



Date: September 1, 2020

TO: Stanwood-Camano School District Board of Directors

FROM: Maurene Stanton, Executive Director of Human Resources

SUBJECT: Retirement of Board Policy 4314 and 4314P–Notification of Threats of Violence or Harm

TYPE: ACTION REQUIRED

The Washington State School Directors Association (WSSDA) has recommended the retirement of Board Policy 4314 Notifications of Threat of Violence or Harm and its corresponding procedure. WSSDA has created one, new model policy and procedure by merging the content of former Model Policy 3143–District Notification of Juvenile Offenders; former Model Policy, Procedure, and Form 3144/ 3144P/ 3144F–Release of Information Concerning Student Sexual and Kidnapping; and former Model Policy and Procedure 4314/4314P–Notification of Threats of Violence or Harm.

Recommendation: **That the board approve the retirement of board policy 4314 and its corresponding procedure, 4314P.**

NOTIFICATION OF THREATS OF VIOLENCE OR HARM

Students and school employees who are subjects of threats of violence or harm shall be notified of the threats in a timely manner. Parents shall be included in notifications to students who are subjects of threats of violence or harm. If there is a specific and significant threat to the health or safety of a student or other individuals, the district may disclose information from education records to appropriate parties whose knowledge of the information is necessary. Timing and details of the notice will be as extensive as permitted by the federal Family Educational Rights and Privacy Act (FERPA), other legal limitations, and the circumstances.

“Threats of violence or harm” means direct or indirect communications by any means of the intent to inflict physical harm upon a specific individual or individuals or that place a person in fear of the imminent likelihood of serious harm.

The district will assess and address threats of violence or harm in a manner consistent with the district’s threat assessment policy, other safety policies, and comprehensive safe school plans.

If the district determines a person poses a threat of violence or harm to students, employees or others, the district may administer relevant district discipline policies and procedures and may refer to appropriate community agencies including law enforcement and mental health services. District staff shall work with in-district and community-based professionals and services in all relevant areas of expertise to address threats of violence or harm, those threatened, and those making the threats. Necessary information about the person making the threat shall be communicated by the principal to teachers and staff, including security personnel.

State law provides the district, school district directors and district staff with immunity from liability for providing notice of threats in good faith. Persons who make a knowingly false notification of a threat are subject to appropriate district discipline policies and may be referred for prosecution.

The superintendent is directed to develop and implement procedures consistent with this policy.

Cross References:	Board Policy 3143	District Notification of Juvenile Offenders
	Board Policy 3225	School-Based Threat Assessment
	Board Policy 3240	Student Conduct
	Board Policy 3241	Classroom Management, Corrective Actions or Punishment
	Board Policy 5281	Disciplinary Action or Discharge
	Board Policy 6513	Workplace Violence Prevention
	Board Policy 3207	Prohibition of Harassment, Intimidations and Bullying
	Board Policy 2162	Education of Students with Disabilities Under Section 504 of the Rehabilitation Act of 2973
	Board Policy 2161	Special Education and Related Services for Eligible Students
Legal References:	RCW 28A.320.128	Notice and disclosure policies — Threats of violence/student conduct/Immunity for good faith notice — Penalty
	20 U.S.C. § 1232g	Family Educational Rights and Privacy Act
	34 C.F.R. Part 99	FERPA Regulations
	WAC 392-400	Pupils
Management Resources:	2019–December Policy Issue	
	2018-December Policy Issue	
	2010-February Policy Issue	
	2003-February Policy Issue	

Adoption Date: 06.03.03
Stanwood-Camano School District
Revised Date: 2.19.19; 2.18.19; 1.21.20

Notification of Threats of Violence or Harm Procedure

Staff, students, volunteers, and others involved in school activities have the responsibility to report any threats of violence or harm to designated school officials. Based on the significance and credibility of the threat, it shall be reported to law enforcement. Staff shall conduct a Level I Threat Assessment which involves in-district multi-disciplinary professionals in evaluating the threat and the needs of the person making the threat. Consultation with or referrals to community-based professionals and services are encouraged where appropriate.

Under the Family Educational Rights and Privacy Act (FERPA) the district may only release student records with parent or adult student permission unless it is a health or safety emergency. For that reason, the district will identify students who have made threats of violence or harm when notifying the subjects of the threats, under the following conditions:

- A. The parent or adult student has given permission to disclose the student's identity or other information to the subject of the student's threat;
- B. The identity of the student and the details of the threat are being disclosed to relevant district staff who have been determined to have legitimate educational interest in the information;
- C. The identity of the student or the details of the threat are being released because the release of the information is necessary to protect the health or safety of the student or other individuals. In making this determination, school officials will use their best judgment, and may take into account the "totality of the circumstances" pertaining to the safety or health of a student or other individuals; or
- D. The district is responding to a court order or subpoena. The district must make a reasonable effort to notify the parents of the student or adult student of the subpoena in advance of complying, so that the family can seek protective action, unless the court order or subpoena expressly forbids such notification.

Relevant information about the threat shall be provided to the subject of the threat, and the subject shall be advised that if law enforcement has been involved in the matter, the law enforcement agency may have more information that can be shared with the subject.

To promote the safety of all concerned, the principal shall consider all available information when determining the extent of information to be shared. Subject to the confidentiality provisions cited above, principals shall determine if classroom teachers, school staff, school security, and others working with the student(s) involved in the threat circumstance, should be notified. Principals must provide information received about a student's conviction, adjudication, or diversion agreement to every teacher of the students for the offenses listed in Policy 3143.

Suspension or other removal from the school environment can create the risk of triggering either an immediate or a delayed violent response unless such actions are coupled with containment and support. When considering the appropriate response to a student's threat of violence or harm, the student's individual circumstances shall be taken into account. Emergency expulsion may be considered if the district has sufficient cause to believe that the student's presence poses an immediate and continuing danger to other students or school personnel or an immediate and continuing threat of material and substantial disruption of the educational process. Discipline of students for making threats of violence or harm will be consistent with district policy and procedure regarding student discipline (see policy 3240-Student Conduct and Policy 3241-Classroom Management, Discipline and Corrective Action) and state laws and regulations. Discipline of students eligible for special education services or with disabilities will be consistent with district policy and procedures (see Policy 2161-Special Education and Related Services for Eligible Student and Policy 2162-Education of Students with Disabilities Under Section 504 of the Rehabilitation Act of 1973) and the associated legal requirements.

Discipline of district staff for making threats of violence or harm shall be consistent with district policy and procedure regarding staff discipline, and any relevant collective bargaining requirements.

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