

## Model K-12 Threat Assessment Procedures and Guidelines Issued

The Pennsylvania Commission on Crime and Delinquency (PCCD) recently published a Second Edition of its Model K-12 Threat Assessment Procedures & Guidelines which were first adopted by the School Safety and Security Commission in 2019 pursuant to Act 18 of 2019. The Guidelines have been revised to align with changes recently enacted through Act 55 of 2022.

In 2019, the Pennsylvania General Assembly and Governor enacted new requirements for K-12 school entities related to the establishment of threat assessment teams and related policies and procedures. Act 18 of 2019 amended the PA Public School Code to establish Article XIII-E (Threat Assessment), which provides for responsibilities of school entities and tasked the School Safety and Security Committee (SSSC) within the Pennsylvania Commission on Crime and Delinquency (PCCD) with providing implementation supports.

In response, PCCD and the School Safety and Security Committee formed a Threat Assessment Workgroup responsible for aiding in the fulfillment of these responsibilities. Based on the Workgroup's deliberations, PCCD presented an inaugural edition of its Threat Assessment Model Procedures and Guidelines to the Committee for approval and publication in December 2019. Section 1303-E of the Public School Code also tasked the Committee with regularly reviewing these model procedures and guidelines and making updates or revisions as necessary.

In 2022, further amendments were made to the PA Public School Code related to school safety and threat assessment. Act 55 of 2022 clarified the frequency with which education and awareness

efforts must be made with students, staff, and parents/guardians, as well as the frequency with which appointed Threat Assessment Team members must undergo required training.

In June 2021, Volume III 2021, PSBA's Policy News Network alerted schools to the fact that Act 18 of 2019 created a new section of School Code, which among other provisions established requirements for school entities related to threat assessment.

Further requirements of the School Code, School Entities must:

- Establish at least one (1) threat assessment team, or assign threat assessment duties to an existing team, that includes individuals with specific backgrounds and expertise
- Inform staff, students and parents/guardians of the team's existence and train them on how to identify and report at-risk behavior
- Develop procedures and processes for the assessment of and intervention with students whose behavior may indicate a threat to the safety of the student, other students, school employees, school facilities, the community or others.

At that time all schools were notified of the new requirement that had to take place at the beginning of the 2021-2022 school year. At that

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time, PSBA issued a comprehensive new policy 236.1 entitled Threat Assessment. The policy was put together to assist schools in complying with the new requirements of Act 18 of 2019.

The policy guide includes guidelines for Inquiry and Assessment, Response and Intervention, and Monitoring and Management, which reflect the practices and processes identified in guidance and training resources, including the use of an Individualized Management Plan for students who have been identified and assessed as posing a threat to the student, other students, school employees, school facilities, the school community or others, in order to document the team's evaluation and recommendations for disposition of the threat. This is an optional, recommended practice and boards should work with their administration, threat assessment team, and school solicitor to revise policy language and procedures that reflect the processes which will be used by their threat assessment teams.

PSBA put together a series of administrative regulations and/or procedures to assist in implementation of the policy. At the time, PSBA outlined that this new policy was recommended for legal liability purposes. As is often outlined in many of PSBA's policies, the Superintendent and/or his or her designee is required to establish procedures for implementing the terms of that policy or in this case the specific terms of Act 19 regarding threat assessment (24 P.S. Sect. 1302-E).

The administrative regulations put together by PSBA are as follows:

- 236.1-AR-0. Threat Assessment Intake Form
- 236.1-AR-1. Threat Assessment Checklist
- 236.1-AR-2. Individualized Management Plan and Re-entry Process

As a result of these significant and sweeping changes, PSBA also developed or made amendments to other policies that would be impacted by the threat assessment process. Some of these policies relate to weapons, terroristic threats, hazing, bullying/cyberbullying, and others. School Districts are encouraged to go back and review the original PNN accompanying procedures to ensure that they are adhering to the requirements of Act 19. The requirements of Act 55 clarify the frequency with

which education and awareness efforts must be made with students, staff, parents and guardians.

School Districts are encouraged to review comprehensive model K-12 Threat Assessment Procedures and Guidelines. These can be found at Article XIII-E of the PA Public School Code which states that "Threat Assessment Teams are responsible for "the assessment of and intervention with student whose behavior may indicate a threat to the safety of the student, other students, school employees, school facilities, the community or others." (PSC 1302-E) Under the law, all school entities in Pennsylvania were required to establish at least one (1) Threat Assessment Team by the beginning of the 2021-2022 school year.

School entities may satisfy these requirements by assigning threat assessment responsibilities to an existing team, including Student Assistant Program (SAP) teams, Crisis Response Teams, or Safe2Say Something Teams. A Threat Assessment Team may also service one or more schools within the school entity.

Districts undertaking the threat assessment process are tasked with the responsibility of classifying threats to determine response strategies to the situation. Risk categories are broken down into the five (5) specific areas:

- Low Risk Threat (Low Level of Concern)
- Moderate Risk Threat (Moderate Level of Concern)
- High Risk Threat (High Level of Concern)
- Imminent Threat
- Direct Threat
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Under Pennsylvania state law, school entities are required to facilitate opportunities for members of their Threat Assessment Team(s) to annually complete group or individual training consistent with nationally recognized best practices during paid working hours or as in-service training and credited toward continuing professional education or staff development requirements, as applicable. This training must address the following minimum criteria:

1. Responsibilities of Team Members;
2. The process of identifying, reporting, assessing, responding to, and intervening with threats, including identifying and avoiding racial,

cultural, or disability bias; and

3. Confidentiality requirements under federal and state law. Team members should also be familiar with laws, regulations, and policies that guide confidentiality and the handling of student and staff information.

State law also requires that school entities annually ensure school employees are informed of the existence and purpose of the Threat Assessment Team(s), including posting information on the school entity's website and ensuring school employees know who has been appointed to the Team. Threat Assessment Teams are also required to make information available to school employees regarding recognition of threatening or at-risk behavior, and how to report their concerns, including through the Safe2Say Something Program or another school hotline. This helps school personnel become aware of procedures and protocols they should follow when concerning or threatening information or behaviors are observed. Information materials and training should include information about the school entity's Threat Assessment Team(s), including how to notify the Team(s), what information to share, and the steps school personnel can take to safely and appropriately intervene with concerning situations. School entities are also encouraged – and in some cases, required – to provide training on other topics, such as suicide awareness and prevention, conflict resolution, mental health, and developmental disabilities, as part of efforts to promote safe and positive school climates. In addition, Act 55 of 2022 mandates that all school employees receive at least one (1) hour of training each year on emergency response and preparedness and threat assessment, as well as two (2) hours of training on other topics related to school safety and security and student well-being.

School entities must also annually ensure that information is available for parents and families regarding the threat assessment process in place at their child's school, and their role in that process. It is recommended that information for parents/families provide clear instruction on who to call, when, and what information they should be ready to provide. Parent trainings can also provide information on available resources and can reduce the stigma around mental, emotional, or developmental issues. Information for parents/families should be provided

in a language and format that is accessible and easy to understand.

School Districts should also keep in mind there is free on-line learning and in-person training for students and other resources for schools are available through the Pennsylvania Attorney General Safe2Say Something Program. Eligible school entities can apply for funding through PCCD's School Safety and Security Grant Program to support activities and costs associated with planning, implementing, and sustaining threat assessment protocols. Additional information regarding funding criteria and resources for applicants is available on PCCD's School Safety and Security webpage.

In addition, PCCD provides no-cost training to support school-based Threat Assessment Teams via the PAK-12 Threat Assessment technical Assistance and Training Network. The School Safety and Security Committee has also adopted training criteria and standards for other topics related to school safety, student well-being, and promoting positive school climates pursuant to requirements enacted in Act 55 of 2022. More information about these on-line and in-person training opportunities is available on PCCD's School Safety and Security website.

**Annual Board Report.** Please keep in mind that the requirements of both Act 18 of 2019 and the requirements of Policy 236.1 provides, in pertinent part, that the threat assessment team shall provide the required information to the Superintendent, in consultation with the School Safety and Security Coordinator, to annually develop and present to the Board, at an executive session, a report outlining the district's approach to threat assessments. The policy provides seven (7) specific items that should be included in the report.

1. Verification that the district's threat assessment team and process complies with applicable law and regulations.
2. The number of threat assessment teams assigned in the district, and their composition.
3. The total number of threats assessed that year.
4. A summary of interactions with outside law enforcement agencies, juvenile probation and behavioral service providers.

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5. An assessment of the district's threat assessment team(s) operation.
6. Recommendations for improvement of the district's threat assessment processes.
7. Any additional information required by the Superintendent or designee.

The Threat Assessment Team's information addressing verification of compliance with law and regulations, the number of threat assessment teams assigned in the District and their composition, the total number of threats assessed that year, and any additional information required by the Superintendent or designee shall be included in the School Safety and Security Coordinator's annual report on district safety and security practices that is submitted to the state's School Safety and Security Committee.

**Practice Note:** Schools are encouraged to review this information, secure the new model guidance from PCCD, ensure that these provisions are being implemented in the District. The last thing the District wants to find itself in is a situation where they have an otherwise winnable student discipline case or other situation only to find itself on the compromising situation because it did not conduct the required threat assessment. Please also keep in mind that in the case of situations with special need students manifestation determinations likewise would have to parallel a threat assessment process as well.

The 48 page document released by the Pennsylvania Commission on Crime and Delinquency can be found at [https://www.pccd.pa.gov/schoolsafety/Documents/2nd%20Edition%20-%20PCCD%20Threat%20Assessment%20Model%20Procedures%20and%20Guidelines%20\(2022\).pdf](https://www.pccd.pa.gov/schoolsafety/Documents/2nd%20Edition%20-%20PCCD%20Threat%20Assessment%20Model%20Procedures%20and%20Guidelines%20(2022).pdf).

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## On the Cutting Edge of Security: A.I. Weapon Detection

Artificial Intelligence (A.I.) is a broad category of mechanical simulations that recreate human intelligence and logic processes, which, in simplified terms, often refers to a computer programmed to perform a task typically performed by a human that

requires an educated judgment. In this regard, A.I. has an unparalleled efficiency for certain tasks, as it is capable of performing tens-of-thousands of analytical assessments to a mathematical certainty within fractions of seconds.

A well-recognized example of A.I. technology is A.I.-based facial recognition programs, which perform the typically human task of “recognizing” or identifying people based upon their facial characteristics. The human method of recognizing or identifying is difficult to define due to numerous variables. However, the A.I. process reduces these variables to an algorithmic inquiry capable of drawing minute distinctions, such as a centimeter difference in ear or eye placement, bone structure, hairline, and more. Moreover, the A.I. is capable of algorithmically adjusting its recognition sensitivity to account for shadows, darkness, distance, or other disparities in brightness.

The foundational concepts of A.I.-based facial recognition programs segued to the development of A.I. weapon detection system, which is incorporated into video surveillance equipment. This type of system is capable of immediately identifying unconcealed weapons by scanning video for objects that geometrically or mathematically fulfill criteria or dimensions of a weapon—and as with its predecessor, these systems are capable of rapidly performing these assessments to a mathematical certainty in fractions of a second. Thus, even a brief display of a weapon will be captured and identified for further algorithmic verification. Moreover, once a weapon is identified, it is algorithmically tracked as it passes into the field of view of other surveillance cameras.

The weapon detection systems that utilize video surveillance can also be supplemented by additional technology, such as energy sensors to detect and track gunshots based upon energy discharge. These sensors utilize algorithmic recognition of energy discharge based upon ballistic data to precisely identify the gunshot origin. Moreover, the system has a threshold detection limit, which precludes false positive alerts from other loud noises, such as fireworks, thunder, or slammed doors.

Once the system rapidly verifies a weapon detection, the system offers a customizable expedited security response, which includes automatic notification of law enforcement, relaying real-

time information regarding the identified weapon's location, mass notification through a chosen method (automated announcement, email, text message, etc.), activation of other security features, and more.

These cutting-edge A.I. weapon detection systems are typically offered as a service contract, in addition to the installation of any necessary equipment, as integration is limited to more recent technology, but compatibility is expanding. Accordingly, the cost of these advanced security systems may be cost prohibitive—for now. However, continued technological advancement and a greater state and federal emphasis on the creation of grants to fund school safety may ultimately facilitate this type of technology becoming more prevalent, as schools strive to address the United States' growing issue with school violence.

One of the premier providers of A.I.-based weapon detection systems is EAGL Technology, Inc. More information on the system capabilities and exciting advancements in this area of A.I. is available on their website:

<https://www.eagletechnology.com/>

*Beard Legal Group would like to wish everyone a happy Holiday season and a joyous New Year.*

## Beard Legal Group Educational Presentations:

Beard Legal Group partnered with Pennsylvania State University School Study Council, Special Education Hearing Officers and Consultants for an all-day special education symposium.

- **September 13, 2022** The symposium covered special education issues from legally compliant IEPs focusing on behaviors, progress reporting with measurable and defensible goals, curriculum to enhance student performance, writing evaluations that can withstand legal challenge as well as case law updates and trends in special education.

Beard Legal Group partnered with the Central Susquehanna Intermediate Unit to provide educational presentations to its constituents through its Administrative Law Series, as well as to its Superintendents. Recent presentations have included:

- **September 12, 2022 Student Discipline** – covering the pitfalls for Administrators and best practices to avoid litigation.
- **November 4, 2022 Superintendent Retreat** for IU16 and IU 29 Superintendents covering the following topics: Labor Law Update Oldies but Goodies, New Cases, and Trends in Collective Bargaining
- **November 14, 2022 Employment Update** – covering key employment and labor cases, tips to avoid costly procedural violations, covering investigative interviews, Loudermill hearings, etc.

An additional CSIU Administrative Law Series presentation is scheduled for 2023:

- **February 13, 2023 Social Media** – Covering problems with students and teacher and what every administrator should know regarding social media and its impact on schools

For more information on CSIU programs visit:

<https://registration.csiu.org/events>

## Beard Legal Group Education Law Report

As solicitors, labor counsel and special counsel, Beard Legal Group represents more than 80 School Districts in Pennsylvania. The Firm has successfully negotiated hundreds of teacher and support staff contracts.

The Firm also represents a large area of the State for coverage of school board directors through their insurance carriers.

Our legal expertise includes: Solicitorship Services, Collective Bargaining – Teacher and Support Contracts, Employment Matters, Labor Arbitrations, Special Education Issues and Proceedings, Defense of Tax Assessment Appeals, PHRC/EEOC Complaints, Student Expulsion Hearings and Constitutional Issues.

### About the Pennsylvania School Study Council

The Pennsylvania School Study Council (PSSC), a partnership between the Pennsylvania State University and member educational organizations, is dedicated to improving education by providing research information, professional development activities, and technical assistance to enable its members to meet current and future challenges. The PSSC offers professional development to the membership through colloquiums, workshops, study trips, consultation, publications, and customized services. For more information, visit the PSSC website, [www.ed.psu.edu/pssc/](http://www.ed.psu.edu/pssc/) or contact the Executive Director Dr. Peggy Schooling [mxs284@psu.edu](mailto:mxs284@psu.edu).

### *Subsequent Issues*

If you have a school law question or topic you would like to have addressed in subsequent issues of the newsletter, please send an email to:

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