

§ 115C-105.65. Threat assessment teams.

- (a) Definitions. – The following definitions apply in this section:
- (1) Superintendent. – The superintendent or, if there is no superintendent, the staff member with the highest decision-making authority.
 - (2) Threat assessment. – A fact-based process of identifying, assessing, and managing behavior that may pose a risk of violence or other harm to self or others.
 - (3) Threat assessment team. – A multidisciplinary team that includes, but is not limited to, persons with expertise in counseling, instruction, school administration, and law enforcement that conducts threat assessments in a public school unit when threatening behavior has been communicated and when a student has engaged in threatening behavior that warrants further evaluation. When practicable, at least one school psychologist, one staff member knowledgeable about and experienced in working with students with special needs, and one staff member knowledgeable about and experienced in working with students with disabilities shall be assigned to the threat assessment team. If a school psychologist is not available, the school may assign a licensed mental health professional instead. Members of a threat assessment team who are not employees of the public school unit may review student records as provided in 34 C.F.R. § 99.31(a)(1)(i)(B) pursuant to a written agreement with the public school unit of the requirements and responsibilities for use of student records under the federal Family Educational Rights and Privacy Act.
 - (4) Threatening behavior. – Any communication or action that indicates that an individual may pose a danger to the safety or well-being of school staff or students through acts of violence or other behaviors that would cause harm to self or others. These behaviors may be expressed or communicated orally, visually, in writing, electronically, or through any other means and may be considered threatening regardless of whether a direct verbal threat is expressed.

(b) The Center for Safer Schools shall develop guidance for threat assessment teams for public school units and all public school units shall have access to the guidance. The Center shall develop the guidance by (i) collecting information and best practices from schools with existing threat assessment teams and (ii) consulting with the Task Force for Safer Schools, Disability Rights North Carolina, the North Carolina School Psychology Association, the State Bureau of Investigation, and relevant State government agencies. This guidance shall not reference or reveal any information that has been excluded as a public record under G.S. 115C-47(40), Part 2 of Article 8C of this Chapter, or any other relevant statute. The guidance shall include, at a minimum, the best practices for the following:

- (1) Assessment of and intervention with an individual whose behavior poses a risk to the safety of school staff, students, or self, including suggested definitions of threat levels with examples of behavior that would be considered a threat under the given definitions.
- (2) If the individual is a student or minor, involvement of the individual's parent or legal guardian throughout the threat assessment process.
- (3) Referral to LME/MCOs, as provided in G.S. 122C-115.4(b)(9), for evaluation or treatment, when appropriate.
- (4) Compliance with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et seq., and Article 9 of Chapter 115C of the General Statutes.

(5) Referral to the appropriate local law enforcement agency if the individual is not a student.

(c) The governing body of a public school unit shall develop policies for assessment and intervention by threat assessment teams, including any scale or classification system that will be used to indicate various levels of threats and the standard response to each level of threat. These policies shall differentiate between assessment and intervention at the elementary, middle, and high school levels, as appropriate. In developing these policies, the unit shall consult the guidance issued by the Center for Safer Schools released pursuant to subsection (b) of this section and with any threat assessment team in the unit. These policies shall not reference or reveal any information that has been excluded as a public record under G.S. 115C-47(40), Part 2 of Article 8C of this Chapter, or any other relevant statute. A copy of the policies shall be sent to the Center for Safer Schools.

(d) The superintendent or the superintendent's designee shall establish a committee charged with coordination and monitoring of the threat assessment teams operating within the unit, which may be an existing committee established by the unit. The committee shall include individuals with expertise in human resources, education, school administration, mental health, and law enforcement.

(e) The superintendent of a public school unit shall establish a threat assessment team for each school within the unit. In the discretion of the superintendent, an established threat assessment team may serve more than one school in the unit. Each team shall have the following duties and responsibilities:

- (1) Provide training to students, faculty, and staff regarding recognition and reporting of threatening behavior that may indicate a risk of harm to the community, school, or self.
- (2) Identify members of the school community to whom threatening behavior shall be reported.
- (3) Implement policies adopted by the governing body of the public school unit pursuant to subsection (c) of this section.
- (4) Utilize anonymous reporting applications for students to share information about school safety concerns requiring investigation.
- (5) Upon finding a credible threat, a threat assessment team may take any of the following actions:
 - a. Recommend that the individual involved be referred for mental health services. If the individual is a student or minor, the parents shall be notified of the recommendation and encouraged to contact the student's primary care provider, insurance, or the local Medicaid management entity or managed care organization.
 - b. Provide notice to individuals who are the subject of threatening behavior and, if the individual is a student or a minor, provide notice to the student's parent or legal guardian. All notices shall be in accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.
 - c. Provide notice to the appropriate local law enforcement agency.

(f) Any information shared among members of the threat assessment team pursuant to this subsection [section] shall remain confidential, shall not be a public record subject to Chapter 132 of the General Statutes, and shall only be released in connection with an emergency under the standards established by the Family Educational Rights and Privacy Act in 20 U.S.C. § 1232g(b)(1)(I).

(g) Any threat assessment team may submit a request to the Center for Safer Schools, in a manner to be determined by the Center, for a training session on the implementation or operation

of a threat assessment team. Within 30 days of any training conducted pursuant to this section, the Center shall send a brief to all assessment teams giving an overview of the training, including any solutions reached or lessons learned.

(h) Each threat assessment team established pursuant to this section shall report quantitative data on its activities to the Center for Safer Schools as required by the Center. The Center is authorized to share these reports with any agency it consults with to develop guidance pursuant to this section. Such data shall include, at a minimum, the following:

- (1) Number of threat assessments conducted annually and demographic information on the individuals assessed.
- (2) Total number of threat assessments that resulted in a determination that the behavior being assessed posed a threat, and any information on the scale or classification of the threat, as described by the written policy required by subsection (c) of this section.
- (3) All actions and the results of those actions taken in response to finding a threat.
- (4) Number, subject, and solution or outcome of any technical assistance requests.

(i) No governing body of a public school unit, nor its members, employees, designees, agents, or volunteers, shall be liable in civil damages to any party for any loss or damage caused by any act or omission relating to the participation in or implementation of any component of the threat assessment team policies required by this section, unless that act or omission amounts to gross negligence, wanton conduct, or intentional wrongdoing. Nothing in this section shall be construed to impose any specific duty of care or standard of care.

(j) Nothing in this section shall preclude public school personnel from acting immediately to address threatening behavior that is an imminent risk.

(k) Any action taken pursuant to this section, or a rule or policy developed pursuant to this section, shall comply with the Constitution of the United States, the North Carolina Constitution, and Article 27 of this Chapter. (2023-78, s. 2(a).)