve threat through conflict resolution or some other means.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	

Threat is likely to be more serious:

7. Subject continues to feel angry toward target.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
8. Subject expressed threat on more than one occasion.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
9. Subject has specific plan for carrying out the threat.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
10. Subject engaged in preparation for carrying out the threat.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
11. Subject has prior conflict with target or other motive.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
12. Subject is suicidal. (Supplement with suicide assessment.)	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
13. Threat involved use of a weapon other than a firearm, such as a knife or club.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
14. Threat involves use of a firearm.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
15. Subject has possession of, or ready access to, a firearm.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
16. Subject has or sought accomplices or audience for carrying out threat.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
17. Threat involves gang conflict.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
18. Threat involves peers or others who have encouraged subject in making threat.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	

Other relevant observations

THREAT CLASSIFICATION

Date of initial classification:	<input type="checkbox"/> Not a threat	<input type="checkbox"/> Transient	<input type="checkbox"/> Serious Substantive	<input type="checkbox"/> Very Serious Substantive
Date of change in classification, if any:	<input type="checkbox"/> Not a threat	<input type="checkbox"/> Transient	<input type="checkbox"/> Serious Substantive	<input type="checkbox"/> Very Serious Substantive

Reason for change:



OBSERVATIONS SUGGESTING NEED FOR INTERVENTION

This is an optional form used as needed for intervention planning. Here are some factors to consider in identifying possible interventions to assist the subject and reduce risk. These items are not summed or scored. Use the term “partially” as appropriate to the category to mean the condition is moderate or not clearly present.

1. History of physical violence.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
2. History of criminal acts.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
3. Preoccupation with violence, violent individuals, or groups that advocate violence.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
4. Preoccupation with mass shootings or infamous violent incidents.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
5. History of intense anger or resentment.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
6. Has grievance or feels treated unfairly.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
7. Feels abused, harassed, or bullied.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
8. History of self-injury or suicide ideation or attempts.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
9. Has been seriously depressed.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
10. Experienced serious stressful events or conditions.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
11. Substance abuse history.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
12. History of serious mental illness (symptoms such as delusions or hallucinations).	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
13. Might or does qualify for special education services due to serious emotional/behavioral disturbance.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
14. Prescribed psychotropic medication.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
15. Substantial decline in level of academic or psychosocial adjustment.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
16. Lacks positive relationships with one or more school staff.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
17. Lacks supportive family.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
18. Lacks positive relationships with peers.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
19. Other factors that suggest need for intervention.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	



Rhode Island School Safety Committee



THREAT RESPONSE

Use additional pages as needed. This is a list of common actions taken in response to a threat. Each case may require a unique set of actions. Add date and signature of person taking action if appropriate. Note if action was recommended but for some reason not completed (e.g., parent refusal).

<input type="checkbox"/>	1. Increased contact/monitoring of subject	
<input type="checkbox"/>	2. Reprimand or warning	
<input type="checkbox"/>	3. Parent conference	
<input type="checkbox"/>	4. Student apology	
<input type="checkbox"/>	5. Contacted target of threat, including parent if target is a minor	
<input type="checkbox"/>	6. Counseling (note number of meetings)	
<input type="checkbox"/>	7. Conflict mediation	
<input type="checkbox"/>	8. Schedule change	
<input type="checkbox"/>	9. Transportation change	
<input type="checkbox"/>	10. Mental health assessment	
<input type="checkbox"/>	11. Mental health services in school	
<input type="checkbox"/>	12. Mental health services outside school	
<input type="checkbox"/>	13. Assess need for special education services	
<input type="checkbox"/>	14. Review of Individualized Education Program (IEP) for students already receiving services	
<input type="checkbox"/>	15. 504 plan or modification of 504 plan.	
<input type="checkbox"/>	16. Behavior Support Plan created or modified	
<input type="checkbox"/>	17. In-school time out or suspension	
<input type="checkbox"/>	18. Out-of-school suspension (number days)	
<input type="checkbox"/>	19. Referral for expulsion	
<input type="checkbox"/>	20. Other disciplinary action	
<input type="checkbox"/>	21. Change in school placement (e.g., transfer, homebound instruction)	
<input type="checkbox"/>	22. Services for other persons affected by threat	
<input type="checkbox"/>	23. Law enforcement consulted	
<input type="checkbox"/>	24. Legal actions (e.g., arrest, detentions, charges)	
<input type="checkbox"/>	25. Other actions	

CASE PLAN

This section can be used to describe the plan for any case and should be completed as Step 5 in cases of a very serious substantive threat.

Case Resolution or Safety Plan	Date
Describe how case was resolved, including any plan for further actions. List persons responsible for each component of plan.	
Follow-up or Revision of Plan	Date
Describe current status of plan and any revisions. List persons responsible for each component of revised plan.	



MENTAL HEALTH ASSESSMENT

A mental health assessment is usually conducted in cases involving a very serious substantive threat. The purpose of the mental health assessment is to maintain the safety and well-being of the student and others. Therefore, the assessment has two objectives:

1. *Treatment and referral needs.* Assess the student's present mental state and determine whether there are urgent mental health needs that require attention, such as risk of suicide, psychosis, or rage. Beyond these immediate needs, consider whether there are other treatment, referral, or support needs.
2. *Threat reduction.* Gather information on the student's motives and intentions in making the threat in order to understand why the threat was made and identify relevant strategies or interventions that have the potential to reduce the risk of violence.

Subject Interview (Person who made threat or engaged in threatening behavior)

Subject Name		See records and additional information obtained by threat assessment team to supplement this assessment.
Person(s) Conducting Interview		Location, Date of Interview

Usually the interview can begin by asking "Do you know why I want to talk to you?" and after the subject has responded, "Let me explain the purpose of our meeting today." Use these questions as a guide to interview the person making the threat. Ask other questions as appropriate. Try to use open-ended questions rather than leading questions. Adjust spacing below as needed.

Review of threat

1. What happened that made others worried that you wanted to harm someone? What exactly did you say or do that made them worried? What did you mean by that?
2. I know you must have had reasons to say (or do) that; can you explain what led up to it?
3. How would you do it? (carry out the threat) (Probe for details of any planning or preparation.) Where did the idea come from?
4. What could happen that would make you want to do it? (carry out the threat)
5. What would happen if you did do it? (review both effects on intended victims and consequences for student)
6. What do you think the school should do in a situation in which a person makes a threat like this?
7. What were you feeling then? How do you feel now?
8. How do you think (the person threatened) felt?

Relationship with intended victim(s)

1. How long have you known this person?
2. What has happened in the past between you and this person?
3. What do you think this person deserves?
4. Do you see any way that things could be improved between you and this person?



Family support

1. Whom do you live with? Are there family members you don't live with? Have there been any changes in the past year?
2. Whom in your home are you close to?
3. How well do your parents/guardians know you?
4. Where do you go after school? Where are your parents/guardians at this time? How much do they keep track of where you are or what you are doing?
5. How strict are your parents/guardians? What do they do if you do something they don't want you to do? When was the last time you got in trouble with them? What was the worst time?
6. How will your parents/guardians react (or how did they react) when they found out about this situation?

Stress and trauma

1. What kinds of things have been going on with you lately? What sorts of things have you worried about?
2. How has your school work been going lately? Are there things you have been worried about with your school work? Other things at school?
3. What is the worst thing that has happened to you lately? Have any other bad things happened? Is there something you regret or wish you could change?
4. Have there been any changes in your family? Has anyone been sick, moved away, or had anything bad happen to them?
5. Do you have any family members in jail or prison?
6. Do you take any medication?
7. Have you been involved in any counseling?



Mood

1. What has your mood been like the past few weeks? Have you felt down or depressed at times? How bad has it been? (Be alert for statements of pessimism and hopelessness that might indicate suicide risk. If there are indications of suicidal thoughts or feelings, there should be a more extensive evaluation of suicide risk. If necessary, develop a plan for protecting the student and making appropriate referrals.)

2. Have you felt nervous or anxious? Irritable or short-tempered? How bad has it been?

3. Have you ever felt like life wasn't worth living? Like maybe you would kill yourself?

4. Have you ever done something to hurt yourself on purpose? Ever cut yourself on purpose?

5. Have you had any problems with your sleep? Appetite? Energy level? Concentration?

6. Have you been taking any medication to help with your mood or for any other reason?

Psychotic symptoms

Ask a few probe questions and follow up if there is any indication of delusions or hallucinations. Phrase questions appropriate to student's age and understanding.

1. Have you had any unusual experiences lately, such as hearing things that others cannot hear or seeing things that others cannot see?

2. Have you felt like someone was out to get you or wanted to harm you? Have you had any other fears that seem strange or out of the ordinary?

3. Do you have any abilities or powers that others do not have, such as ESP or reading minds?

4. Have you felt numb or disconnected from the world, or like you were somehow outside your body?

Note and inquire about any other symptoms of mental disorder.



Weapons

Ask about any weapons mentioned in the threat. As an example, these questions concern a threat made to stab someone.

1. You said that you were going to stab (name of victim). What were you going to stab him with?
2. Do you have a knife? What kind of a knife is it? (Or, how would you get a knife?)
3. Have you ever had to use a knife with someone? What happened?
4. What do you think would happen if you did use a knife with (name of victim)?

Access to firearms

Ask about firearms in all cases, even if no firearm was mentioned. If the threat involved a knife, bomb, or other weapon, ask about that weapon, too.

1. Do you have a gun?
2. Are there guns in your home? Have you ever used a gun for hunting or target shooting?
3. If you wanted a gun, how would you get one?
4. What do you think you might do if you had a gun?
5. Have you ever had to use a gun with someone? Have you ever thought about using a gun with someone?

Aggressive behavior

1. Do people treat you fairly? Who has been unfair with you lately? When people treat you unfairly, what do you do about it?
2. When you get angry, what do you do? Has your temper ever gotten you into trouble?
3. Do you get into fights? When was the last time? What happened?
4. Have you ever threatened to harm anyone before?
5. Have you thought about what it would be like to hurt someone really bad? Have you written any stories or made any drawings that are violent?
6. Have you ever set fire to things?
7. Have you damaged your own property or someone else's property?
8. Have you ever intentionally hurt an animal?



School discipline

1. When was the last time you got into trouble in school? What happened?
2. Have you ever been suspended or expelled?
3. Have your parents ever been called to school because of your behavior?
4. Do you ever cut school or certain classes?
5. Do you feel that the rules at this school are fair? What has been unfair?

Delinquent behavior

1. Have you been in trouble with the law or with police before? What happened?
2. Have you ever gone to juvenile court? What was it about?
3. Have you done things that could have gotten you arrested or in trouble with the law? What was the worst thing? What else?
4. Do you drink beer, wine, or other alcohol? Have you ever? How often do you drink? When was the last time? Tell me about it.
5. Do you smoke marijuana? Have you ever? How often? When was the last time?
6. Have you used any other drugs? How often? When was the last time? Tell me about it.

Exposure to violence

1. Do you see or hear of violence in your neighborhood?
2. Do you know anyone who was shot, stabbed, or beat up really bad?
3. Do people argue much at home? Does anyone get physically aggressive?
4. What kind of movies do like? What kind of video games do you enjoy playing? What are your favorite Internet sites?
5. Ask the student about his/her reactions to any recent acts of violence or to any highly publicized school shootings.



Bullying

Bullying is broadly defined and may include teasing, social exclusion, or other forms of humiliation in addition to physical threats of violence. The student may not use the term "bully," and may be reluctant to admit being the victim of bullying behavior, so be prepared to rephrase questions and probe for victim experiences.

1. Is there anyone who has threatened you recently? Is there anyone who makes you feel afraid? (Ask about sexual threats if appropriate to situation.)
2. Is there anyone who has teased you or picked on you recently? Is there anyone who has beat you up or pushed you around? How about at home?

In response to any positive answer, follow up for more information: How often does it happen? What have you tried to do about it? Did you let any adult know about this, and if so, what happened? Be alert to statements indicating that a bullied student feels like there is no solution to the problem or is contemplating revenge.

Peer relations

1. What are your friends like? Have you had any trouble with your friends lately? Who is your best friend?
2. How would your friends describe you?
3. Do you have a boyfriend/girlfriend? (Keep in mind that the student might not be heterosexual, and there may be concerns in this area.) How are things going with him/her? Did you have one before? What happened in that relationship?
4. Do you have friends who get in trouble?
5. Have you ever joined a gang? Been part of a group like a crew, clique, posse, or mob?
6. Do any of your friends know about (refer to threat situation?) What did they say about it? Anyone who feels the same way you do?

Coping

1. How do you like to spend your free time?
2. What kinds of things do you do well?
3. What are your hobbies and interests? What do you enjoy doing?
4. Can you think of a problem you faced in the past that worked out okay? Can you think of a problem that you solved? Can you think of a time when you went to someone about a problem and that person was able to solve it?
5. What are your plans for the future? What would you like to do when you finish school?
6. What could we do that would help with (refer to the problem that led to the threat)?



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Parent/Guardian Interview (Parents or guardians of person who made threat or engaged in threatening behavior)

Name of Parent/Guardian Name of Interviewer		Location, Date of Interview:
--	--	-------------------------------------

Understandably, parents may feel apprehensive, guilty, or defensive when being interviewed about their child's behavior. It is important that the interviewer find ways to convey respect for the parent, starting from the initial contact and throughout the interview. Also, it should be evident that the interviewer is interested in understanding and helping the parent's child; otherwise, the parent may regard the interview as an investigation designed to uncover evidence of wrongdoing by the student or incompetence by the parent. Overall, the interviewer should make every effort to engage the parent as an ally. Emphasize the common goal of helping their child to be safe and successful in school.

Parent knowledge of the threat

1. What do you (the parent) know about the threat?
2. Have you heard your child (or use child's name) talk about things like this before?
3. Are you familiar with (the intended victim)? (Ask about the child's history with the intended victim—previous relationship and interactions.)
4. (Ask questions to determine if the child has the means to carry out the threat, such as access to firearms.)
5. What are you planning to do about the threat? (Is the parent willing to work with the school to develop a plan to assure the threat will not be carried out and that the student's needs are addressed?)

School adjustment

1. Has your child ever been suspended or expelled from school?
2. Have you ever met with the school (teacher, counselor, principal) about concerns in the past? What happened, what was going on, what was the outcome?
3. Has your child ever needed special help in school? Ever been retained?
4. Has your child ever been tested in school?
5. How does your child like school?
6. How often does your child do homework?
7. What are your child's teachers like?



Family relationships and current stressors

1. Who lives in the home?

2. Are there any important events that have affected your family/child? Ask about any recent or pending changes, such as:
 - Move, divorce/separation, losses
 - Financial status, employment changes for parents
 - Others in home involved with court or the law

3. Who does your child share concerns with? Who is he/she close to?

4. How well does he/she get along with parents? Siblings? Type of conflicts, over what, how resolved?

5. How does your child show anger toward you and other family members?

6. What does your child do after school? Who supervises? What time is your child supposed to be home at night?

7. What responsibilities does your child have at home?

8. Does your child follow rules? What are the consequences for not following the rules?

Peer relations and bullying

1. Has your child reported being teased, intimidated, rejected, or bullied in some other way? (If so, what has the parent done in response?)

2. Who are your child's friends? Are you pleased or displeased with your child's choice of friends?

3. How much is the child influenced by peers? Are there any examples of your child doing something to please peers that got him or her into trouble?



Delinquent behavior

1. Has your child been in trouble with the law or with police before? What happened?
2. Has your child ever gone to juvenile court? What was it about?
3. Has your child done things that could have gotten him or her arrested or in trouble with the law? What was the worst thing? What else?
4. Does your child drink beer, wine, or other alcohol?
5. Does your child smoke marijuana?
6. Has your child used any other drugs?

History of aggression

1. How does your child handle frustration?
2. When your child gets angry, what does he/she do?
3. Has your child gotten into fights in the past? When, where, with whom?
4. Has your child's temper ever gotten him/her into trouble?
5. Has your child ever hit you or other family members?
6. Has your child destroyed his or her own things, or someone else's property?
7. Does your child have any pets? Has he/she ever intentionally hurt the pet or some other animal?

Access to weapons

1. Do you have a gun in your home? Does your child have access to firearms through friends, relatives, or some other source?
2. Does your child have access to weapons other than firearms, such as military knives, martial arts weapons or some other kind of weapon?
3. Has your child ever talked about using a weapon to hurt someone? Ever gotten into trouble for using a weapon, carrying a weapon, or threatening someone with a weapon?
4. What can you do to restrict your child's access to weapons?



Exposure to violence

1. Has your child ever been a victim of abuse?
2. Is your child exposed to violence in the neighborhood?
3. Do people argue much at home? Has there been any physical aggression at home?
4. What kinds of movies, video games, internet sites does your child like? Any parent restrictions? Level of supervision? Child's response?

History

1. Ask about any delays in cognitive, motor, language development. How old was your child when he/she started to walk, talk?
2. Has your child ever had a problem with bedwetting? When, how long? Was anything done for this?
3. Has your child ever been hospitalized? Had any serious illnesses?
4. Has your child had any recent medical treatment? Taking any medications? Obtain diagnoses and medications. Ask for a release.

Mental health

1. Does your child have problems paying attention? Does your child follow directions without repetition and reminders? Does your child complete activities on his/her own? Does your child say things without thinking? Surprised by the consequences of his/her actions?
2. What has your child's mood been like the past few weeks?
3. Has your child been unusually nervous or anxious? Irritable or short-tempered? How bad has it been?
4. Has your child had problems with sleep? Appetite? Energy level? Concentration?
5. Has your child ever talked about hurting himself or herself? Have you ever been concerned that he/she might be suicidal?
6. Have there been any times when your child seemed to be hearing things that weren't there? Has he/she said things that didn't make sense or seemed to believe in things that weren't real?
7. Has your child ever seen a counselor or therapist? Ever taken medication for his/her behavior or mood?
8. Has your child had any involvement with other agencies/programs in the community?



Teacher/Staff Interview

Name of Person Interviewed		Relationship to Student
Person(s) Conducting Interview		Location, Date of Interview

Academics

1. How is this student doing academically? Has there been any change in recent weeks?
2. What are this student's verbal skills? How well can he or she express himself/herself in words?
3. Has this student been considered for special education or placed in special education? What kinds of difficulties does the student have? If a student is receiving special education services, ask about the problem behaviors that are regarded as part of his or her disability.

Teacher knowledge of the threat

1. What do you know about the threat?
2. Have you heard this student talk about things like this before?
3. What have other students told you about this incident?
4. Is there another teacher or staff member who might know something about this?

Student's peer relations

1. How well does this student get along with other students?
2. Who are the student's friends?
3. Are there students who do not get along with this student?
4. Have there been other conflicts or difficulties with peers?
5. Has this student ever complained of being bullied, teased, or treated unfairly by others?



Depression

1. Have there been any apparent changes in the student's mood, demeanor, or activity level? Seemed withdrawn or apathetic?
2. Has the student expressed any attitudes that could imply depression, such as expressions of hopelessness or futility, inadequacy or shame, self-criticism or worthlessness?
3. Has this student shown an increase in irritability or seemed short-tempered?

Discipline

1. What kinds of discipline problems have you experienced with this student?
2. How does this student respond to being corrected by an adult?
3. What are the student's emotional responses to being disciplined?

Aggression

1. How does this student express anger?
2. Does this student seem to hold a grudge? Seem resentful?
3. Has this student done anything that expresses anger or aggression, or has an aggressive theme in written assignments, drawings, class projects, etc.?

Parents

1. Have you had any contact with this student's parents? What happened?

Eleven Questions to Guide Data Collection in a Threat Assessment Inquiry

DOE and United States Secret Service Threat Assessment Guide

<i>Star areas of concern</i>	<i>Eleven Key Areas</i>
1.	What are the student's motive(s) and goals?
	<ul style="list-style-type: none"> • What motivated the student to make the statement or take the actions that caused him/her to come to attention?
	<ul style="list-style-type: none"> • Does the situation or circumstance that led to these statements or actions still exist?
	<ul style="list-style-type: none"> • Does the student have a major grievance or grudge? Against whom?
	<ul style="list-style-type: none"> • What efforts have been made to resolve the problem and what has been the result? Does the potential attacker feel that any part of the problem is resolved or see any alternatives?
2.	Has the student shown inappropriate interest in any of the following?
	<ul style="list-style-type: none"> • School attacks or attackers; weapons (including recent acquisition of any relevant weapon); incidents of mass violence (terrorism, workplace violence, mass murders). Ask about Columbine, Santana, etc.

3.	Have there been any communications suggesting ideas or intent to attack?
	<ul style="list-style-type: none"> • What if anything has the student communicated to someone else (targets, friends, other students, teachers, family, others) or written in a diary, journal, or Web Site concerning his/her ideas and/or intentions?
	<ul style="list-style-type: none"> • Have friends been alerted or “warned away”?
4.	Has the student engaged in attack-related behaviors? These behaviors might include:
	<ul style="list-style-type: none"> • Developing an attack idea or plan
	<ul style="list-style-type: none"> • Making efforts to acquire or practice with weapons
	<ul style="list-style-type: none"> • Casing or checking out, possible sites and areas for an attack
	<ul style="list-style-type: none"> • Rehearsing attacks or ambushes
5.	Is the student’s conversation and "story" consistent with his or her actions?
	<ul style="list-style-type: none"> • Does information from collateral interviews and from the student’s own behavior confirm or dispute what the student says is going on?

6.	Does the student have the capacity to carry out an act of targeted violence?
	<ul style="list-style-type: none"> • How organized is the student's thinking and behavior?
	<ul style="list-style-type: none"> • Does the student have the means; e.g., access to a weapon, to carry out an attack?
7.	Is the student experiencing hopelessness, desperation and/or despair?
	<ul style="list-style-type: none"> • Is there information to suggest that the student is experiencing desperation and/or despair?
	<ul style="list-style-type: none"> • Has the student experienced a recent failure, loss and/or loss of status?
	<ul style="list-style-type: none"> • Is the student known to be having difficulty coping with a stressful event?
	<ul style="list-style-type: none"> • Is the student now, or has the student ever been, suicidal or "accident-prone"?
	<ul style="list-style-type: none"> • Has the student engaged in behavior that suggests that he or she has considered ending their life?

8.	Does the student have a trusting relationship with at least one responsible adult?
	<ul style="list-style-type: none"> Does the student have at least one relationship with an adult where the student feels that he or she can confide in the adult and believes that the adult will listen without judging or jumping to conclusions? (Students with trusting relationships with adults may be directed away from violence and despair and toward hope.)
	<ul style="list-style-type: none"> Is the student emotionally connected to—or disconnected from—other students?
	<ul style="list-style-type: none"> Has the student previously come to someone’s attention or raised concern in a way that suggested he or she needs intervention or supportive services?
9.	Are other people concerned about the student’s potential for violence?
	<ul style="list-style-type: none"> Are those who know the student concerned that he or she might take action based on violent ideas or plans?
	<ul style="list-style-type: none"> Are those who know the student concerned about a specific target?
	<ul style="list-style-type: none"> Have those who know the student witnessed recent changes or escalations in mood and behavior?

10.	What circumstances might affect the likelihood of an attack?
	<ul style="list-style-type: none"> • What factors in the student's life and/or environment might increase or decrease the likelihood that the student will attempt to mount an attack at school?
	<ul style="list-style-type: none"> • What is the response of other persons who know about the student's ideas or plan to mount an attack? (Do those who know about the student's ideas actively discourage the student from acting violently, encourage the student to attack, deny the possibility of violence, passively collude with an attack, etc.?)
11.	Does the student see violence as an acceptable—or desirable—or the only—way to solve problems?
	<ul style="list-style-type: none"> • Does the setting around the student (friends, fellow students, parents, teachers, adults) explicitly or implicitly support or endorse violence as a way of resolving problems or disputes?
	<ul style="list-style-type: none"> • Has the student been "dared" by others to engage in an act of violence?

16-21-4. Fire, evacuation and lockdown drills required – Failure to comply.

(a) It shall be the duty of the principal or other person in charge of every public school or private school, college, university, or postsecondary institutions or educational institution within the state, having more than twenty-five (25) pupils, to instruct and train the pupils by means of drills, so that they may in a sudden emergency be able to leave school buildings and dormitories in the shortest possible time and without confusion or panic.

Notwithstanding other provisions of this section, in all schools or buildings used for educational purposes through the twelfth grade by six (6) or more persons for four (4) or more hours per day or more than twelve (12) hours per week, there shall be not less than one emergency egress drill conducted every month the facility is in session with all occupants of the building participating in said drill. One additional emergency egress drill shall be conducted in buildings that are not open on a year- round basis within the first (1st) thirty (30) days of operation. At least one out of every four (4) emergency egress drills or rapid dismissals shall be obstructed by means of which at least one or more exits and stairways in the school building are blocked off or not used. In addition, there shall be two (2) evacuation drills and two (2) lockdown drills. Evacuation drills shall be designed and conducted for use when conditions outside the school building are safer than conditions inside the building. Lockdown drills shall be designed and conducted for use to protect school building occupants from potential dangers in the building, and one shall be held in September and one in January, and in conjunction with the local police whenever possible.

(b)(1) In colleges, universities, postsecondary institutions, and residence facilities in public schools or private schools there shall be at least four (4) drills or rapid dismissals during the academic year for each school building or residence facility, at least two (2) of which shall be held between the months of September through December. The remaining two (2) drills shall be held between the months of January through June. Any college, university, or postsecondary institution that holds a summer session shall hold a drill or rapid dismissal during the first full week of the summer session.

(2) At least one drill or rapid dismissal shall be obstructed so that at least one or more exits or stairways in the school building or dormitory are blocked off or not used.

(c) For purposes of this section "residence facility" means dormitory, fraternity, sorority, or any other type of residence hall, whether on campus or off campus, owned or leased by a college, university, postsecondary institutions, public schools, or private school with accommodations for twenty (20) or more students.

(d) Notwithstanding other provisions of this section, fire drills shall be required in colleges or universities only for buildings which are used for a residence facility.

(e) Neglect by any principal or any person in charge of any public or private school or educational institution to comply with the provisions of this section shall be a misdemeanor punishable by a fine not exceeding five hundred dollars (\$500).

(f) Written reports, on forms supplied by the department of elementary and secondary education, of each fire drill shall be completed immediately upon termination of every drill and shall be available for review by the fire marshal, assistant deputy fire marshal, or local fire authority. The fire marshal, assistant deputy fire marshal, or local fire authority may require that a fire drill be conducted in his or her presence.

History of Section.

(G.L. 1909, ch. 68, §§ 9, 10; P.L. 1912, ch. 797, § 1; G.L. 1923, ch. 71, §§ 9, 10; G.L. 1938, ch. 180, §§ 9, 10; G.L. 1956, § 16-21-4; P.L. 1959, ch. 132, § 1; P.L. 1978, ch. 215, § 1; P.L. 2007, ch. 234, § 1; P.L. 2013, ch. 337, § 1; P.L. 2013, ch. 439, § 1.)

§ 16-21-18. Students prohibited from bringing or possessing firearms on school premises.

The school penalty for bringing or possessing a weapon as defined in 18 U.S.C. § 921, a firearm or realistic replica of a firearm within school premises, premises being used for school purposes or activities, into a vehicle used for school transportation, or onto a roadway or path along which school children or teachers are walking to school shall be suspension from school for one year. This penalty will also be incurred when a student is not on school premises but when he or she aims a firearm or realistic replica of a firearm at school premises, school vehicles, or students, staff, or visitors attending school or in transit to or from school. This term of suspension may be shortened by the superintendent of schools on a case-by-case basis and under guidelines to be developed by the school committee with broad parent, teacher, and community involvement.

History of Section.

(P.L. 1995, ch. 61, § 1.)

§ 16-21-19. Special rules for students with disabilities bringing firearms to school.

(a) Students with disabilities as defined by the Individuals With Disabilities Education Act, 20 U.S.C. § 1415, shall be subject to the provisions of § 16-21-18 to the extent permitted by the Individuals With Disabilities Education Act, 20 U.S.C. § 1415.

(b) Students with disabilities as defined by Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, shall be subject to the provisions of § 16-21-18 to the extent permitted by Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.

History of Section.

(P.L. 1995, ch. 61, § 1.)

§ 16-21-23. School safety teams, school crisis response teams, and school safety assessments.

(a) Each school district of each town, city, and regional school department shall conduct a school safety assessment in conjunction with local police, fire, school safety team pursuant to the provisions of this section and any other expert said school department deems necessary. The assessment shall examine the current status of each school building's safety and shall be performed within thirty (30) days of passage of this act, and every three (3) years thereafter.

(1) There shall be a Rhode Island school safety committee whose functions shall include, but not be limited to, providing training to law enforcement, school administrators, and teachers; collecting and reviewing all hazard safety security assessments; and offering recommendations and assistance to each school district of every town, city, and regional school department, in an effort to increase the safety of students and faculty. The committee shall be comprised of twelve (12) members as follows: the superintendent of the Rhode Island state police or designee, who shall serve as chairperson of the committee; the president of the Police Chiefs' Association, or designee; the director of the Rhode Island emergency management agency, or designee; the commissioner of the department of elementary and secondary education, or designee; a representative from the Rhode Island School Superintendents' Association, to be selected by the association; the director of the department of behavioral healthcare, developmental disabilities and hospitals, or designee; the state fire marshal, or designee; a representative of the Rhode Island Association of School Maintenance Directors, to be selected by the association; a representative from the Rhode Island Association of School Principals, to be selected by the association; a representative from the Rhode Island Association of School Committees, to be selected by the association; a representative from the National Education Association of Rhode Island ("NEARI"), who shall be a full-time classroom teacher, to be selected by the president of NEARI; and one representative from the Rhode Island Federation of Teachers and Health Professionals ("RIFTHP"), who shall be a full-time classroom teacher, to be selected by the president of the RIFTHP.

(2) Each school department of each town, city, and regional school district shall complete the emergency action plan and shall submit the all hazards site safety survey report to the Rhode Island school safety committee every three (3) years for the committee's review and recommendation.

(3) The assessment shall be completed by November 1 of the year mandated, and by December 31 of that year, the commissioner of elementary and secondary education shall report to the speaker of the house, the senate president, and the governor that the assessments have been completed. Assessments performed within a year of the date of passage of this act shall satisfy this requirement.

(4) All meetings regarding the school safety assessment are not subject to the open meetings law pursuant to chapter 46 of title 42, and documents produced including, but not limited to, meeting minutes and the school safety assessment are not subject to the access to public records law pursuant to chapter 2 of title 38.

(b) The school committee of each town, city, and regional school department shall review and adopt in executive session a comprehensive school safety plan regarding crisis intervention, emergency response, and management. The plan shall be developed by a school safety team comprised of representatives of the school committee; representatives of student, teacher, and parent organizations; school safety personnel; school administration; and members of local law enforcement, fire, and emergency personnel. Members of the school safety team shall be appointed by the school committee and/or school superintendent of the town, city, or regional school district. In creating the school safety plan, the school safety team(s) shall consult the model school safety plan developed by the department of elementary and secondary education pursuant to § 16-21-23.1.

(c) The school crisis response team shall be comprised of those selected school personnel willing to serve as members of a psychological response team to address the psychological and emotional needs of the school community and may seek mental health resources from the department of elementary and secondary education. Members of the school crisis response team may coordinate mental health services for those students and school employees affected by acts of violence in the schools, using resources available through the department of elementary and secondary education.

History of Section.

(P.L. 2001, ch. 151, § 1; P.L. 2013, ch. 151, § 1; P.L. 2013, ch. 211, § 1; P.L. 2017, ch. 19, § 1; P.L. 2017, ch. 32, § 1; P.L. 2018, ch. 9, § 1; P.L. 2018, ch. 10, § 1.)

§ 16-21-23.1. Model school safety plans and checklists – Development and dissemination.

(a) It shall be the duty of the department of elementary and secondary education to collaborate with the Rhode Island emergency management agency, state police, state fire marshal, the department of behavioral health, developmental disabilities, and hospitals, and other safety officials to develop a model school safety plan to be consulted by school safety teams in accordance with § 16-21-23. This model plan shall be based on best practices in school safety planning and the department of elementary and secondary education shall communicate the plan electronically to all school committees and school safety teams in the state.

(b) It shall be the duty of the department of elementary and secondary education to develop and disseminate school safety check lists that school districts can use on a regular basis and at least annually to assess the strengths and weaknesses of school safety in accordance with § 16-21-24. The check lists shall incorporate best practices in school safety planning and the department of elementary and secondary education shall communicate the plan electronically to all school committees and school safety teams in the state.

History of Section.

(P.L. 2013, ch. 151, § 2; P.L. 2013, ch. 211, § 2.)

16-21-24. Requirements of school safety plans, school emergency response plans, and school crisis response plans.

(a) School safety plans, as required by this chapter, shall address, but not to be limited to, prevention, mitigation, preparedness, response, and recovery. The school safety plans shall include, at a minimum, the following policies and procedures:

(1) Appropriate prevention, mitigation, preparedness and intervention strategies which are based on data to target priority needs and which make use of effective actions based on currently accepted best practices and once developed, the appropriate parts of the state model plan pursuant to general laws § 16-21-23.1 that include consistent, plain language and terminology;

(2) Formalized collaborative arrangements with state and local law enforcement and fire fighter officials, designed to ensure that school safety officers and other security personnel are adequately trained, including being trained to de-escalate potentially violent situations, and are effectively and fairly recruited;

(3) Policies and procedures relating to school building security, including where appropriate the use of school safety officers and/or security devices or procedures;

(4) Policies and procedures for annual school safety training and a review of the school crisis response plan for staff and students;

(5) Protocols for school personnel and students responding to bomb threats, hostage- takings, intrusions, and kidnappings that include consistent, plain language and terminology that is recommended by the model plan pursuant to general laws § 16-21-23.1;

(6) Policies and procedures for responding to violence by students, teachers, other school personnel as well as visitors to the school that include consistent, plain language and terminology that is recommended by the model plan pursuant to general laws § 16-21-23.1;

(7) Policies and procedures for responding to acts of violence by students, teachers, other school personnel and visitors to the school that include consistent, plain language and terminology that is recommended by the model plan pursuant to general laws § 16-21-23.1;

(8) Policies and procedures for contacting appropriate law enforcement officials and EMS/Fire, in the event of a violent incident and that include consistent, plain language and terminology that is recommended by the model plan pursuant to general laws § 16-21-23.1;

(9) Policies and procedures for notification and activation of the school crisis response team that include consistent, plain language and terminology that is recommended by the model plan pursuant to general laws § 16-21-23.1;

(10) Policies and procedures for contacting parents, guardians, or persons in parental relation to the students of the city, town, or region in the event of a violent incident;

(11) Policies and procedures for the dissemination of informative materials regarding the early detection of potentially violent behaviors, including, but not limited to, the identification of family, community, and environmental factors, to teachers, administrators, school personnel, persons in parental relation to students of the city, town, or region students and other persons deemed appropriate to receive that information;

(12) Strategies for improving communication, including use of common, consistent plain language by school district officials, school officials and emergency responders, among students and between students and staff and reporting of potentially violent incidents, such as the establishment of youth-run programs, peer mediation, conflict resolution, creating a forum or designating a mentor for students concerned with bullying or violence, and establishing anonymous reporting mechanisms for school violence;

(13) A description of the duties of hall monitors and any other school safety personnel, including the school crisis response team, and the training requirements of all personnel acting in a school security capacity and policies and procedures for students, personnel who are in the hallway during a lockdown situation that include consistent language and terminology that is recommended by the department of elementary and secondary education;

(14) Policies and procedures for providing notice of threats of violence or harm to the student or school employee who is the subject of the threat. The policy shall define "threats of violence or harm" to include violent actions and threats of violent actions either individually or by groups, but shall not include conduct or comments that a reasonable person would not seriously consider to be a legitimate threat;

(15) Policies and procedures for disclosing information that is provided to the school administrators about a student's conduct, including, but not limited to, the student's prior disciplinary records, and history of violence, to classroom teachers, school staff, and school security, if they have been determined by the principal to have a legitimate need for the information in order to fulfill their professional responsibilities and for protecting such information from any further disclosure; and

(16) Procedures for determining whether or not any threats or conduct established in the policy may be grounds for discipline of the student. School districts, school committees, school officials, and school employees providing notice in good faith as required and consistent with the committee's policies adopted under this section are immune from any liability arising out of such notification.

(b) School safety plans, as required by this chapter, shall further include school emergency response plans specific to each school building contained within each city, town, or regional school district, and shall be developed and approved in consultation with local police and fire. The state police shall provide consultation for those school districts that for whatever reason may not have access to local police. School emergency response plans shall include, and address, but not be limited to, the following elements:

(1) Policies and procedures for the safe evacuation of students, teachers, and other school personnel as well as visitors to the school in the event of a serious violent incident or other emergency, which shall include evacuation routes and shelter sites and procedures for addressing medical needs, transportation, and emergency notification to persons in parental relation to a student. For purposes of this subdivision, "serious violent incident" means an incident of violent criminal conduct that is, or appears to be, life threatening and warrants the evacuation of students and/or staff;

(2) Designation of an emergency response team comprised of school personnel, local law enforcement officials, and representatives from local regional and/or state emergency response agencies, other appropriate incident response teams including a school crisis response team, and a post-incident response team that includes appropriate school personnel, medical personnel, mental health counselors, and others who can assist the school community in coping with the aftermath of a violent incident;

(3) Procedures for assuring that crisis response and law enforcement officials have access to floor plans, blueprints, schematics, or other maps of the school interior and school grounds, and road maps of the immediate surrounding area;

(4) Establishment of internal and external communication systems in emergencies that include consistent, plain language and terminology that is recommended by the model plan established pursuant to general laws § 16-21-23.1;

(5) Definition and formalization of the chain of command in a manner consistent with the national interagency incident management system/incident command system;

(6) Procedures for review and the conduct of drills and other exercises to test components of the emergency response plan, including use of checklists as described in § 16-21-23.1;

(7) Policies and procedures for securing and restricting access to the crime scene in order to preserve evidence in cases of violent crimes on school property; and

(8) Policies and procedures for ensuring timely access to mental health services for those students and school employees affected by a violent incident.

History of Section.

(P.L. 2001, ch. 151, § 1; P.L. 2004, ch. 42, § 1; P.L. 2004, ch. 103, § 1; P.L. 2013, ch. 151, § 1; P.L. 2013, ch. 211, § 1.)

§ 16-21-25. Review of school safety plans – Exemption from open meetings and public records requirements.

(a) Each city, town, or regional department school safety plan and school emergency response plans shall be reviewed on an annual basis by the school committee and updated annually. These reviews and updates shall be completed by November 1 of any given year, and by December 31 of that year, the commissioner of elementary and secondary education shall report to the speaker of the house, the president of the senate, and the governor that such reviews or updates have been completed.

(b) All meetings of school safety teams shall not be subject to and be exempt from the open meetings law pursuant to chapter 46 of title 42, and documents produced by the school safety teams shall not be subject to the access to public records laws as set forth in chapter 2 of title 38.

History of Section.

(P.L. 2001, ch. 151, § 1; P.L. 2013, ch. 151, § 1; P.L. 2013, ch. 152, § 1; P.L. 2013, ch. 211, § 1; P.L. 2013, ch. 212, § 1.)

§ 16-21-33. Safe schools act.

(a) *Definitions.* As used in this chapter:

(1) "Bullying" means the use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof directed at a student that:

(I) Causes physical or emotional harm to the student or damage to the student's property;

(ii) Places the student in reasonable fear of harm to himself/herself or of damage to his/her property;

(iii) Creates an intimidating, threatening, hostile, or abusive educational environment for the student;

(iv) Infringes on the rights of the student to participate in school activities; or

(v) Materially and substantially disrupts the education process or the orderly operation of a school. The expression, physical act or gesture may include, but is not limited to, an incident or incidents that may be reasonably perceived as being motivated by characteristics such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression or mental, physical, or sensory disability, intellectual ability or by any other distinguishing characteristic.

(2) "Cyber-bullying" means bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data, texting or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not

limited to, electronic mail, Internet communications, instant messages or facsimile communications. For purposes of this section, cyber-bullying shall also include:

- (i) The creation of a web page or blog in which the creator assumes the identity of another person;
 - (ii) The knowing impersonation of another person as the author of posted content or messages; or
 - (iii) The distribution by electronic means of a communication to more than one person or the posting of materials on an electronic medium that may be accessed by one or more persons, if the creation, impersonation, or distribution results in any of the conditions enumerated in clauses (i) to (v) of the definition of bullying herein.
- (3) "At school" means on school premises, at any school-sponsored activity or event whether or not it is held on school premises, on a school-transportation vehicle, at an official school bus stop, using property or equipment provided by the school, or creates a material and substantial disruption of the education process or the orderly operation of the school.

History of Section.

(P.L. 2011, ch. 162, § 3; P.L. 2011, ch. 178, § 3.)

§ 16-21-34. Statewide bullying policy implemented.

(a) The Rhode Island department of education shall prescribe by regulation a statewide bullying policy, ensuring a consistent and unified, statewide approach to the prohibition of bullying at school. The statewide policy shall apply to all schools that are approved for the purpose of § 16-9-1 and shall contain the following:

- (1) Descriptions of and statements prohibiting bullying, cyber-bullying and retaliation of school;
- (2) Clear requirements and procedures for students, staff, parents, guardians and others to report bullying or retaliation;
- (3) A provision that reports of bullying or retaliation may be made anonymously; provided, however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report;
- (4) Clear procedures for promptly responding to and investigating reports of bullying or retaliation;
- (5) The range of disciplinary actions that may be taken against a perpetrator for bullying or retaliation; provided, however, that the disciplinary actions shall balance the need for accountability with the need to teach appropriate behavior; and provided, further:
 - (i) A parental engagement strategy; and

(ii) A provision that states punishments for violations of the bullying policy shall be determined by the school's appropriate authority; however, no student shall be suspended from school unless it is deemed a necessary consequence of the violations;

(6) Clear procedures for restoring a sense of safety for a victim and assessing that victim's needs for protection;

(7) Strategies for protecting from bullying or retaliation a person who reports bullying, provides information during an investigation of bullying or witnesses or has reliable information about an act of bullying;

(8) Procedures for promptly notifying the parents or guardians of a victim and a perpetrator; provided, further, that the parents or guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation; and provided, further, that the procedures shall provide for immediate notification of the local law enforcement agency when criminal charges may be pursued against the perpetrator;

(9) A provision that a student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action;

(10) A strategy for providing counseling or referral to appropriate services currently being offered by schools or communities for perpetrators and victims and for appropriate family members of said students. The plan shall afford all students the same protection regardless of their status under the law;

(11) A provision that requires a principal or designee to be responsible for the implementation and oversight of the bullying policy;

(12) Provisions for informing parents and guardians about the bullying policy of the school district or school shall include, but not be limited to:

(i) A link to the policy prominently posted on the home page of the school district's website and distributed annually to parents and guardians of students;

(ii) A provision for notification, within twenty-four (24) hours, of the incident report, to the parents or guardians of the victim of bullying and parents or guardians of the alleged perpetrator of the bullying;

(13) A school employee, school volunteer, student, parent, legal guardian, or relative caregiver who promptly reports, in good faith, an act of bullying to the appropriate school official designated in the school's policy is immune from a cause of action for damages arising from reporting bullying;

(14) This section does not prevent a victim from seeking redress under any other available law, either civil or criminal. This section does not create or alter any tort liability;

(15) Students shall be prohibited from accessing social networking sites at school, except for educational or instructional purposes and with the prior approval from school administration. Nothing in this act shall prohibit students from using school department or school websites for educational purposes. School districts and schools are encouraged to provide in-service training on Internet safety for students, faculty and staff; and

(16) All school districts, charter schools, career and technical schools, approved private day or residential schools and collaborative schools shall be subject to the requirements of this section. School districts and schools must adopt the statewide bullying policy promulgated pursuant to this section by June 30, 2012.

History of Section.

(P.L. 2011, ch. 162, § 3; P.L. 2011, ch. 178, § 3.)

§ 16-21.5-1. Legislative intent.

(a) Community policing and the presence of school resource officers on school campuses serve a vital role fostering a safe learning environment for pupils, faculty and staff.

(b) In order to enable school resource officers to more effectively fulfill this role, it is the intent of the legislature to encourage them to form positive relationships with both parents and pupils who are part of the school community.

(c) It is also vitally important that parents be given meaningful opportunity to be active and informed participants in situations involving interaction with school resource officers or other members of the law enforcement community in the school setting.

(d) In furtherance of this objective, it is the intent of the legislature to increase the level of participation of parents when their minor children are being questioned by law enforcement in school or at a school-sponsored activity.

History of Section.

(P.L. 2005, ch. 409, § 1.)

§ 16-21.5-2. Procedure for interrogating elementary students.

(a) Before making an elementary school pupil available to a law enforcement officer for the purpose of being questioned, the principal of the elementary school, or his or her designee, shall take immediate steps to obtain the oral consent of the parent or guardian of the pupil to permit the questioning.

(b) If the parent or guardian requests that the pupil not be questioned until he or she can be present, the pupil may not be made available to the law enforcement officer for questioning until the parent or guardian is present.

(c) If school officials are unable, after reasonable efforts undertaken within a period not to exceed one hour, to contact a parent or guardian in order to obtain consent pursuant to this subdivision, a school administrator, school counselor, or school teacher who is reasonably available and selected by the pupil, shall be present during the questioning.

(d) If the school administrator, school counselor, or school teacher selected by the pupil declines to be present during the questioning, the principal, or his or her designee, shall be present during the questioning.

(e) In those cases in which school officials are unable to contact the pupil's parent or guardian, after the questioning has been completed, the principal or his or her designee shall immediately notify the parent or guardian that the questioning has occurred and make the staff member who was present during the questioning available to inform the parent or guardian about questioning.

History of Section.

(P.L. 2005, ch. 409, § 1.)

§ 16-21.5-3. Procedure for interrogating high school students.

(a) Before making a high school pupil under eighteen (18) years of age available to a law enforcement officer for the purpose of questioning, the principal of the school, or his or her designee, shall inform the pupil that the pupil has the right to request that his or her parent or guardian or an adult family member, or person on the list of emergency contacts for the pupil be present during the questioning.

(b) If the person selected by the pupil cannot be made available within a reasonable period of time, not exceeding one hour, or declines to be present at the questioning, the principal or his or her designee shall inform the pupil that the pupil may select as an alternate, a school administrator, school counselor, or school teacher who is reasonably available to be present during the questioning.

(c) If the person selected by the pupil declines to be present during the questioning, the principal, or his or her designee, shall so inform the pupil and advise the pupil that the principal, or his or her designee, will be present during the questioning if the pupil so requests.

(d) If the pupil exercises his or her right, pursuant to this subsection, to have one of the persons designated in paragraph (a), (b) or (c) present during the questioning, the pupil may not be made available to the law enforcement officer for questioning until that person is present.

History of Section.

(P.L. 2005, ch. 409, § 1.)

§ 16-21.5-4. Student interrogations under exigent circumstances.

The provisions of §§ 16-21.5-2 and 16-21.5-3 shall not apply if any of the following conditions exist:

(a) The law enforcement officer reasonably believes that, due to exigent circumstances, the inability of the officer to immediately question the pupil will materially interfere with the ability of the officer to conduct his or her investigation and any delay would significantly impede the timely apprehension of a suspect. In that case, if an elementary school pupil is being questioned, the principal or his or her designee shall be present during the questioning and shall take immediate and continuous steps to notify the parent or guardian by telephone about the questioning, and if unsuccessful in doing so before the questioning, shall take immediate steps to notify the parent or guardian about the questioning after the questioning has been completed. If a high school pupil is being questioned, the pupil shall be given the option of having the principal, or his or her designee, present during the questioning.

(b) The law enforcement officer reasonably believes that there is a substantial risk of immediate personal injury or substantial property damage. In that case, if an elementary school pupil is being questioned, the principal or his or her designee shall be present during the questioning and shall take immediate and continuous steps to notify the parent or guardian by telephone regarding the questioning, and if unsuccessful in doing so before the questioning is completed, shall take immediate steps to notify the parent or guardian regarding the questioning after it has been completed. If a high school pupil is being questioned, the pupil shall be given the option of having the principal or his or her designee present during the questioning.

(c) The minor pupil being questioned is suspected of being a victim of child abuse or neglect, and either the principal or his or her designee or the law enforcement officer has reasonable belief that the pupil would be endangered by the notification requirements of § 16-21.5-2 or § 16-21.5-3. In that case, if the pupil is an elementary school pupil, the principal of the school, or his or her designee, shall inform the pupil that the pupil has the right to select a school administrator, school counselor or school teacher who is reasonably available to be present during the questioning, as provided in paragraphs (c) and (d) of § 16-21.5-2. If the pupil is a high school pupil, the principal of the school, or his or her designee, shall inform the pupil that the pupil has the right to select another person to be present during the questioning as provided in subsection 16-21.5-3(b).

(d)(1) In the case of an elementary school pupil, the law enforcement officer's questioning of the pupil concerns the commission of criminal activity by the person who would otherwise be present during the questioning pursuant to § 16-21.5-2. In that case, the principal of the school, or his or her designee, shall inform the pupil that the pupil has the right to select a school administrator, school counselor, or school teacher who is reasonably available to be present during the questioning as provided in subsection 16-21.5-2(c).

(2) In the case of a high school pupil, the law enforcement officer's questioning of the pupil concerns the commission of criminal activity by the person selected by the pupil pursuant to § 16-21.5-3. In that case, the principal of the school, or his or her designee, shall so inform the

pupil and advise that the pupil has the right to select another person to be present during the questioning as provided in subsection 16-21.5-3(c).

(e) The pupil is on probation or parole and is being interviewed or otherwise contacted by a probation or parole officer in the normal course of duties of the probation or parole officer.

(f) Except in exigent circumstances as determined by the law enforcement officer, any questioning of a pupil by a law enforcement officer for any reason other than the ordinary, day-to-day conversation that is to be expected among members of a school community, shall take place in a private location, including, but not limited to, the principal's office, and may not take place in a classroom or hallway or other areas where pupils or others may be present.

(g) A school official present during the questioning of a pupil under this section may not disclose matters discussed with the pupil other than to the parent or guardian of the pupil, the attorney for the pupil, other school officials, or a court.

(h) Any school officer or staff member present at the questioning of the pupil by a law enforcement officer pursuant to this section is immune from civil or criminal liability arising from his or her participation during the questioning of the pupil.

(i) For the purposes of this section, "questioning" means only formal questioning in which the principal, or his or her designee, makes a pupil available to a law enforcement officer, at the request of the law enforcement officer, the principal or his or her designee, for questioning as a victim, suspect, or person with information concerning a suspected violation of a school rule that constitutes grounds for expulsion or a suspected commission of a crime. For the purposes of this section, "formal questioning" means only questioning of a pupil by a law enforcement officer that occurs on school grounds. "Formal questioning" does not include ordinary, day-to-day conversations between a pupil and a law enforcement officer.

History of Section.

(P.L. 2005, ch. 409, § 1.)

16-21.5-5. Definition of elementary and high school students.

For the purposes of this chapter, "elementary school pupils" are the pupils who are enrolled in kindergarten or any grades 1 to 8, inclusive. "High school pupils" are the pupils who are enrolled in any grades 9 to 12, inclusive.

History of Section.

(P.L. 2005, ch. 409, § 1.)

Access to Public Records Act:

§ 38-2-2. Definitions.

As used in this chapter:

(1) "Agency" or "public body" means any executive, legislative, judicial, regulatory, or administrative body of the state, or any political subdivision thereof; including, but not limited to: any department, division, agency, commission, board, office, bureau, authority; any school, fire, or water district, or other agency of Rhode Island state or local government that exercises governmental functions; any authority as defined in § 42-35-1(b); or any other public or private agency, person, partnership, corporation, or business entity acting on behalf of and/or in place of any public agency.

(2) "Chief administrative officer" means the highest authority of the public body.

(3) "Public business" means any matter over which the public body has supervision, control, jurisdiction, or advisory power.

(4) "Public record" or "public records" shall mean all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, magnetic or other tapes, electronic data processing records, computer stored data (including electronic mail messages, except specifically for any electronic mail messages of or to elected officials with or relating to those they represent and correspondence of or to elected officials in their official capacities), or other material regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency. For the purposes of this chapter, the following records shall not be deemed public:

(A)(I)(a) All records relating to a client/attorney relationship and to a doctor/patient relationship, including all medical information relating to an individual in any files.

(b) Personnel and other personal individually identifiable records otherwise deemed confidential by federal or state law or regulation, or the disclosure of which would constitute a clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552 et seq.; provided, however, with respect to employees, and employees of contractors and subcontractors working on public works projects that are required to be listed as certified payrolls, the name, gross salary, salary range, total cost of paid fringe benefits, gross amount received in overtime, and any other remuneration in addition to salary, job title, job description, dates of employment and positions held with the state, municipality, or public works contractor or subcontractor on public works projects, employment contract, work location, and/or project, business telephone number, the city or town of residence, and date of termination shall be public. For the purposes of this section "remuneration" shall include any payments received by an employee as a result of termination, or otherwise leaving employment, including, but not limited to, payments for accrued sick and/or vacation time, severance pay, or compensation paid pursuant to a contract buy-out provision.

(II) Notwithstanding the provisions of this section, or any other provision of the general laws to the contrary, the pension records of all persons who are either current or retired members of any public retirement systems, as well as all persons who become members of those retirement systems after June 17, 1991, shall be open for public inspection. "Pension records" as used in this section, shall include all records containing information concerning pension and retirement benefits of current and retired members of the retirement systems and future members of said systems, including all records concerning retirement credits purchased and the ability of any member of the retirement system to purchase retirement credits, but excluding all information regarding the medical condition of any person and all information identifying the member's designated beneficiary or beneficiaries unless and until the member's designated beneficiary or beneficiaries have received or are receiving pension and/or retirement benefits through the retirement system.

(B) Trade secrets and commercial or financial information obtained from a person, firm, or corporation that is of a privileged or confidential nature.

(C) Child custody and adoption records, records of illegitimate births, and records of juvenile proceedings before the family court.

(D) All records maintained by law enforcement agencies for criminal law enforcement and all records relating to the detection and investigation of crime, including those maintained on any individual or compiled in the course of a criminal investigation by any law enforcement agency. Provided, however, such records shall not be deemed public only to the extent that the disclosure of the records or information (a) Could reasonably be expected to interfere with investigations of criminal activity or with enforcement proceedings; (b) Would deprive a person of a right to a fair trial or an impartial adjudication; (c) Could reasonably be expected to constitute an unwarranted invasion of personal privacy; (d) Could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority, or any private institution that furnished information on a confidential basis, or the information furnished by a confidential source; (e) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions; or (f) Could reasonably be expected to endanger the life or physical safety of any individual. Records relating to management and direction of a law enforcement agency and records or reports reflecting the initial arrest of an adult and the charge or charges brought against an adult shall be public.

(E) Any records that would not be available by law or rule of court to an opposing party in litigation.

(F) Scientific and technological secrets and the security plans of military and law enforcement agencies, the disclosure of which would endanger the public welfare and security.

(G) Any records that disclose the identity of the contributor of a bona fide and lawful charitable contribution to the public body whenever public anonymity has been requested of the public body with respect to the contribution by the contributor.

(H) Reports and statements of strategy or negotiation involving labor negotiations or collective bargaining.

(I) Reports and statements of strategy or negotiation with respect to the investment or borrowing of public funds, until such time as those transactions are entered into.

(J) Any minutes of a meeting of a public body that are not required to be disclosed pursuant to chapter 46 of title 42.

(K) Preliminary drafts, notes, impressions, memoranda, working papers, and work products, including those involving research at state institutions of higher education on commercial, scientific, artistic, technical, or scholarly issues, whether in electronic or other format; provided, however, any documents submitted at a public meeting of a public body shall be deemed public.

(L) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment or promotion, or academic examinations; provided, however, that a person shall have the right to review the results of his or her examination.

(M) Correspondence of or to elected officials with or relating to those they represent and correspondence of or to elected officials in their official capacities.

(N) The contents of real estate appraisals, engineering, or feasibility estimates and evaluations made for or by an agency relative to the acquisition of property or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all proceedings or transactions have been terminated or abandoned; provided the law of eminent domain shall not be affected by this provision.

(O) All tax returns.

(P) All investigatory records of public bodies, with the exception of law enforcement agencies, pertaining to possible violations of statute, rule, or regulation other than records of final actions taken, provided that all records prior to formal notification of violations or noncompliance shall not be deemed to be public.

(Q) Records of individual test scores on professional certification and licensing examinations; provided, however, that a person shall have the right to review the results of his or her examination.

(R) Requests for advisory opinions until such time as the public body issues its opinion.

(S) Records, reports, opinions, information, and statements required to be kept confidential by federal law or regulation or state law or rule of court.

(T) Judicial bodies are included in the definition only in respect to their administrative function provided that records kept pursuant to the provisions of chapter 16 of title 8 are exempt from the operation of this chapter.

(U) Library records that, by themselves or when examined with other public records, would reveal the identity of the library user requesting, checking out, or using any library materials.

(V) Printouts from TELE – TEXT devices used by people who are deaf or hard of hearing or speech impaired.

(W) All records received by the insurance division of the department of business regulation from other states, either directly or through the National Association of Insurance Commissioners, if those records are accorded confidential treatment in that state. Nothing contained in this title or any other provision of law shall prevent or be construed as prohibiting the commissioner of insurance from disclosing otherwise confidential information to the insurance department of this or any other state or country, at any time, so long as the agency or office receiving the records agrees in writing to hold it confidential in a manner consistent with the laws of this state.

(X) Credit card account numbers in the possession of state or local government are confidential and shall not be deemed public records.

(Y) Any documentary material, answers to written interrogatories, or oral testimony provided under any subpoena issued under Rhode Island general law § 9-1.1-6.

(Z) Any individually identifiable evaluations of public school employees made pursuant to state or federal law or regulation.

(AA) All documents prepared by school districts intended to be used by school districts in protecting the safety of their students from potential and actual threats.

History of Section.

(P.L. 1979, ch. 202, § 1; P.L. 1980, ch. 269, § 1; P.L. 1981, ch. 353, § 5; P.L. 1982, ch. 416, § 1; P.L. 1984, ch. 372, § 2; P.L. 1986, ch. 203, § 1; P.L. 1991, ch. 208, § 1; P.L. 1991, ch. 263, § 1; P.L. 1995, ch. 112, § 1; P.L. 1998, ch. 378, § 1; P.L. 1999, ch. 83, § 85; P.L. 1999, ch. 130, § 85; P.L. 2002, ch. 65, art. 13, § 29; P.L. 2007, ch. 73, art. 18, § 3; P.L. 2011, ch. 363, § 41; P.L. 2012, ch. 423, § 1; P.L. 2012, ch. 448, § 1; P.L. 2012, ch. 454, § 1; P.L. 2012, ch. 482, § 1; P.L. 2013, ch. 153, § 1; P.L. 2013, ch. 223, § 1; P.L. 2013, ch. 342, § 1; P.L. 2013, ch. 411, § 1; P.L. 2017, ch. 48, § 1; P.L. 2017, ch. 54, § 1; P.L. 2018, ch. 186, § 1; P.L. 2018, ch. 237, § 1; P.L. 2018, ch. 346, § 25.)



School Resource Officers, School Law Enforcement Units, and the Family Educational Rights and Privacy Act (FERPA)

About PTAC

The U.S. Department of Education established the Privacy Technical Assistance Center (PTAC) as a “one-stop” resource for education stakeholders to learn about data privacy, confidentiality, and security practices related to student-level longitudinal data systems and other uses of student data. PTAC provides timely information and updated guidance through a variety of resources, including training materials and opportunities to receive direct assistance with privacy, security, and confidentiality of student data systems. More PTAC information is available at <https://studentprivacy.ed.gov>. PTAC welcomes input on this document and suggestions for future technical assistance resources relating to student privacy. Comments and suggestions can be sent to PrivacyTA@ed.gov.

Introduction

School officials routinely seek to balance the interests of safety and privacy for students. While the Family Educational Rights and Privacy Act (FERPA) generally requires written parent or “eligible student”¹ consent before an educational agency (district) or institution (school) discloses student education records and the personally identifiable information (PII) contained therein, FERPA gives schools and districts flexibility to disclose PII, under certain limited circumstances, in order to maintain school safety. The purpose of this guidance is to address questions about how FERPA applies to schools’ and districts’ disclosures of PII from student education records to school security units, outside law enforcement entities, School Resource Officers (SROs), and other schools. While the information in this guidance is applicable to all educational agencies and institutions that receive funds under any program administered by the Secretary of the U.S. Department of Education (Department), the discussion is generally focused on health or safety emergencies faced by public elementary and secondary schools.

Many schools and school districts have their own security units to monitor safety and security in and around school campuses. In FERPA, these entities are called “law enforcement units” if certain conditions are met. Some schools designate a particular school official or office to be responsible for referring potential or alleged violations of law to local law enforcement authorities. Other schools contract with off-duty police officers to provide school security, while still others utilize the services of an SRO, who serves as an on-site law enforcement officer and liaison with the local police or sheriff’s department for reporting offenses and filing charges. Still others utilize a hybrid system combining one or more of the preceding methods.

FERPA affords schools and districts flexibility when responding to circumstances that threaten the health or safety of individuals in their school community. Understanding the provisions of FERPA relative to such circumstances will empower school officials to act decisively and quickly when challenges arise. The following frequently asked questions detail how FERPA may apply in these circumstances. Although this guidance is focused on FERPA, there may be other federal and State laws, such as civil rights and privacy

¹ When a student turns eighteen years of age, or enrolls in a postsecondary institution at any age, the student becomes an “eligible student” (34 CFR §99.3 “eligible student”) and all rights under FERPA transfer from the parent to the student. 34 CFR §99.5(a)(1)



laws, that are relevant to decision-making regarding when and with whom schools and districts may disclose, without appropriate consent, student information. At the federal level, for example, public elementary and secondary schools are subject to federal civil rights laws, including laws that prohibit discrimination based on: disability (the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973); race, color, and national origin (Titles IV and VI of the Civil Right Act of 1964); sex (Title IX of the Education Amendments of 1972); and religion (Title IV of the Civil Rights Act of 1964). Also, State educational agencies and local educational agencies must comply with the requirements of Part B of the Individuals with Disabilities Education Act (IDEA) in educating children with disabilities, including IDEA’s confidentiality of information requirements.²

² See 20 U.S.C. 1417(c) and 34 CFR §§300.610-300.626.

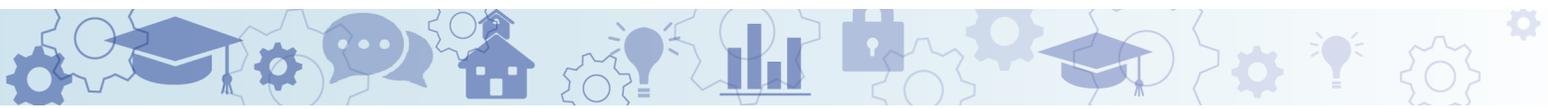


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General Requirements of the Family Educational Rights and Privacy Act (FERPA) Applicable to this Guidance

Q.1. Do any laws other than FERPA address the disclosure of personally identifiable information (PII) from students' education records or other disclosures of information on students?

Yes. As noted in the “Introduction” section, there may be other federal and State laws, as well as local policies that address information sharing on students, including laws concerning the civil rights of students.³ In addition, the education records of students who are children with disabilities are not only protected by FERPA but also by the confidentiality of information provisions in the Individuals with Disabilities Education Act (IDEA).⁴ (See Q.5) Among other laws, student records may, under some circumstances, also be covered by the provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) or the Richard B. Russell National School Lunch Act.⁵

Q.2. What is FERPA and to which entities does it apply?

FERPA is a federal law that protects the privacy of student education records, and the PII contained therein, maintained by educational agencies or institutions or by a party acting for the agencies or institutions. The FERPA statute is found at 20 U.S.C. § 1232g and its implementing regulations are set forth at 34 CFR Part 99. FERPA applies to all educational agencies and institutions that receive funds under any program administered by the Secretary of the U.S. Department of Education (Department).⁶ The term “educational agencies and institutions” generally refers to local educational agencies (LEAs), elementary and secondary schools, and postsecondary institutions. Private schools at the elementary and secondary levels generally do not receive funds from the Department and are, therefore, not subject to FERPA, but may be subject to other data privacy laws such as HIPAA. In this guidance, when we refer to LEAs, school districts, or schools, we mean “educational agencies and institutions,” as applicable, subject to FERPA. A copy of the regulations may be found on our website at: <https://studentprivacy.ed.gov/>

Q.3. To whom does the information in this guidance apply?

The information in this guidance applies to all educational agencies and institutions. That said, the guidance generally focuses on addressing health or safety emergency situations faced by the elementary and secondary school community. For additional information on FERPA’s application to health or safety emergency situations in the postsecondary institution context, please refer to

³ Many State laws provide greater privacy protections than FERPA does, however FERPA establishes a minimum federal standard governing the privacy of education records and the PII contained therein.

⁴ For additional information on the interaction of FERPA and IDEA confidentiality provisions, please refer to previously issued Department guidance entitled, “IDEA and FERPA Confidentiality Provisions,” issued in June 2014, available at: <https://studentprivacy.ed.gov/resources/ferpaidea-cross-walk>.

⁵ For information relating to the interaction of FERPA and HIPAA with respect to student health records, please refer to the “Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) And the Health Insurance Portability and Accountability Act of 1996 (HIPAA) To Student Health Records” issued by the U.S. Department of Education and the U.S. Department of Health and Human Services in November 2008, available at: <https://studentprivacy.ed.gov/resources/joint-guidance-application-ferpa-and-hipaa-student-health-records>

⁶ 34 CFR § 99.1



previously issued Department guidance entitled, “Addressing Emergencies on Campus,” issued in June 2011, available at: <https://studentprivacy.ed.gov/resources/addressing-emergencies-campus>. Additionally, the Department has released several guides for developing emergency operations plans for elementary and secondary schools, school districts, and postsecondary institutions. These guides may be found at: https://rems.ed.gov/Resource_Plan_Basic_EOP.aspx.

Q.4. What are the rights of parents and students under FERPA?

FERPA affords parents certain rights with respect to their children’s education records maintained by schools and school districts to which FERPA applies. These include the right to inspect and review their children’s education records, the right to seek to have the education records amended, and the right to have some control over the disclosure of PII contained in the education records.⁷ These rights transfer to the student when he or she reaches the age of 18 years or attends a postsecondary institution at any age (and thereby becomes an “eligible student” under FERPA).⁸

Q.5. What are “education records”?

The term “education records” is defined, with certain exceptions, as those records that are: (1) directly related to a student; and (2) maintained by an educational agency or institution, or by a party acting for the agency or institution.⁹ Records on children with disabilities who receive evaluations, services, or other benefits under Part B of the IDEA are subject to IDEA’s “Confidentiality of Information” requirements, in addition to being considered “education records” subject to FERPA.¹⁰

Q.6. Are there any types of records or documents that are specifically excluded from the definition of “education records” under FERPA?

Yes. There are several categories of records that may be maintained by an educational agency or institution that are not “education records” under FERPA.¹¹ One such category of records – records of a “law enforcement unit” – is particularly relevant to school safety and is discussed in detail in Qs 18 and 19, below.

Q.7. What is “directory information” and is it protected by FERPA?

FERPA defines “directory information” as information contained in a student’s education record that would not generally be considered harmful or an invasion of privacy if disclosed.¹² Directory information may include, but is not limited to, the student’s name; address; telephone listing; electronic mail address; photograph; date and place of birth; major field of study; grade level; dates of attendance; participation in officially recognized activities and sports; weight and height

⁷ 20 U.S.C. §§ 1232g(a)(1) and (2), (b), (h), (i), and (j); 34 CFR Part 99, Subparts B, C, and D.

⁸ 34 CFR §§ 99.3, “Eligible student,” and 99.5

⁹ 34 CFR § 99.3, “Education records.”

¹⁰ 34 CFR §§ 300.610 – 300.626

¹¹ Please refer to the definition of “education records” set forth in FERPA at 20 U.S.C. § 1232g(a)(4) and the implementing regulations at 34 CFR § 99.3 for further information on the types of records that are not considered “education records.”

¹² 34 CFR § 99.3, “Directory information.”



of members of athletic teams; degrees, honors, and awards received; and the most recent educational agency or institution attended.¹³

The disclosure of appropriately designated directory information, under certain specified conditions, is one of the exceptions to FERPA's general written consent requirement.¹⁴ A school or district may disclose directory information, without the parent or eligible student's written consent, to third parties, including law enforcement officials, if it has given public notice to parents and eligible students of (1) the types of PII that it has designated as "directory information," (2) the right of the parent or eligible student to restrict the disclosure of such information, and (3) the period of time within which a parent or eligible student has to notify the educational agency or institution in writing that he or she does not want any or all of those types of information designated as "directory information."¹⁵ In addition, a school or district may implement a limited directory information policy by specifying in its public notice to parents and eligible students that its disclosure of appropriately designated directory information will be limited to specific parties (and not others), for specific purposes, or both.¹⁶

Q.8. What is "personally identifiable information" under FERPA?

Personally identifiable information (PII) is defined to include not only direct identifiers like the student's name and Social Security number, but also indirect identifiers such as the student's date and place of birth and the mother's maiden name.¹⁷ PII also includes "[o]ther information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty."¹⁸ That is, in some cases, a record may not contain a direct or even an indirect identifier, but would still contain PII under FERPA. For example, when an event at a school generates significant publicity, otherwise permissible non-consensual disclosures of redacted education records may no longer be permissible under FERPA because the publicity would allow a reasonable person in the school community to identify with reasonable certainty the student(s) involved. PII also includes any information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education records relates.

Q.9. Who must provide consent for the disclosure of PII from a student's education records?

In general, with certain exceptions, before an educational agency or institution discloses PII from a student's education record, the student's parent or the eligible student must provide a signed and dated written consent. That consent must specify the education records (or the PII contained in those records) that may be disclosed, must state the purposes of the disclosure, and must identify the party or class of parties to whom the disclosure may be made.¹⁹

¹³ *Id.*; 20 U.S.C. § 1232g(a)(5)(A).

¹⁴ 34 CFR §§ 99.31(a)(1) and 99.37

¹⁵ 34 CFR § 99.37(a)

¹⁶ 34 CFR § 99.37(d)

¹⁷ 34 CFR § 99.3, "Personally Identifiable Information."

¹⁸ *Ibid.*

¹⁹ 34 CFR § 99.30

Q.10. Are there exceptions to FERPA’s general written consent requirement that permit schools and districts to disclose PII from education records without consent?

Yes. While FERPA generally requires parents or eligible students to provide a school or district with written consent before the school or district discloses PII from a student’s education records, there are a number of exceptions to this prior written consent requirement.²⁰ For example, assuming that certain conditions are satisfied, FERPA permits a school or district to disclose education records under the “health or safety emergency” exception without obtaining prior written consent.²¹ Several of these exceptions to the consent requirement that are most relevant in the school safety context are discussed below. Additionally, as explained more fully in Q.19 below, because “law enforcement unit records” are not “education records,” they, therefore, may be disclosed, without the parent or eligible student’s consent, to outside parties under FERPA. Similarly, while IDEA generally also requires prior written consent from the parent (or from a student who has reached the age of majority under State law, if parental rights have transferred to the student) for disclosure of PII from education records, IDEA generally incorporates the FERPA exceptions to the prior consent requirement.²²

Q.11. Are schools and districts required to record the disclosure of PII from students’ education records whenever they make disclosures?

Subject to certain exceptions addressed below, schools and districts must maintain a record of each request for access to and each disclosure of PII from the education records of each student, as well as the names of State and local educational authorities and federal officials and agencies listed in 34 CFR § 99.31(a)(3) that may make further disclosures of PII from the student’s education records without consent.²³ The school or district must maintain the record of disclosure with the education records of the student as long as the education records are maintained.²⁴

For each request or disclosure, the record of disclosure must include: (1) the parties who have requested or received PII from the education records; and (2) the legitimate interests the parties had in requesting or obtaining the information (*i.e.*, under which exception to FERPA’s general written consent requirement the disclosure was made).²⁵ As explained in the answer to Q.30 below, the school or district must record additional information whenever it discloses, without appropriate consent, PII from a student’s education records under FERPA’s health or safety emergency exception.²⁶ There are additional requirements that relate to recording further disclosures made by State and local authorities and federal officials and agencies listed under 34 CFR § 99.31(a)(3) with which schools and districts should also be familiar.²⁷

Schools and districts do not have to record requests for PII from education records from, or disclosures of PII from education records that were made to: (1) the parent or eligible student; (2) a school official under 34 CFR § 99.31(a)(1); (3) a party with written consent from the

²⁰ 20 U.S.C. §§ 1232g(b)(1), (b)(2), (b)(3), (b)(5), (b)(6), (h), (i), and (j); 34 CFR § 99.31

²¹ 20 U.S.C. § 1232g(b)(1)(I); 34 CFR §§ 99.31(a)(10) and 99.36

²² 34 CFR § 300.622

²³ 20 U.S.C. § 1232g(b)(4)(A); 34 CFR § 99.32(a)(1)

²⁴ 34 CFR § 99.32(a)(2)

²⁵ 34 CFR § 99.32(a)(3).

²⁶ 34 CFR § 99.32(a)(5)

²⁷ 34 CFR §§ 99.32(a)(4) and (b)(2)



parent or eligible student; (4) a party seeking directory information; or (5) a party seeking or receiving records in accordance with the provisions in FERPA related to non-consensual disclosures pursuant to certain types of lawfully issued subpoenas or court orders.²⁸ However, in the interests of promoting greater transparency, the Department considers it a best practice for schools and districts to voluntarily record such disclosures in certain situations, such as when records are produced pursuant to certain lawfully issued subpoenas or court orders.

Disclosures of PII from Students' Education Records Without Written Consent

General

Q.12. When are schools or districts required by FERPA to disclose PII from a student's education records?

FERPA does not contain any provisions that *require* schools or districts to “disclose” PII from a student's education records. The disclosures discussed in this guidance document describe the conditions under which a school or district *may* disclose education records without the parent or eligible student's consent. That said, FERPA does require schools and districts as well as state educational agencies (SEA) and their components to provide parents and eligible students with the opportunity to “inspect and review” the student's own education records.²⁹ Further, if circumstances effectively prevent the parent or eligible student from exercising this right to inspect and review, the educational agency or institution, or SEA or its components, must provide the parent or eligible student with a copy of the education record requested or make other arrangements for the parent or eligible student to inspect and review the education record.³⁰

School Officials

Q.13. Who qualifies as a “school official” under FERPA, and to whom may schools and districts disclose education records under the school official exception to FERPA's general written consent requirement?

FERPA permits schools and districts to disclose education records (and the PII contained in those records) without appropriate consent, to “school officials” provided that the school or district has determined that these school officials have “legitimate educational interests” in the education records.³¹ Under FERPA, a school or district must include in its annual notification of FERPA rights the specific criteria they use for determining who constitutes a “school official” and what constitutes a “legitimate educational interest.”^{32,33,34} A “school official” may include,

²⁸ 34 CFR §§ 99.31(a)(9)(ii)(A)-(C); 34 CFR § 99.32(d)

²⁹ 20 U.S.C. § 1232g(a)(1)(A) and (B); 34 CFR § 99.10(a)

³⁰ 34 CFR § 99.10(d)

³¹ 20 U.S.C. § 1232g(b)(1)(A); 34 CFR § 99.31(a)(1)(i)(A).

³² 34 CFR § 99.7(a)(3)(iii)

³³ The Department has created a “Model Notification of Rights under FERPA for Elementary and Secondary Schools,” available at: <https://studentprivacy.ed.gov/resources/ferpa-model-notification-rights-elementary-secondary-schools>

³⁴ This notification must be distributed by a school or district every year through a means that is likely to be viewed by parents and eligible students, such as a student handbook, school website, or a direct letter to parents, and must inform parents and eligible students of their rights under FERPA.



but is not limited to, a teacher, school principal, president, chancellor, board member, trustee, registrar, counselor, admissions officer, attorney, accountant, human resources professional, information systems specialist, and support or clerical personnel.

Contractors, consultants, volunteers, or other third parties to whom a school or district has outsourced certain functions may be also be considered “school officials.”³⁵ Schools and districts may disclose education records (and the PII contained in those records), without appropriate consent to such school officials provided that they (1) perform an institutional service or function for which the school or district would otherwise use employees; (2) are under the “direct control” of the school or district with respect to the use and maintenance of the education records; (3) are subject to FERPA’s use and re-disclosure requirements set forth in 34 CFR § 99.33(a); and (4) satisfy the criteria specified in the school or district’s annual notification of FERPA rights for being “school officials” with “legitimate educational interests” in the education records.³⁶

Typically, a school official would have a “legitimate educational interest” if he or she needs to review an education record in order to fulfill his or her professional responsibilities. Please note that schools and districts must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests.³⁷ If a school or district does not use physical or technological access controls, it must ensure that its administrative policy for controlling access to education records is effective and that it remains in compliance with FERPA’s legitimate educational interest requirement.³⁸

Q.14. Can law enforcement unit officials who are school employees be considered school officials with legitimate educational interests?

Yes, if certain conditions apply. A law enforcement unit official who is an employee of a school or district generally would be considered a school official to whom the school or district may disclose, without consent, education records (or PII contained in those records), if the law enforcement unit official meets the criteria specified in the school or district’s annual notification of FERPA rights to parents and eligible students for being a “school official” with a “legitimate educational interest” in the education records. In several questions below we discuss how the school official exception to FERPA’s general written consent requirement applies in situations in which the law enforcement unit is not comprised of school employees.

Q.15. Can law enforcement unit officials who are off-duty police officers or SROs be considered school officials under FERPA and, therefore, have access to students’ education records?

Yes, if certain conditions are met. Under FERPA, schools and districts may consider law enforcement unit officials, such as off-duty police officers and SROs, to be “school officials” if the school or district has outsourced the function of providing safety and security for the school or

³⁵ 34 CFR § 99.31(a)(1)(i)(B)

³⁶ 34 CFR § 99.31(a)(1)(i)

³⁷ 34 CFR § 99.31(a)(1)(ii)

³⁸ Ibid



district to the law enforcement unit officials.³⁹ Law enforcement unit officials could qualify as “school officials” under FERPA if they:

1. Perform an institutional service or function for which the school or district would otherwise use employees (e.g., to ensure school safety);
2. Are under the “direct control” of the school or district with respect to the use and maintenance of the education records (e.g., through a memorandum of understanding (MOU) that establishes data use restrictions and data protection requirements);
3. Are subject to FERPA’s use and re-disclosure requirements in 34 CFR § 99.33(a), which provides that the PII from education records may be used only for the purposes for which the disclosure was made (e.g., to promote school safety and the physical security of students), and which limits the re-disclosure of PII from education records; and
4. Meet the criteria specified in the school or district’s annual notification of FERPA rights for being school officials with legitimate educational interests in the education records.⁴⁰

The best practice to ensure compliance with these provisions is for the school and the law enforcement unit to enter into a MOU that specifically addresses these issues.⁴¹

As indicated in the listing above, off-duty police officers and SROs who qualify as “school officials” may only use PII from education records for the purposes for which the disclosure was made, e.g., to promote school safety and the physical security of the students.⁴² In addition, these officers are subject to FERPA’s re-disclosure requirements in 34 CFR § 99.33(a). This means that an off-duty police officer or SRO who is acting as a “school official” under FERPA may not re-disclose, without appropriate consent, PII from education records to outside parties, including other employees of his or her police department who are not acting as school officials, unless the disclosure satisfies an exception to FERPA’s general written consent requirement, as further discussed below (e.g., if the re-disclosure is made pursuant to a lawfully issued subpoena or court order⁴³ or to appropriate parties under the health and safety emergency exception).

Threat Assessment Teams

Q.16. What is a threat assessment team?

A threat assessment team is a group of individuals who convene to identify, evaluate, and address threats or potential threats to school security. Threat assessment teams review incidents of threatening behavior by students (current and former), parents, school employees, or other individuals, and, based on the information received, relying on their collective expertise, provide guidance to school officials on how to respond to the potential threat. These

³⁹ 34 CFR § 99.31(a)(1)(i)(B)(1)-(3),

⁴⁰ 34 CFR § 99.31(a)(1)(i)

⁴¹ For additional information about memoranda of understanding, see the Final Report of the Federal Commission on School Safety (2018), Chapter 13, “Training School Personnel to Help Ensure Student Safety” available at <https://www2.ed.gov/documents/school-safety/school-safety-report.pdf>

⁴² 34 CFR §§ 99.31(a)(1)(i)(B)(3) and 99.33(a)(2)

⁴³ Subject to certain exceptions, FERPA requires the disclosing entity to make a reasonable effort to notify the parent or eligible student in advance of compliance with the subpoena or order. 34 CFR § 99.31(a)(9)(ii)



expertise, provide guidance to school officials on how to respond to the potential threat. These teams are more common in university settings but are also being instituted in elementary and secondary schools.

Some schools may need assistance in determining whether a health or safety emergency exists in order to know whether a disclosure to appropriate parties (e.g., emergency responders or law enforcement) may be made under FERPA's health or safety emergency exception. Accordingly, members of a threat assessment team include individuals who can assist in making such decisions, such as school principals, counselors, educators, and school law enforcement unit officials, as well as outside medical and mental health professionals and local law enforcement officers.

In July 2004, the Department and the U.S. Secret Service jointly issued a booklet entitled, "Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates," which includes guidance on the formation of threat assessment teams on pages 37-38. Information on establishing a threat assessment program, including a link to this booklet and other helpful resources for emergency situations, can be found on the Department's website at: <http://www.ed.gov/admins/lead/safety/edpicks.jhtml>.

For additional information on threat assessment teams, please also refer to joint guidance issued in 2013 by the Department and several federal agencies entitled, "Guide for Developing High-Quality School Emergency Operations Plans," available at: http://rems.ed.gov/docs/REMS_K-12_Guide_508.pdf.

Q.17. Does FERPA permit schools and districts to disclose education records, without consent, to outside law enforcement officials, mental health officials, and other experts in the community who serve on a school's threat assessment team?

Yes, if certain conditions are met. The Department has long encouraged schools and districts to implement a threat assessment program that relies on teams, composed of a wide variety of individuals, to gather information, evaluate facts, and determine whether a health or safety emergency exists.⁴⁴ The members of the threat assessment team should meet the criteria for constituting school officials under FERPA, so that they may assist the institution in gathering information (including PII from education records), evaluating facts, and making institutional determinations, such as whether a health or safety emergency exists, and how the school or district should respond. Under FERPA, a school or district may disclose PII from education records, without appropriate consent, to threat assessment team members who are not employees of the school or district to determine whether there is a health or safety emergency if they:

1. Perform an institutional service or function for which the school or district would otherwise use employees;
2. Are under the "direct control" of the school or district with respect to the use and maintenance of the education records;

⁴⁴ "Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates," pages 37-38. <http://www.ed.gov/admins/lead/safety/edpicks.jhtml>.

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3. Are subject to FERPA's use and re-disclosure requirements in 34 CFR § 99.33(a), which provide that the PII from education records may be used only for the purposes for which the disclosure was made, and which limits the re-disclosure of PII from education records; and
 4. Qualify as "school officials" with "legitimate educational interests." See Q.14 for more information.

While not a requirement of FERPA, one way to ensure that members of the team are aware of the FERPA requirements related to the use and re-disclosure of PII obtained from education records is to require members of the threat assessment team to sign an acknowledgement of their responsibilities for safeguarding student information under FERPA.

Schools and districts are reminded that members of a threat assessment team may only use PII from education records for the purposes for which the disclosure was made, *i.e.*, to conduct threat assessments, and are subject to FERPA's re-disclosure requirements in 34 CFR § 99.33(a). For example, a representative from the city police who serves on a school's threat assessment team generally could not give the police department any PII from a student's education records to which he or she was privy as a member of the team, unless the disclosure meets an exception to consent, such as a disclosure in connection with a health or safety emergency, and any applicable recordation requirements in FERPA are met. While school officials must make the ultimate determination as to whether information about a threat is sufficiently significant and articulable to warrant disclosure without consent to appropriate parties under the health and safety emergency exception, schools and districts may, at their discretion, grant non-employees serving as school officials on the threat assessment team the ability to make this determination on their behalf.⁴⁵ See Q25-26 for more information on the health and safety emergency exception to consent.

Law Enforcement Unit & Law Enforcement Unit Records

Q.18. What is a "law enforcement unit"?

Under FERPA, "law enforcement unit" means any individual, office, department, division, or other component of a school or district, such as a unit of police officers or security guards, that is officially authorized or designated by that school or district to (1) enforce any local, State, or federal law, or refer to appropriate authorities a matter for enforcement of any local, State, or federal law, against any individual or organization other than the agency or institution itself; or (2) maintain the physical security and safety of the agency or institution.⁴⁶

Schools vary in who is authorized or designated to be their law enforcement unit, usually depending upon school size and resources. Some larger school districts have their own fully equipped police units, while others have smaller security offices. Other schools designate a vice principal or other school official to act as the law enforcement unit officer. Other schools may – as discussed in Qs 21-24 – use non-school employees such as local police officers and SROs as their designated law enforcement unit officers.

⁴⁵ 34 CFR §§ 99.31(a)(10) and 99.36

⁴⁶ 34 CFR § 99.8(a)(1)



Q.19. What is a law enforcement unit record?

Law enforcement unit records are records that are: (1) created by a law enforcement unit; (2) created for a law enforcement purpose; and (3) maintained by the law enforcement unit.⁴⁷ Law enforcement unit records are not protected by FERPA because they are specifically excluded from the definition of “education records” and, thus, from the privacy protections afforded to parents and eligible students by FERPA.⁴⁸ Therefore, investigative reports and other records created and maintained by law enforcement units that meet this definition are not considered “education records” subject to FERPA and may be released subject to school policy, State law, and other applicable laws.

When members of a school’s law enforcement unit are school officials with access to students’ education records (or to PII contained in those records), they may not re-disclose the records or PII they receive as school officials under FERPA without appropriate consent or except as permitted under FERPA (see Q.20), such as if the re-disclosure is to other school officials, or under the health and safety emergency exception. It is, therefore, advisable for law enforcement units to maintain law enforcement unit records separately from education records.

Q.20. When can law enforcement unit officials serve as “school officials?”

In order for law enforcement unit officials to be considered school officials, they must meet the criteria for who constitutes a school official that are set forth in the school or district’s annual notification to parents and eligible students of their rights under FERPA and preferably defined in an MOU for non-school employees.⁴⁹ As explained in Qs 13-15, schools and districts must also determine that the school official’s interest in accessing the education records meets the criteria for legitimate educational interests, as set forth in the school’s or district’s annual notification of FERPA rights. A school official typically would have a “legitimate educational interest” if the official needs to review an education record in order to fulfill his or her professional or delegated responsibility.

Having law enforcement unit officials who are “school officials” with “legitimate educational interests” will permit a school to disclose PII from students’ education records, without appropriate consent, to its law enforcement unit officials so that they may perform their professional duties and assist with school safety matters. For example, if a student is expelled from school and barred from campus the principal could disclose the student’s disciplinary report to law enforcement unit officials so that they would know that the student should not be on campus. The PII from the student’s education records that is provided to the school’s law enforcement unit officials remains subject to FERPA and may only be further disclosed by that unit (e.g., to the local police department) with consent or as otherwise permitted under FERPA⁵⁰, such as making a disclosure to comply with a lawfully issued subpoena⁵¹ or the

⁴⁷ 34 CFR § 99.8(b)(1)

⁴⁸ 34 CFR § 99.3, “Education Records”

⁴⁹ 34 CFR § 99.7(a)(3)(iii)

⁵⁰ 34 CFR § 99.33. To be permissible under FERPA, any such redisclosures must be on behalf of the educational agency or institution, and must meet the requirements of one or more of the exceptions to consent at 34 CFR 99.31.

⁵¹ 34 CFR § 99.31(a)(9)

disclosure is in connection with a health or safety emergency,⁵² and provided FERPA's recordkeeping requirements have been met.⁵³

Utilizing Local Police Officers and SROs as School Law Enforcement Unit Officials

Q.21. Does a school or district have to use only employees to staff its law enforcement unit?

No. The manner in which a school or district staffs its law enforcement unit is not addressed by FERPA. Accordingly, FERPA does not require a school or district to use only employees to staff its law enforcement unit and may contract out those services.

Q.22. Are SROs or other outside local law enforcement officials who serve as a school's law enforcement unit automatically considered school officials?

Not automatically. Subject to the conditions indicated in Q.15 relative to outsourcing institutional services or functions, these officials may be considered "school officials" with "legitimate educational interests" and may have access to students' education records.

Q.23. Can a school provide local or other law enforcement officials with "directory information" on students?

Yes. If the school or district has a directory information policy under FERPA that permits this disclosure to local or other law enforcement officials, then the directory information of those students whose parents (or those eligible students who) have not opted out of such a disclosure may be disclosed without appropriate consent.⁵⁴ See the related discussion in Q.7.

Q.24. Does FERPA distinguish between SROs and other local police officers who work in a school?

No. As noted previously, an SRO typically serves as an on-site law enforcement officer and as a liaison with the local police or sheriff's department. An SRO may be designated by a school or district as a "law enforcement unit" official under FERPA.⁵⁵ However, in order for a school or district to disclose education records (or any PII contained in those records) to an SRO, without appropriate consent, the disclosure must satisfy an exception to FERPA's general written consent requirement such as the "school official" exception under which the SRO must be considered a "school official" with a "legitimate educational interest" under FERPA. See Qs 15 and 22.

As explained in Q.15, the school or district must have direct control over an SRO's maintenance and use of education records in providing SRO services in order for the SRO to be considered a school official. Additionally, as explained in Q.13, schools and districts must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests. Further, under the school official exception (as well as any FERPA exception to consent), SROs may only use the PII from

⁵² 34 CFR §§ 99.31(a)(10) and 99.36

⁵³ 34 CFR § 99.32

⁵⁴ 34 CFR §§ 99.31(a)(11) and 99.37

⁵⁵ 34 CFR § 99.8(a)(1)



education records for the purposes for which the disclosure was made, e.g., to promote school safety and the physical security of the students.⁵⁶ In addition, SROs are subject to FERPA's re-disclosure limitations.⁵⁷ This means that an SRO who is serving as a "school official" under FERPA may not disclose PII from education records to others, including other employees of his or her local police department who are not acting as school officials, without consent unless: (1) the re-disclosure is on behalf of the educational agency or institution; (2) the re-disclosure fits within one of the exceptions to FERPA's consent requirement (see Qs 15 and 17); and (3) the recordkeeping requirements in 34 CFR § 99.32 have been met.

Other Exceptions to FERPA's General Consent Rule Relevant to School Safety

Health or Safety Emergencies

Q.25. When is it permissible for schools or districts to disclose, without appropriate consent, student education records (or PII contained in those records) under FERPA's health or safety emergency exception?

In some situations, school administrators may determine that it is necessary to disclose a student's education records (or PII contained in those records) to appropriate parties in order to address a specific and articulable threat of a health or safety emergency. FERPA's health or safety emergency provision permits such disclosures when the disclosure is necessary to protect the health or safety of the student or other individuals.⁵⁸ This exception to FERPA's general consent requirement is limited to the period of the emergency and does not allow for a blanket release of PII from a student's education records. Rather, these disclosures must be related to a significant and articulable emergency, such as an impending natural disaster, a terrorist attack, a campus threat, or the outbreak of an epidemic disease. Please refer to the following previously issued Department guidance entitled, "Addressing Emergencies on Campus," issued in June 2011, for additional information: <https://studentprivacy.ed.gov/resources/addressing-emergencies-campus>.

Q.26. Who are considered "appropriate parties" that may receive information under the health or safety emergency exception?

An appropriate party under the health or safety emergency exception to FERPA's general consent requirements is a party whose knowledge of such information is necessary to protect the health or safety of the student or other persons. Typically, local or State law enforcement officials, public health officials, trained medical personnel, and parents (including parents of an eligible student) are the types of appropriate parties to whom schools and districts may disclose information under this FERPA exception.⁵⁹

⁵⁶ 34 CFR §§ 99.31(a)(1)(i)(B)(3) and 99.33(a)(2).

⁵⁷ 34 CFR § 99.33(a)

⁵⁸ 34 CFR §§ 99.31(a)(10) and 99.36

⁵⁹ Please refer to the following previously issued Department guidance entitled, "Addressing Emergencies on Campus," issued in June 2011, for additional information: <https://studentprivacy.ed.gov/resources/addressing-emergencies-campus>



Q.27. How does a school or district know when a health or safety emergency exists so that a disclosure may be made under this exception to consent?

A school or district must make this determination on a case-by-case basis, taking into account the totality of the circumstances pertaining to a threat to the health or safety of a student or others. If the school or district determines that there is an articulable and significant threat to the health or safety of a student or other individuals and that one or more third parties (e.g., law enforcement officials, public health officials, trained medical personnel, parents, etc.) need education records (or PII contained in those records) in order to protect the health or safety of the student or other individuals, it may disclose that information to the appropriate parties without consent.⁶⁰

Q.28. What does “articulable and significant threat” mean?

This is a flexible standard under which the Department generally defers to school officials so that they might respond appropriately. In applying this standard, a school official should be able to explain the basis for his or her reasonable belief, based on all the available information, as to why a given student poses an “articulable and significant threat.” The phrase “articulable and significant threat” means that a school official is able to explain, based on all the information available at the time, what the threat is and why it is significant when he or she makes and records the disclosure.⁶¹

Q.29. May a school make disclosures under FERPA’s health or safety emergency exception for emergency preparedness exercises?

No. Disclosures made under the health or safety emergency exception must be “in connection with an emergency,” which means it must be related to an actual, impending, or imminent emergency, such as a natural disaster, a terrorist attack, a campus threat, or the outbreak of an epidemic disease.

Q.30. Does a school have to record disclosures made under FERPA’s health or safety emergency exception?

Yes. When a school or district makes a disclosure under the health or safety exception, it must record in the student’s education records the articulable and significant threat that formed the basis for the disclosure, and the parties to whom the information was disclosed.⁶² (The recordkeeping requirements for disclosures under the health or safety emergency exception are different than the recordkeeping requirements for other disclosures discussed in Q.11.)

Q.31. Are there other situations in which school officials may non-consensually disclose PII from education records of students who have been disciplined for conduct that posed a significant risk to the safety of the school community to officials at another school?

Yes. Under FERPA, a school or district may disclose appropriate information concerning disciplinary action taken against a student who has been disciplined for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of

⁶⁰ 34 CFR § 99.36(c).

⁶¹ 34 CFR § 99.36

⁶² 34 CFR § 99.32(a)(5)



the school community, to school officials at *another school*. The school must determine that the other school has a legitimate educational interest in the behavior of the student.⁶³

For instance, a school official knows that a student, who had recently been disciplined for bringing a weapon to school, was overheard threatening to hurt students or teachers at a school-sponsored activity at another school. In this instance, FERPA would allow that school official to notify school officials at the other school who have been determined to have legitimate educational interests in the behavior of the student.⁶⁴ Please note that this exception does not permit the non-consensual disclosure of information concerning disciplinary action taken against a student for behavior that did not pose a significant risk to the safety or well-being of that student, other students, or other members of the school community (see Q.28).

Judicial Orders or Lawfully Issued Subpoenas

Q.32. May schools comply with a subpoena or court order for education records without the consent of the parent or eligible student?

Yes, although a reasonable effort to notify the parent or eligible student is generally required. FERPA permits disclosure of education records without consent in compliance with a lawfully issued subpoena or judicial order.⁶⁵ However, a school or district must generally make a reasonable effort to notify the parent or eligible student of the subpoena or judicial order before complying with it in order to allow the parent or eligible student the opportunity to seek protective action, unless certain exceptions apply. Exceptions to the requirement of making a reasonable effort to provide prior notification apply to: (1) a federal grand jury subpoena or other subpoena issued for a law enforcement purpose if the court or other issuing agency, for good cause shown, has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; and (2) an *ex parte* order obtained by the United States Attorney General (or designee not lower than Assistant Attorney General) concerning investigations or prosecutions of an act of terrorism or other specified offenses.⁶⁶ For example, if a school received a law enforcement subpoena that requested PII about a student suspected of selling drugs, it would not have to make an effort to notify the parent or eligible student if the court or other issuing agency, for good cause shown, had ordered that the existence or the contents of the subpoena or information furnished in response to the subpoena not be disclosed.

Transfer to New Schools

Q.33. Does FERPA permit schools to disclose any and all education records on a student to another school where the student seeks or intends to enroll?

Yes. FERPA permits a school or district to disclose education records (or PII contained in those records) without appropriate consent to another school or school system in which a student

⁶³ 34 CFR § 99.36(b)(3)

⁶⁴ 34 CFR § 99.36(b)(3).

⁶⁵ 20 U.S.C. § 1232g(b)(2)(B); 34 CFR § 99.31(a)(9)(i) and (ii)

⁶⁶ 20 U.S.C. §§ 1232g(b)(1)(J) and (j); 34 CFR § 99.31(a)(9)(ii)



seeks or intends to enroll, subject to certain conditions.⁶⁷ This exception to FERPA's general consent requirement also permits a school to disclose education records when a student is being placed in a juvenile justice facility that is considered a school.

Q.34. Are schools required to transfer certain student disciplinary records to other schools where the student seeks or intends to enroll?

It depends on State procedures. A State receiving funds under the Elementary and Secondary Education Act of 1965, as amended (ESEA),⁶⁸ was required, not later than January 8, 2004, to provide an assurance to the Secretary that they had "a procedure in place to facilitate the transfer of disciplinary records, with respect to a suspension or expulsion, by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school." Schools and districts, therefore, should include a notice in their annual notification of rights under FERPA that they forward such student disciplinary records with respect to a suspension or expulsion by local educational agencies to other elementary or secondary schools that have requested the records and in which the student seeks or intends to enroll.⁶⁹ Unless the school or district includes this notice in its annual notification of FERPA rights or the parent or eligible student initiates the transfer of records, the school or district otherwise would be required to make a reasonable effort to notify the parent or eligible student of the disclosure at the last known address of the parent or eligible student.⁷⁰ (See the model notification of rights: <https://studentprivacy.ed.gov/resources/ferpa-model-notification-rights-elementary-secondary-schools>)

Juvenile Justice System

Q.35. Does FERPA permit the disclosure of PII from education records to officials of a State's juvenile justice system?

Yes, under certain conditions. FERPA permits schools to non-consensually disclose education records and the PII contained therein to State and local officials or other authorities if the disclosure is specifically: (1) allowed to be reported or disclosed by a State law adopted prior to November 19, 1974, if the allowed reporting concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released; or (2) allowed to be reported or disclosed by a State law adopted after November 19, 1974, if the disclosure concerns the juvenile justice system and its ability to serve, prior to adjudication, the student whose records are disclosed and the officials and authorities to whom the records are disclosed certify in writing to the school or district that the information will not be provided to any other party, without written consent, except as provided for under State law.⁷¹

⁶⁷ 34 CFR § 99.31(a)(2)), 34 CFR § 99.34

⁶⁸ 20 U.S.C. § 7917(b)

⁶⁹ 34 CFR §§ 99.7, 99.31(a)(2), and 99.34(a)(1)(ii)

⁷⁰ 34 CFR § 99.34(a)(1)

⁷¹ 34 CFR §§ 99.31(a)(5) and 99.38



Release of Information Not Considered Education Records

Personal Knowledge and Observation

Q.36. Does FERPA permit school officials to release information that they personally observed or of which they have personal knowledge?

Because FERPA applies to the disclosure of education records and of PII from education records that are maintained by the school, FERPA does not prohibit a school official from releasing information about a student that was obtained through the school official's personal knowledge or observation, rather than from the student's education records.

Q.37. Are there any limitations to sharing information based on personal knowledge or observations?

The general rule regarding personal knowledge and observations does not apply where a school official learns of information about a student through his or her official role in making a determination about the student and the determination is maintained in an education record. For example, under FERPA, neither a principal nor any other school official who took official action to suspend a student may disclose information learned in that process, absent appropriate consent or an exception to consent under 34 CFR § 99.31 that permits the disclosure. However, the principal or other school official could disclose information about the student's behavior that they personally observed.



Resources

- U.S. Department of Education, Student Privacy Policy Office (formerly called the Family Policy Compliance Office): <https://studentprivacy.ed.gov>
- U.S. Department of Education, Privacy Technical Assistance Center: <https://studentprivacy.ed.gov>
- Family Educational Rights and Privacy Act Regulations: <https://studentprivacy.ed.gov/ferpa-regulations>
- Federal regulations resources web page at the U.S. Department of Education: <https://www.ed.gov/policy/gen/reg/edpicks.jhtml>
- U.S. Department of Education (2013): Guide for Developing High-Quality School Emergency Operations Plans, available at: http://rems.ed.gov/docs/REMS_K-12_Guide_508.pdf
- U.S. Department of Education, Family Policy Compliance Office (2011): Addressing Emergencies on Campus, available at: <https://studentprivacy.ed.gov/resources/addressing-emergencies-campus>
- U.S. Department of Education, Privacy Technical Assistance Center (2014): FERPA Exceptions Summary, available at <https://studentprivacy.ed.gov/resources/ferpa-exceptions-summary-large-format-11-x-17>
- U.S. Department of Education, Privacy Technical Assistance Center, FAQs on Photos and Videos under FERPA, available at: <https://studentprivacy.ed.gov/faq/faqs-photos-and-videos-under-ferpa>
- U.S. Department of Education, Family Policy Compliance Office (2017): Model Notification of Rights under FERPA for Elementary and Secondary Schools, available at: <https://studentprivacy.ed.gov/node/490>
- Final Report of the Federal Commission on School Safety (2018), Chapter 13, "Training School Personnel to Help Ensure Student Safety," available at: <https://www2.ed.gov/documents/school-safety/school-safety-report.pdf>
- United States Secret Service and U.S. Department of Education, (2004): Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates, available at: <http://www.ed.gov/admins/lead/safety/edpicks.jhtml>