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## MEMORANDUM

**TO:** School Safety Specialists

**FROM:** Brooks Rumenik  
Deputy Director, Office of Safe Schools

**DATE:** January 5, 2021

**SUBJECT:** **Threat Assessments: Frequently Asked Questions**

The Office of Safe Schools regularly responds to questions and provides guidance to districts and charter schools concerning threat assessments and how to best implement the Comprehensive School Threat Assessment Guidelines (CSTAG) intervention and support model, which is required to be used in all Florida schools. Recently, we received some questions concerning handling of threat assessment records and students with disabilities that all our threat assessment teams could benefit from:

### **Are threat assessment records considered education records under the Family Educational Rights and Privacy Act (FERPA)?**

Yes. The term “education records” is defined, with some exceptions, as those records that are: (1) directly related to a student; and (2) maintained by an educational agency or institution, or by a party acting for the agency or institution. Threat assessments meet this definition.

### **Can parents review a threat assessment where their child was the subject of the assessment?**

Yes. FERPA provides parents with the right to inspect and review their children’s education records, which would include threat assessments.

### **If a student’s parents disagree with something in a threat assessment record, what can they do?**

FERPA provides parents with the right to request that inaccurate or misleading information in his or her child's education records be amended. The school must consider the request, but is not required to amend a record in accordance with the parent’s request. If the request to amend a record is denied, parents are entitled to a hearing on the issue. If the school still decides not to amend the record after the hearing, the parent has a right to insert a statement in the record with his or her views, and that statement is required to be kept with the contested record for as long as it is maintained.

It is important to understand that the right to correct inaccurate information contained in an education record is not meant to be a vehicle to change substantive decisions made by the school. As provided by the U.S. Department of Education:

FERPA was intended to require only that schools conform to fair recordkeeping practices and not to override the accepted standards and procedures for making academic assessments, disciplinary

rulings, or placement determinations. Thus, while FERPA affords parents the right to seek to amend education records which contain inaccurate information, this right cannot be used to challenge a grade, an individual's opinion, or a substantive decision made by a school about a student.

Additional guidance concerning FERPA and parents can be found [here](#).

### **How long must threat assessment records be maintained in a student's file?**

Threat assessment records are considered "Category B" records under [Rule 6A-1.0955, Fla. Admin. Code](#). Records that fall under Category B are subject to periodic review and may be removed from a student's records when the information is no longer useful, and at a minimum must be maintained for 3 school years. This determination should be made with the threat assessment team. Factors to consider to determine whether threat assessments are still useful include, but are not limited to, whether the threats were transient or substantive, whether there are ongoing concerns or need for intervention with the student, and whether the records demonstrate serious or recurrent behavior patterns. In many cases, there are documented behaviors and histories of assessments and interventions in a student's record beyond three years that provide vital information to safety and mental health professionals.

### **Are threat assessments required to be transferred with a student's records when a student transfers schools?**

Yes. [Section 1003.25\(2\), Fla. Stat.](#), and Rule 6A-1.0955(8)(c), Fla. Admin. Code, require that the transfer of records of students who transfer from school to school occur within three (3) school days of the receipt of the request for records from the new school or district, or receipt of the identity of the new school and district of enrollment, whichever occurs first. These records must contain verified reports of serious or recurrent behavior patterns, including threat assessments and intervention services, and psychological evaluations, including therapeutic treatment plans and therapy progress notes created or maintained by district or charter school staff.

### **When can a school conduct a threat assessment for students with disabilities?**

The primary goal is to maintain the safety of our schools, including students and staff. School officials should treat all threats of violence seriously until the threat assessment team is able to make a preliminary determination of the seriousness of the threat and what further action, if any, is warranted. If a student with a disability is reported to have made a threat to harm others and the student's intent is not clear, the best practice is for that threat to be reported to the team for evaluation.

If the threat assessment is initiated and the determination is made that no threat occurred, or that the threat is transient and easily resolved, that resolution should be documented in the student's record. Accurate recording of how a threat was reported, evaluated, and resolved by the team is important to provide context if subsequent threats are reported with the same student. In addition, accurate record keeping and documentation is vital for understanding what happened should a threat situation escalate.

We hope this information is helpful as you continue to conduct threat assessments in your schools. The Department of Education and Office of Safe Schools is also working on a recorded FERPA presentation geared toward threat assessments that will be posted on our website. We will provide a link as soon as it is completed.

BR/jc

cc: School District Superintendents  
Mental Health Contacts  
Charter School Authorizers and Stakeholders