

Frequently Asked Questions (FAQs) about K-12 Behavioral Threat Assessment and Management

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Since 2013, when the Virginia Assembly enacted legislation requiring threat assessment teams in public schools, the Virginia Department of Criminal Justice Services (DCJS) – Virginia Center for School and Campus Safety (VCSCS) has provided training, resources, guidance, and technical assistance for school and law enforcement personnel across Virginia. Through these efforts, participants often raise questions to enhance their understanding and application of the law, model policies and procedures, and practice guidelines. These “*Frequently Asked Questions*” (FAQs) provide answers concerning behavioral threat assessment and management processes.

Establishing and Operating a Threat Assessment and Management Process

What is Behavioral Threat Assessment and Management (BTAM)?

Behavioral threat assessment and management (BTAM) is a fact-based, systematic process, emphasizing an appraisal of observed (or reasonably observed) behaviors to identify potentially dangerous or violent situations, to assess them, and to manage/address them. BTAM has evolved into a standard of practice using proactive approaches to prevent violence from impacting schools. These approaches are designed to identify and assist a person(s) in need as early as possible. ***BTAM is a preventative, not punitive, process.***

Are all schools required to have Threat Assessment Teams?

All Virginia **public** schools are required to have policies for the establishment of threat assessment teams. Superintendents shall establish a threat assessment team for each school in the division. Those teams may serve one or more schools in the division.

There is no statutory requirement for **private** schools in Virginia to have threat assessment teams. However, private school administrators should consult with their attorneys and boards for guidance on this issue, as threat assessment and management processes are recommended practices for educational institutions. The Virginia Association of Independent Schools has criteria for accreditation that reference threat assessment processes. The Virginia Council for Private Education also provides guidance regarding school safety and other relevant issues. The DCJS Virginia Center for School and Campus Safety recommends that public schools establish a memorandum of understanding (MOU) with private schools or private day placement schools (where they have students placed) regarding threat assessment and management processes, including suicide prevention and intervention.

Do school Threat Assessment Teams have to follow certain guidelines?

Yes. Virginia public schools must enact threat assessment and management policies that are consistent with the [*Threat Assessment and Management in Virginia Public Schools: Model Policies, Procedures, and Guidelines*](#) published by the DCJS Virginia Center for School and Campus Safety, per the *Code of Virginia* [§ 9.1-184](#), the authorizing statute for VCSCS. The school threat assessment statute also requires schools to develop policies that include procedures for referrals to relevant community resources. These may include community service boards or health care providers in circumstances when those resources are appropriate to provide further evaluation or treatment of persons who are involved in threat assessment and management cases. Schools should establish memoranda of understanding regarding such referral relationships and review them annually to ensure that they are up to date.

The DCJS Virginia Center for School and Campus Safety and the Virginia Department of Education have developed several resources to support schools in their compliance with state law and model policies and procedures. School threat assessment team members should be familiar with:

- [***Threat Assessment and Management in Virginia Public Schools: Model Policies, Procedures and Guidelines, 5th Edition \(Virginia DCJS, 2023\)***](#)
- [***Information Sharing Guide for K-12 Public Schools \(VA DCJS, 2020\)***](#)
- [***Suicide Prevention Guidelines for Virginia Public Schools \(VA DOE, 2020\)***](#)

Do threat assessment teams only address threats of mass violence?

No. The teams are established for early identification, assessment, and management for a broad range of violent behaviors including individual violence to others or self, bullying, dating/domestic violence, stalking, predatory sexual misconduct, human trafficking, violent extremism, etc. The teams also work to recognize and intervene with persons whose behavior is causing concern to others or indicates a need for assistance. Cases addressed by Virginia school threat assessment teams involve concerns of risk of harm to self, others, or both. Only a small number of cases are classified as imminent (Priority 1) or high (Priority 2) levels of concern. The 2023 School Safety Audit data shows that Priority 1 and 2 cases accounted for only 11% of all threat cases.

Are school threat assessment teams required to address threats by non-students?

Yes. Virginia public schools are required to adopt policies that establish threat assessment teams whose functions include the assessment of and intervention with **individuals** whose behavior may pose a threat to the safety of the school, staff, or students. This reflects the understanding that, it is not only students who may pose a threat of violence or harm to the school community, but a range of others including (but not limited to):

- Students: current and former (and potentially prospective)
- Employees: current and former (and potentially prospective)
- Parents, guardians, or other family members of students
- Persons who are (or have been) in relationships with staff or students
- Contractors, vendors, or other visitors
- Persons unaffiliated with the school

While students will likely represent the largest number of potential subjects of concern, schools must implement a process for identifying, assessing, and managing all threats that may reasonably be posed to the school community.

Does a school division have to establish a committee for oversight of threat assessment teams?

No. The Superintendent may choose to do so at their discretion and, if so, they can either establish a committee for such oversight purposes, or they can task an existing committee with those duties. However, if such a committee is created, then it must include individuals with expertise in human resources, education, school administration, mental health, and law enforcement.

Where such division-wide committees are established they may be tasked to provide oversight to school level threat assessment teams; ensure that procedures are maintained for effective information sharing and collaboration between the school division and community mental health and law enforcement agencies; assess the effectiveness of the threat assessment process throughout the school division; and recommend changes to policies and procedures, as needed, to ensure an effective threat assessment process reflecting known best practices. The Committee may also serve as a division level threat assessment team for those cases that impact across the school division or where cases surpass the resources or abilities of school threat assessment teams.

Committee members should be adequately trained regarding laws, policies, procedures, and guidelines relevant to threat assessment and management.

How confidential is the threat assessment and management process?

The Threat Assessment Team operates in a highly confidential manner. The *Code of Virginia* [§ 22.1-79.4](#), subsection F, states that, “No member of a threat assessment team shall redisclose any criminal history record information or health information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose for which such disclosure was made to the threat assessment team.” The Team’s records are also generally exempt from disclosure under the Freedom of Information Act, except under certain circumstances (if an act is carried out after a threat assessment has been completed). Of course, where there is information from a student’s educational record, all the protections under the Family Educational Rights and Privacy Act (FERPA) also apply to members of the threat assessment team.

Are there protections for school staff who report concerns to the Threat Assessment Team?

Yes. First, the Model Policy states that “All school division employees, volunteers, and contractors are required to report any expressed threat(s) or behavior(s) that may represent a threat to the community, school, or self.” Further, the Model Procedure states, “All school division employees, volunteers, and contractors are required to report immediately to the designated school administrator any expression of intent to harm another person, concerning communications, or concerning behaviors that suggest an individual may intend to commit an act of violence, or otherwise need intervention or assistance.”

Therefore, school staff are fulfilling policy obligations when making good faith reports. Further, failure to report such a concern would mean that the staff member is acting against policy.

The *Code of Virginia* provides protections for school staff (or any other persons) who report or investigate certain incidents at school. The *Code of Virginia* [§ 8.01-47](#), grants immunity from all civil liability to any person who, in good faith (with reasonable cause and without malice) reports, investigates, or causes an investigation to be made into information that any person poses a credible danger of serious bodily injury or death to any other person on school property. The *Code of Virginia* [§ 8.01-220.1:2](#), grants immunity from all civil liability for any teacher regarding acts or omissions resulting from the supervision, care or discipline of students, or reporting of alleged bullying or crimes against others, when such acts were within the teacher’s scope of employment and done in good faith. The *Code of Virginia* [§ 40.1-51.4:5](#) provides immunity from all civil liability for any employee who, in good faith reports threatening conduct by a person employed at the same workplace.

Virginia law also has provisions protecting employees from discrimination or retaliation for reporting safety concerns or violations of state or federal law, or for participating in an investigation or inquiry.

Can a subject of a threat assessment appeal the assessment?

First, what is being appealed needs to be clarified. Is it the assessment itself or is it any sanctions that may result from the subject’s behavior that was part of the threat assessment? The threat assessment and management process is not the same as, and should not replace, the relevant disciplinary or criminal justice processes. Those procedures are subject to appeal to provide reasonable due process.

Threat assessment teams are statutorily invested with the responsibility and authority to identify, assess, and manage potential threats, not just to assess the threats. Some case management interventions may impact aspects of a student or employee’s school/work experience and the subject (or parents/guardians of student subjects) may take exception to or not understand the basis for the interventions.

Further, parents of minor children, or the student themselves if 18+, have a right to inspect the student’s educational record and to correct errors in the record, per FERPA. If the parents think there was an error in the threat assessment or case management recommendations, then they should be encouraged to provide

information or evidence for the threat assessment team (TAT) to consider for on-going assessment. Ultimately, the goal is to engage with parents and students where possible and not leave them shut out of the process.

A parent not agreeing with the threat assessment (done based on the totality of information lawfully and ethically available) may indicate that the student isn't being forthcoming with them about the nature of the issues and concerns. If so, all the more reason to hear what parents have to say to build their involvement and engagement in the process when possible.

Also, if a threat case involves issues related to a student with a known disability, then the school must consider medical advice or the best information available to ensure they are compliant with disability laws. So, the team should welcome and consider the parent's input. That does NOT mean the team needs to accept that input as the only perspective, but their practice should reflect that the input was considered in deliberations regarding actions taken, and that there was interactive dialogue about existing or potential accommodations intended to mitigate the reasonably perceived threat.

Are there resources available if Threat Assessment Teams need guidance or assistance?

Yes. The VCSCS has retained an experienced Threat Management Consultant, as an independent contractor available to school threat assessment teams when consultation or training is needed regarding development of threat assessment processes, or for issues related to the management of cases. To request such technical assistance, please contact:

Brad Stang, Threat Assessment Program Coordinator
brad.stang@dcjs.virginia.gov (804) 997-1278

Threat Assessment Team Membership

Who are required members of the Threat Assessment Team?

Per the *Code of Virginia* [§ 22.1-79.4](#), subsection C, *Each division superintendent shall establish, for each school, a threat assessment team that shall include persons with expertise in counseling, instruction, school administration, and law enforcement and, in the case of any school in which a school resource officer is employed, at least one such school resource officer.* The Code states that persons must have expertise in those areas, but do not necessarily have to be currently serving in those roles. The intent is to support a multi-disciplinary approach to maximize the effectiveness of threat assessment and management processes. Persons with an expertise in counseling may include school psychologists, counselors, or social workers. Persons with expertise in instruction may be teachers, administrators with teaching experience, or special education staff. Those with expertise in school administration are typically principals or assistant principals. As of July 1, 2022, those with expertise in law enforcement **shall** be school resource officers if employed at a school. Furthermore, as of July 1, 2022, the *Code of Virginia* [§ 22.1-280.2:3](#) states, *The chief local law-enforcement officer for any local school division in which a public elementary or secondary school does not employ a school resource officer, as defined in § 9.1-101, shall designate a law-enforcement officer to receive, either in-person or online, the training set forth in subsection E of § 22.1-279.8. Such officer shall serve as the law-enforcement liaison for the school administrator described in subsection E of § 22.1-279.8 in each public elementary or secondary school that does not employ a school resource officer.*

Schools should also (as resources allow) identify back-up/secondary team members to fulfill responsibilities if the core team member is not available. Ideally, each core member would have at least one back-up, typically from the same area of expertise.

Team members should be selected to fulfill the obligations of the *Code of Virginia*, and to help the team maximize its capabilities for early identification with developing concerns, comprehensive assessment of situations, and effective management and monitoring to resolve the concerns to the degree possible.

Each team should have a designated leader to facilitate the team process and ensure compliance with legal requirements and standards of practice. This is typically a school administrator with oversight of the threat assessment team process for the school(s) covered by the team but may be any staff member appointed by school administration.

Can other persons also serve on the Threat Assessment Team on a regular or ad hoc basis?

Yes. The *Code of Virginia* specifies the minimum expertise required but does not limit schools from including persons with other areas of expertise (e.g., human resources, special education, disability services, nursing, security, etc.) as core members of the team.

The team may involve other staff members (or community resources) on an ad hoc basis to assist with a particular case or issues specific to certain cases, even when that staff member is not named as a core member of the team.

Is law enforcement a required member of the Threat Assessment Team?

Yes, as referenced above, law enforcement is a required member of the team.

What if our school or school division does not have School Resource Officers (SROs)?

Schools that do not have assigned SROs should first attempt to utilize SROs from other schools within the division. SROs receive training specific to their roles within schools and at least foundational training in threat assessment. Where SROs from other schools (within the division) are not available, then schools should coordinate with their local law enforcement agency to have an officer available.

Furthermore, as of July 1, 2022, the *Code of Virginia* [§ 22.1-280.2:3](#) states, *The chief local law-enforcement officer for any local school division in which a public elementary or secondary school does not employ a school resource officer, as defined in § 9.1-101, shall designate a law-enforcement officer to receive, either in-person or online, the training set forth in subsection E of § 22.1-279.8. Such officer shall serve as the law-enforcement liaison for the school administrator described in subsection E of § 22.1-279.8 in each public elementary or secondary school that does not employ a school resource officer.*

Are threat assessment team members required to have training?

Yes, as of July 1, 2023, the *Code of Virginia* [§ 22.1-79.4](#) was updated to reflect the following change found in subsection C and states the following: *New threat assessment team members shall complete an initial threat assessment training and all threat assessment team members shall be required to complete refresher training every three years.*

Primary Functions and Responsibilities of Threat Assessment Teams

What are the primary functions and responsibilities of the Threat Assessment Team?

As outlined in the *Code of Virginia* [§ 22.1-79.4](#), subsection C, “Each team shall (i) provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self; (ii) identify members of the school community to whom threatening behavior should be reported; and (iii) implement policies adopted by the local school board pursuant to subsection A.” Those policies refer to the establishment of threat assessment teams, including the assessment of and intervention with individuals whose behavior may pose a threat to the safety of school staff or students. Threat assessment team members also have a duty to notify the superintendent (or designee) upon a preliminary determination

that a student poses a threat of violence or physical harm to self or others. While Virginia law only requires this notification when it involves students, schools should also have specific guidelines for such notification when cases involve non-students.

What is threatening/aberrant behavior?

A threat is a concerning communication or behavior that indicates that an individual may pose a danger through acts of violence or other behavior that would cause harm to self or others. The threat may be expressed or communicated behaviorally, orally, visually, in writing, electronically, or through any other means; and 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; and regardless of whether the target of the threat is aware of the threat.

Aberrant behavior is behavior that is atypical for the person or situation and causes concern for the safety and well-being of those involved. Aberrant 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.

To whom should threatening, aberrant or concerning communications or behaviors be reported?

Threat Assessment Teams are to identify members of the school community to whom threatening/aberrant behavior should be reported to (see the *Code of Virginia § 22.1-79.4*, subsection C). The team should ensure that any reporting mechanisms used by the school (e.g., hotlines, tip lines, website, social media/mobile apps, etc.) are kept up to date, work consistently and are checked on regular and timely basis.

Be sure to provide access to mechanisms that allow for anonymous reporting. Anonymous reports can involve some challenges, as they may not include enough information to understand the problem or how to intervene. As they are anonymous, there may not be a way to follow-up for more information or to consider the credibility of the report. However, some community members will only come forward through an anonymous report and it is likely better to have an anonymous report (of a legitimate concern) than to have no report.

Be sure that staff understand that that Virginia law provides immunity (from civil liability) for good faith reports of concerns.

Are there resources available to provide guidance to the school community on recognizing and reporting threatening, aberrant, or concerning behaviors?

Yes, the VCSCS provides the following resource toolkits and website on the recognition and reporting of threatening, aberrant, and concerning behaviors:

[Behavioral Threat Assessment Resource Toolkit for K-12 Virginia Schools](#)

[Behavioral Threat Assessment Resource Toolkit for K-12 Virginia Parents](#)

[OK2SpeakOut](#)

Furthermore, the VCSCS encourages the appropriate dissemination and sharing of these resources by schools/divisions with their school community, to help promote a better understanding of the behavioral threat assessment and management process.

Behavioral Threat Assessment Teams and Handling Threats of Harm to Self

Can threats of harm to self/suicide be reported to Threat Assessment Teams?

Yes, threats of harm to self and suicidality can be reported to the Threat Assessment Team. Virginia law (e.g., § 22.1-79.4) imposes certain duties on school threat assessment teams related to individuals who may pose a threat to the community, school, **or self**. These duties include providing guidance to students, faculty, and staff regarding recognition of aberrant or threatening behavior that may represent a threat to the community, school, or self. Further, upon a threat assessment team making a preliminary determination that a student poses a threat **to self** or others, the threat assessment team has a statutory responsibility to notify senior school administration. Virginia law emphasizes the role of threat assessment teams in suicide prevention and intervention.

Furthermore, the Virginia Department of Education (VDOE) provides guidance in the updated [*Suicide Prevention Guidelines for Virginia Public Schools*](#) (see page 20). “Many guidelines for school-based programs (e.g., SAMHSA, NASP) advocate for a multi-disciplinary approach to the suicide prevention and intervention process.” A Threat Assessment Team is a multi-disciplinary team that is mandated by state code. VDOE guidance further states, “Localities may choose to create division wide or school-based suicide risk-assessment teams or assign those duties to existing team(s). As all public schools in Virginia are mandated to have threat assessment teams, which already have some duties related to self-harm and include similar school personnel; schools may use their threat assessment teams in this capacity.”

When should concerns of self-harm come to the Threat Assessment Team?

Where the subject of concern is a student, and any of the following concerns are also present, then the case should be referred to the Threat Assessment Team:

- The student also has ideation or intent to harm others.
- The student’s acts of harm to self would pose a threat of harm to others, whether intended or not, e.g., a student intending to harm only themselves by shooting themselves in front of an occupied classroom. Even where the student had no intent to cause harm to others, the risk to others would be significant.
- The student has engaged in behaviors (e.g., planning or preparation) that would place others at risk of harm, whether intended or not.
- The student’s suicidal or self-harm behaviors are related to experiences of victimization, bias, bullying, harassment, or to other environmental/climate issues within the school.
- Others (e.g., students, staff, parents/guardians, community, etc.) are, or may reasonably be, significantly impacted by the threat of harm to self.

Which member(s) of the Threat Assessment Team would conduct the suicide risk assessment?

While initial reports of a potential threat of harm to self can be “triaged” by any two members of the Threat Assessment Team, once it is determined the individual poses a risk of harm to self then school or community mental health professionals should retain the primary responsibility for the direct assessment of and mental health interventions with the subject exhibiting risk for self-harm or suicide, per school guidelines. Other team members assist by supporting those assessment and intervention actions and taking responsibility for addressing other concerns impacting upon the case, such as those noted above.

What are the benefits of using a multi-disciplinary Threat Assessment Team for a threat of harm to self, or others, or both?

There are several benefits of utilizing the Threat Assessment Team in the suicide risk assessment process as it can provide additional options and resources if needed and deemed appropriate. The Threat Assessment Team is established and practiced in working collaboratively to address concerns related to the health, safety, and

well-being of the school. Utilizing the Threat Assessment Team for all cases that pose a threat of violence or harm to self or others enhances consistency of application of policies, procedures, and practices across cases. Even where schools have a separate student suicide crisis response process, they still have a responsibility to address threats posed by non-students, including those that pose a threat of harm to self (e.g., school staff). Under Virginia law, members of the Threat Assessment Team may have authorized access to otherwise protected records that other school staff do not have lawful access to without a release (e.g., criminal history information of adults and juveniles, and health records of any individual who may pose a threat to others or self within the school). Such records could provide more insight regarding the student's risk and needs, and help the student access the appropriate services.

Addressing Threatening/Aberrant Behavior in the Virtual School Setting

Are school Threat Assessment Teams responsible for addressing threats or concerning behaviors that occur in the virtual school setting, even if the subject of concern is in their home or another setting other than the school building?

Yes, the virtual school setting is still part of the school. Threat Assessment Teams are responsible for addressing threatening, aberrant or concerning behavior that occurs within, or impacts upon students, staff, and the school community. Note that this includes threats of harm to self.

Do Threat Assessment Team structure and responsibilities change in the virtual school setting?

No. The TAT membership, structure, and responsibilities remains the same under the law. However, schools should consider how transition to a virtual school environment may impact the presence or availability of SROs or other law enforcement. Also, when there are periods of civil unrest (that co-occur with a virtual school environment), schools must consider how such unrest impacts law enforcement availability and engagement as well as community concerns about law enforcement presence or roles in schools.

All the other statutory responsibilities remain the same in the virtual school setting. There may be a greater need for communication/collaboration to facilitate threat assessment and management cases when students and/or staff are not present within the school but are still involved with school activities.

Records of Threat Assessment Teams

Are the records of a Threat Assessment Team considered to be educational records covered by FERPA?

The documentation of a threat assessment case involving a current **student** is almost certainly an educational record covered by FERPA, except for narrow exemptions. As referenced in the [*VCSCS Information Sharing Guide for K-12 Public Schools*](#), "FERPA defines Education Records as: records that are (1) directly related to the student and (2) maintained by an educational agency or institution or by a party acting for the agency or institution." This would cover the overall threat assessment and management record even if specific records considered in the BTAM case were not, themselves, educational records. The overall record of team assessment, intervention, referrals, follow-up, and case resolution regarding an identified or reasonably identifiable student would be a FERPA protected record.

The documentation of a threat assessment case involving **former** students (created after they no longer attend the school) are NOT educational records.

The documentation of a threat assessment case involving **persons other than students** are NOT educational records, except to the extent they may directly relate to a student and are maintained by an educational agency.

If an SRO keeps threat assessment records, are those records exempt from FERPA?

Records of a school law enforcement unit are exempt from FERPA if specific criteria are met. As noted in the VCSCS [Information Sharing Guide for K-12 Public Schools](#), a law enforcement unit record is a record that is:

- Created by a law enforcement unit
- Created at least in part for a law enforcement purpose (such as the prevention of violence), and
- Maintained by the law enforcement unit

Therefore, school records about a student (involved in a threat assessment case) provided to an SRO do not become exempt from FERPA as they were not created by the SRO/School law enforcement unit. Similarly, school law enforcement unit records (about a student) provided to other school administrators or staff may become part of the student's educational record if they are maintained by the school, outside of the law enforcement unit.

Do students (or their parents or guardians) have a right to access school threat assessment records pertaining to them?

As previously noted, the records of a threat case that are directly related to a current student and are maintained by the school are likely to be an educational record, to which the student (or parent/guardian) have an affirmative right to inspect and review under FERPA. Schools must comply with requests for review within 45 days of receiving the request and must respond to reasonable requests for explanations and interpretations of educational records. Note that personally identifying information (PII) regarding other students must be redacted. Also, there is no provision for redacting PII of non-students (e.g., redacting a teacher's name before allowing review of the TAT record regarding a student).

Where should threat assessment records be stored?

Virginia schools are required to have an "all threats" approach to the threat assessment and management process (i.e., all individuals who pose a threat, not just students). Therefore, not all threat assessment records will be related to students, though most will be. It is most useful to have one centralized database/record system for threat assessment cases and to NOT have student threat assessment cases stored in one place, staff in another, and unaffiliated persons stored in another as that would create more silos of information.

Schools are advised NOT to store the full threat assessment as part of a student's central record, but to have a notation in that record that a threat assessment case occurred involving that student and the dates of the case. There are several reasons for this including the desire to limit unnecessary access to sensitive threat assessment and management case information by those that may be accessing/using the central record for some other legitimate purpose, but do NOT have need for the threat assessment (TA) information. However, it is important to preserve the ability to reference the threat assessment case, should there be a need to do so (e.g., transfer between schools) and having the notation helps facilitate that exchange.

Currently, there is no guidance on records storage from the Virginia Office of the Attorney General, however, the following practices are recommended in VCSCS trainings and technical assistance:

- TA records should not be stored in the student's cumulative file; however, schools should consider a notation in the cumulative file and/or electronic records system that a threat assessment was conducted and the dates on which it was initiated and closed.
- TA records should not be stored in school counseling or school psychologist files or offices.
- TA records should not be stored in the SRO's office.
- TA records should be stored under the control of the TAT Chair/Leader, usually an administrator; and all team members (and no one else) should have access whether the record is hard copy or electronic.

Note that these guidelines refer to the official full record of the threat assessment team, and that specific offices or personnel may also have documentation regarding their services or support, in addition to what is in the main threat assessment file.

Are threat assessment records subject to FOIA requests?

For the most part, no. The *Code of Virginia* § 2.2-3705.4 excludes records of a school threat assessment team from Freedom of Information Act requests where the records relate to the assessment or intervention with a specific individual.

However, in the event an individual (who has been under assessment) commits an act or is prosecuted for the commission of an act that has caused the death of or caused serious bodily injury (including any felony sexual assault) to another person, the records of a threat assessment team concerning the individual shall be made available. The statute prohibits the school from disclosing any criminal history records obtained pursuant to § 19.2-389 or 19.2-389.1, health records obtained pursuant to § 32.1-127.1:03, or scholastic records as defined in § 22.1-289. The school shall remove information identifying any person who provided information to the threat assessment team under a promise of confidentiality.

Are schools required to use the threat assessment forms in the Model Policies, Procedures and Guidelines?

No. The forms provided in the ***Model Policies, Procedures and Guidelines*** (and available on the DCJS website) are sample forms that schools **MAY** use to document their threat assessment and management efforts. Schools may use the forms as they are, modify the forms to reflect the school's processes, or use their own forms for documentation.

How long should Threat Assessment Team Records be retained?

Under the *Code of Virginia* § 42.1-82, the Library of Virginia (LVA) has the authority to issue regulations governing the retention and disposition of state and local public records. School threat assessment teams should retain and dispose of records in a manner consistent with the relevant LVA schedule cited below.

Student threat assessment records

Retain for five (5) years after student graduates, completes a Board of Education program, transfers, or withdraws.

Source: Schedule GS-21 (Threat Assessments; page 20)

Available at: www.lva.virginia.gov/agencies/records/sched_local/GS-21.pdf

Non-student threat assessment records

Retain for five (5) years after the event or incident documented.

Source: Schedule GS-03 (Incident Reports; page 6)

Available at: www.lva.virginia.gov/agencies/records/sched_local/GS-03.pdf

Employee health records, as part of threat assessment record

Retain for thirty (30) years after separation from employment.

Source: Schedule GS-03 (Employee Health Records; page 4)

Available at: www.lva.virginia.gov/agencies/records/sched_local/GS-03.pdf

How should Threat Assessment Team records be destroyed?

Destruction of confidential or privacy-protected paper records must be done by shredding, pulping, or incineration. Electronic records must be overwritten with meaningless data, or the storage media must be physically destroyed. Commercial software applications are available that electronically shred records from media. Deletion of confidential or privacy-protected information in electronic storage media is not acceptable. Note that destruction of confidential records also requires documentation of the destruction per Library of Virginia guidelines, as authorized under state statute. Schools are encouraged to consult the Library of Virginia guidelines and their legal counsel for guidance.