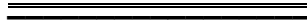


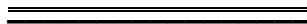
**The Bill Blackwood
Law Enforcement Management Institute of Texas**



**Mandatory Creation of Functional Threat Assessment Teams in All
Texas School Districts**



**A Leadership White Paper
Submitted in Partial Fulfillment
Required for Graduation from the
Leadership Command College**



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ABSTRACT

Mass shooting events in the school setting are continuing to be a vital issue to law enforcement and educators alike. These incidents extract a tremendous cost to society both in terms of the lives lost and damaged, as well as the financial burden incurred in the response and recovery from these events. The individuals who commit these heinous crimes often engage in patterns of behavior that are both alarming and potentially indicative of their intentions prior to committing their act of violence. Texas school systems are often hard pressed to provide resources to students that may be contemplating or planning this type of event, due to legislative actions that have reduced school funding and placed additional responsibilities on counseling staff, reducing the counselors' ability to provide mental health intervention services. By mandating the use of functional threat assessment procedures to screen students who threaten violent behavior, school districts can more proactively address these threats and potentially reduce the possibility of the next act of mass violence in Texas schools, while remaining financially prudent and respecting the protection of student privacy laws.

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INTRODUCTION

Mass shootings committed in schools within the United States represent a significant cause of concern for society and leave in their wake a wide path of destruction, death, injury, and negative societal effects, including emotional and financial burdens that persist long after the event has faded from the printed headlines and nightly television news programs. For law enforcement agencies, especially those agencies that are responsible for delivering services involving school-based law enforcement, choosing effective and appropriate responses to the threat of a catastrophe of this type can represent a persistent challenge to leadership and planning. It also requires maintaining the confidence of the public in the ability of governmental agencies to protect one of the most vulnerable segments of the population.

Recently, varying types of responses to this increasingly important and complex issue have been proposed, including modifying or strengthening existing gun control laws in an effort to reduce offender access to firearms, arming school personnel to confront and neutralize the armed offender prior to the arrival of police, and fortifying school building into impregnable prison like facilities to prevent or delay access by an individual with evil intent. These have been discussed as society attempts to prevent another incident involving the mass execution of children in an environment where violence is not supposed to be a visitor. Although there are varying and often controversial topics promoted, and recognizing that there is not a simple approach to resolve the issue, both law enforcement and school leadership can play a proactive role in addressing the issue by switching focus from a traditional reactive model and attempt

to change the focus to a proactive model. This process seeks to reduce the individual's potential to cause mass casualties within a school by addressing and responding to the behavior of the potential school shooter by effectively intervening before the individual ever picks up a weapon and commits acts of violence on the educational population.

Therefore, the state of Texas should create mandatory functional threat assessment teams in every Texas school district, to attempt to eliminate the potential for acts of mass violence through proven and effective early intervention to threats of violence and respond appropriately to pre-attack behaviors that can serve to diminish the capacity of a disturbed individual to commit acts of mass violence. Individuals who have committed acts of mass violence in active shooter scenarios in an educational environment predominately display warning signs and pre-attack indicators that served to alert others with an interaction with the disturbed individual that there was a mental health or behavioral crisis occurring, which eventually culminated in a horrendous act of violence (Burnette, Datta, & Cornell, 2018; Cornell & Maeng, 2018; Knoll & Annas, 2016; Paradice, 2017). Through the creation of threat response teams and protocols, schools in Texas can learn how to classify and respond to threats made by and to the student population and may serve to prevent the next mass killing of Texas students.

POSITION

The primary reason that the state of Texas should create mandatory functional threat assessment teams in every Texas school district is the evidentiary correlation that, in the majority of school shooter incidents within the modern era, in approximately 80% of the incidents, the shooter had displayed pre-attack indicators, commonly referred to as leakage, that were visible to individuals who had contact with the shooter

(Burnette et.al., 2018; Cornell & Maeng, 2018; Knoll & Annas, 2016; Paradice, 2017). Even more concerning, these individuals were found to have displayed behaviors that were considered disturbing to or alarming to others in approximately 93% of all mass shootings, even though the unusual behavior was usually ignored or not reported by those that observed the individual acting in a bizarre or threatening manner (Paolini, 2015). The ability to proactively address individuals displaying social aggression are of greater importance in schools than would be common among similar organizations of adults, primarily because of the reduced social aptitudes and internal control mechanisms possessed by the as yet fully emotionally developed juveniles that the school system serves (Burnette et al., 2018). Research has shown that acts of violence, particularly those that involve mass killings, are seldom an event that manifests itself suddenly and without warning, rather demonstrating that violence is the culmination of a process of behaviors and lack of internal coping abilities in response to a real or perceived loss or injustice on the part of the individual that commits mass violence (Fein, Vossekuil, & Holden, 1995).

Schools are required to deal with individuals who have not fully developed adult social skills while intermingled with a large population of their peers, while providing the necessary skills to transition into a productive adult life as a part of a free and appropriate public education. Although the common misperception is that to commit an act of mass violence a person must be mentally ill, the actual percentage of individuals who have committed an act of mass violence that have a diagnosis of a serious mental illness is less than 1% of the total (Knoll & Annas, 2016). The increased amount of threats made by students is more prevalent in middle school grades and higher

elementary levels, partially in part to the perceptible rise in aggression displayed by males of pre-teen age (Cornell et al., 2018).

In addition, since public schools are required to appropriately and fairly serve special education populations, which pose a greater percentage of individuals making outbursts due to the lack of fully developed social coping mechanisms, the implementation of threat assessment teams can make a greater impact on serving the special populations component of the student body. Studies have shown that the special education population is responsible for a larger amount of threats made, especially among students classified as emotionally disturbed, which accounted for the highest number of threats, followed by students classified as other health impaired and learning disabled (Cornell et al., 2017). By the implementation of threat assessment management, schools can ensure that they remain equitable with disciplinary requirements for the special education population while maintaining a safe and secure learning environment.

By appropriately responding to threats made in a proactive manner, utilizing proven threat assessment practices recommended by multiple agencies, including the Federal Bureau of Investigation (FBI) and the United States Secret Service (USSS) (Cornell, Sheras, Gregory, & Fan, 2009), and the National Association of Attorneys General (U.S. Department of Justice, 2013), schools can not only attempt to determine the severity and credibility of a threat made by a student, but determine the key underlying factor which is the decision that the individual being examined is either making a threat or actually posing a threat to the safety and well being of the school environment (Fein et al., 1995). Additionally, proper use of threat assessment can

attempt to identify the underlying issues that caused the individual to act out and attempt to provide the individual with problem solving assistance or counseling towards self-assistance (Paolini, 2015).

Of specific interest in attempting to address the underlying issues and behaviors that caused the individual to act out in a threatening manner is the correlation between making threats and idealization of suicide or suicidal tendencies – a majority of individuals that committed school shootings had a history of suicidal idealization and suicide attempts prior to committing their offenses, and that 87% of shooters were found to have documented evidence that they had been victims of bullying within the school environment (Paolini, 2015). By addressing the conditions that caused the individual to act out, proper and meaningful threat assessment can potentially identify and treat more conditions and causes of youth gun related deaths than just mass shootings. Most school shooters were not mentally ill or had a pre-existing diagnosis of a disease or disorder; the majority were simply angry and unable to effectively cope with their stressors (Paradice, 2017).

Another compelling reason to implement threat assessment teams in Texas schools is the growing issue of the lack of school counselors and the greater duties being placed on counselors, which limits or hinders the counselors' abilities to take time out of their schedules to tend to students experiencing mental health or emotional periods of crisis. The state of Texas does not mandate schools to even employ counselors at the high school level, nor do they set a minimum student to counselor ratio; the only mandates are that if a counselor is employed, they must meet minimum qualification standards (Texas Education Agency, n.d.). In stark contrast to the defined

evidence that threats are made mostly by pre-teen males (Cornell et al., 2018), the Texas Education Code only makes provisions that counselors be available by districts that have at least 500 elementary students, at a minimum ratio of 500 students per counselor (Cumpton & Giani, 2014), despite professional counseling organizations recommending ratios of 250 or 350 students per one counselor (Cumpton & Giani, 2014). In addition, several actions taken by the Texas Legislature have significantly impacted the role and availability of the counselor to have opportunity to address students' emotional issues, including the school finance crisis of 2011, when 5.4 billion dollars was reduced from public education spending, leading to schools eliminating counseling positions to respond to the resultant budget shortfall and the passage in 2013 of House Bill 5, which added increased responsibility to counselors in terms of student graduation plans and graduation endorsements (Cumpton & Giani, 2014).

All of these factors combined have continued to stress the time available for counselors to complete their required and mandated job functions. It has also reduced the availability of the counselor to respond to issues of student emotional and mental well-being. By creating a threat assessment team comprised of existing school personnel, schools can effectively respond to threats to the school environment, address the underlying issues that caused the troubled student to make the threat, and ensure that resources are provided for students that are struggling with emotional challenges prior to the onset of violent behavior.

COUNTER ARGUMENTS

In the argument against the mandatory creation of threat assessment teams, most school district administrators and superintendents are prone to question the

viability of the program in terms of cost effectiveness. This is especially relevant for districts that have been having continual financial struggles since the school finance crisis created by the Legislature in 2011, which has not improved significantly since (Cumpton & Giani, 2014). In regards to the availability of counselors, which would tend to be regarded as an important member of any positive threat assessment program, counselor to student ratios have continued to increase across the State dramatically since 2000, with an average ratio in 2008 of 430 students per counselor (Cumpton & Giani, 2014).

In attempting to decrease the student to counselor ratio, to free up counselors who are struggling with time constraints such as standardized testing administration and mandated graduation and curriculum requirements, one study suggested that even to return the student to counselor ratio to the levels they remained at prior to the school finance crisis of 2011 would cost approximately 66 million dollars yearly, including that same annual cost to maintain the student to counselor ratio in light of the increasing student population within the State annually (Cumpton & Giani, 2014). Sixty-six million dollars annually to maintain an already inadequate counselor to student ratio would seem to be an entirely unrealistic financial burden on districts and the Texas Legislature to fund, as well as the fact that the current use of counselors as the sole means of student behavior management could easily be argued as ineffective, given that as of 2015, there had been 152 shootings on campuses that operated grades K-12 (Paolini, 2015).

In response to the overwhelming cost of increasing counselor to student ratios, or the cost of hiring additional personnel to provide counseling services to at risk youth,

two factors need to be addressed and appreciated by district administrators. Firstly, that the formation and operation of a functional threat assessment team does not require additional budget resources, as the team is comprised of individuals already employed by or contracted by the district (Dunkle, Silverstein, & Warner, 2008; U.S. Department of Justice, 2013). Secondly, and almost more glaring of a fact as viewed on a financial basis of profit versus loss, the cost of mass acts of violence can be staggering, not only in terms of the damage done to human life but the financial impact that these events can have on public agencies. For example, a study conducted calculated the cost of the 2007 shooting incident on campus at Virginia Tech concluded that the approximate financial cost of that incident was tallied at 48.2 million dollars, with the cost to the taxpayers of the State set at around 22.25 million dollars (Green & Cooper, 2012). This is a staggering amount, that does not include the human toll of 33 dead (including the gunman) and another 17 wounded. Even in events where a mass number of individuals are not killed, the cost borne by governments, of which school districts are an integral part of, can be overwhelming.

In Connecticut, where the Newtown school shooting occurred at the Sandy Hook Elementary School in 2012, taxpayer funds were used to the sum of 49 million dollars to destroy the school where 20 students and six adults were killed, in order to construct a new school building rather than deal with the emotional consequences of using the building where the horrific event occurred (Engle, 2013). The American Medical Association has published information indicating that within the United States, medical treatment of a gunshot victim averages to be \$50,000 per individual, with taxpayer funding accounting for 49% of those expenses (Green & Cooper, 2012). In conclusion,

although threat assessment teams may require some additional funding for overtime or the addition of specialized individuals when required (e.g. legal counsel or special education specialists), the paltry amount expended by the district in terms of salary pales in comparison to the overwhelming financial and human cost exacted if these events are not proactively addressed and allowed to continue.

Another concern in conducting the threat assessment process in a public education environment may be concerns that the district had regarding laws and expectations of student privacy and confidentiality of student records. Most notably, school districts are concerned of two fundamental laws that they deal with in regards to student confidentiality, the Buckley Amendment, also known as the Federal Educational Rights and Privacy Act (FERPA), and Section 504 of the Rehabilitation Act of 1973 (504), in regards to special education and students with disabilities. Disclosing student behaviors and sharing educational records with members of the threat assessment team, whom the district may not perceive to hold a legitimate interest in those student's educational records, may be an area of concern for districts in allowing a complete threat assessment analysis to take place when questions are asked regarding various aspects of student behaviors.

Firstly, with regards to FERPA, there exist several exemptions that will aid the threat assessment team in conducting a proper intervention without running afoul of FERPA. FERPA does not prevent the disclosure of personal observations by staff members with students, nor does it prevent the disclosure of the results of direct interactions that are not derived from an existing educational record. Therefore, during the threat assessment process staff members are free to share incidents regarding

leakage or disturbing behavior that was personally observed by the staff member. Remembering that this leakage is a critical indicator of a coming collapse of coping abilities and perhaps a violent event, staff members that have observed a change in behavior or behavior that indicates that a student is experiencing a mental health or emotional crisis are in no way violating FERPA when they disclose this as part of a reporting system to initiate the threat assessment process or during an interview as part of the information gathering stage of the threat assessment process (Dunkle et al., 2008).

Additionally, as a way to prevent any negative entanglement with FERPA, if the district has its own police department or contracts with an outside law enforcement agency to provide services as school resource officers, FERPA provides a law enforcement exception, whereby the records of the law enforcement agency are not subject to FERPA protections, as long as they were created by the law enforcement agency. In addition, the law enforcement records do not have to be solely for a law enforcement purpose, they are also allowed exemption if they are used for student discipline (Dunkle et al., 2008). Districts that are struggling with concerns regarding the issue that their threat assessment records may interfere with FERPA can opt to place the ultimate responsibility for the creation and management of the threat assessment process under the purview of their law enforcement unit, and thus gain safely the FERPA exception while still proactively responding to threats of violence that may or may not result in discipline under student code of conduct, as well as Texas criminal law.

In regards to 504 policy, the Office of Civil Rights of the United States Department of Education (OCR) has also issued guidance regarding its policies. The OCR has advised that nothing in 504 can prevent adverse disciplinary action against a student with disabilities, as long as sufficient evidence exists that the student poses a direct threat to others or themselves (Dunkle et al., 2008). Remembering that the purpose of threat assessment is the differentiation between making and posing a threat, federal educational guidelines are well structured to provide districts ample opportunity to be in compliance with student privacy laws while attempting to protect the safety of the campus environment.

RECOMMENDATION

The use of threat assessment teams in addressing and preventing threats of mass violence in schools has many positive benefits, and in the interests of protecting the school children of our state by attempting to prevent the next mass murder of one of our most vulnerable populations, Texas should mandate their use in public schools. In examining the actions of individuals that have committed these heinous acts, overwhelmingly they shared in common patterns of behavior that indicated they were disturbed and headed towards a calamitous event (Paolini, 2015). Attempting to rely on already short staffed and legislatively constrained school counselors has not and will not serve to effectively address the students that may be seriously distressed enough to bring violence towards their classmates.

Despite the potential reluctance of school administrators to deploy more already precious funding towards increasing the number of counselors available, the use of threat assessment teams provides a cost-effective alternative to attempting to increase

student to counselor ratios to previously historical ratios. Additionally, even if a district needs to devote some amount of funding towards the establishment and operation of the threat assessment team, those financial outputs would be well below what the actual financial burden of an act of mass violence costs in financial figures, notwithstanding the immeasurable cost in destroyed human lives and shattered relationships that are a result. Another potential point of reluctance for district administration to engage in the threat assessment model is the perceived notion that the process would violate student privacy laws, but a model well grounded in the framework of existing law would not prove to be a violation of established laws and practices.

Effective use of threat assessment in responding to threats of school violence can hopefully prevent the next mass murder, as well as provide additional benefits to Texas school children. The state of Virginia was the first state to mandate the use of a threat assessment process in public schools, as a response to the Sandy Hook shooting of 2012 (Cornell et al., 2018). Initial studies have shown promise with the practice of threat assessment, including data showing that there is a reduction in the instances of the use of out of school suspension, as well as a reduction in aggressive behaviors exhibited by students within the school (Cornell et al., 2018). Of particular interest regarding suspensions, the schools in Virginia using the threat assessment model noted that there were not disparate suspension rates between white students and students of color, which is an increasing problem in schools nationwide (Cornell & Maeng, 2018). Overall, the use of threat assessment teams has very positive impacts on a variety of issues, not simply the prevention of acts of violence. To protect students, Texas must

follow the example of Virginia and mandate their use in our public schools before more young Texans senselessly lose their lives in our institutions of public education.

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