Development and Implementation of Student Crisis Assessment Policies, Practices and Procedures

Presented to the Region V Council for Special Education

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Region V Council for Special Education Guidance Document

• Developed by a Children’s Inter-Agency Coordinating Council (“CIACC”) planning committee comprised of:
  ▫ Representatives appointed from Bergen County’s Mental Health Centers, and
  ▫ Bergen County school district representatives.

• Recognizes that many, if not most, school districts have adopted polices or procedures designed to respond to and address crisis situations involving students.
The Committee reviewed these policies and procedures from school districts in Bergen County, as well as other States, in an effort to establish “best practices” protocols.

Intended to provide guidance and promote consistency with respect to the implementation of policies, in particular the customary requirement that “at risk” students provide a “school clearance letter” prior to readmission.
Excluding Students from School Following “Crisis” Situation

• Student’s actions pose **imminent danger** to self or others

• Student’s verbalizations or other actions indicate the **intent** or **plan** to harm him/herself or others

• Student’s verbalizations or other actions indicate that the student may be **at risk** of causing harm to him/herself or others
Legislative and Regulatory Support:

• “The legislature finds that the safety and welfare of the public school students of this state while attending sessions of the public schools is a matter of prime concern to the citizens of this state.” *N.J.S.A. 18A:17-42.*

• A board may “[p]erform all acts and do all things, consistent with law and the rules of the state board, necessary for the lawful and proper conduct, equipment and maintenance of the public schools of the district.” *N.J.S.A. 18A:11-1*

• “Each school district shall develop and implement comprehensive plans, procedures and mechanisms that provide for safety and security in the public elementary and secondary schools” that “shall provide for: (1) The protection of the health, safety, security and welfare of the school population; (2) The prevention of, intervention in, response to and recovery from emergency and crisis situations; [and] (3) The establishment and maintenance of a climate of civility.” *N.J.A.C. 6A:16-5.1.*
“Crisis Exclusion” v. Discipline

• A school district may require a clearance letter as a condition of returning to school after an incident or threat of violence pursuant to a duly adopted policy, so long as the requirement is rationally related to the threat or incident at hand.

• Depending on the nature of the incident, however, the student may also be subject to disciplinary consequences as a result of his or her conduct.
“Crisis Exclusion” v. Discipline (cont.)

• Remember that there is a distinction between the “crisis exclusion” and any disciplinary consequence

• Example:

  • Student A makes a verbal threat to the principal that he is going to “blow up” the school. The principal imposes a five (5) day suspension for a violation of the code of student conduct (terroristic threats). Additionally, because of the potential threat to the safety and well-being of the school community, the student is also required to produce a “clearance letter” prior to returning to school.

  • The student’s failure to produce the “clearance letter” within the five (5) day suspension does not serve to extend the disciplinary consequence. Any continuing exclusion is based solely upon “health, safety, welfare” considerations implicated by the crisis situation.
Policy Recommendations:

- Adopt a policy permitting the superintendent (or other designated individual) to require mental health clearance prior to readmitting a student who violates the student code of conduct, or other policy prohibiting violence or threats of violence, or who otherwise presents as an imminent or potential threat to him/her self or others.

- If the parents challenge the imposition of such a requirement, the Board’s action would be analyzed under the arbitrary, capricious and unreasonable standard of Kopera v. West Orange Bd. of Ed., 60 N.J. Super. 289 (App. Div. 1960).
Policy Recommendations:

- Policy should include:
  - Notice to parents
  - Situations in which a “crisis exclusion” may take place
  - Procedures associated with “crisis exclusion,” e.g.:
    - Who makes the decision
    - Whether a preliminary assessment by the school’s clinical staff will be warranted
    - Assurance that the student will be appropriately supervised pending removal
    - Standard for readmission (i.e., “clearance letter”)
    - Distinction from discipline
Recommended Procedures (Guidance Document):

- **Imminent Danger**
  - Call 911
  - Follow school emergency procedures
  - Psychiatric assessment required

- **Potential or Plan to Harm Self or Others**
  - Report to Crisis Intervention Team (or other appropriately trained designee)
  - Initial assessment for depression, suicidal ideation, intent, and overall level of risk.
  - Possible referral for mental health assessment and “school clearance letter.”
Assessment Practices & Procedures:

**Who conducts the assessment?**

- Completed by a licensed mental health professional, such as a Licensed Clinical Social Worker, psychologist, Advanced Practice Nurse or Psychiatrist.

  - Assessments completed by evaluators selected by the school district are **at the expense of the school district**.

  - Assessments completed by evaluators selected by the student’s parents are **at the expense of the parent**.
Assessment Practice & Procedures: Sharing Information

• For purposes of assessment, it is important that the evaluator have all relevant information regarding the student and the incident giving rise to the exclusion.

• The school social worker, school psychologist or other appropriately trained and designated staff member should contact the professional completing the assessment to provide background information.
Assessment Practice & Procedures:  
*Sharing Information (cont.)*:

- Parental consent for the release of student information is required.

- **Exception:**
  - If a parent/guardian cannot be reached and student is screened and/or assessed by appropriate school personnel as being in imminent danger of harming him/herself or others, the school may initiate an immediate assessment. *N.J.A.C. 6A:32-7.1(e) and 6A:32-7.5(f)(16).*
  - In such circumstances, the Juvenile Family Crisis Intervention Unit (JFCIU) can authorize the police to transport the student to the hospital for an assessment.
Assessment Practice & Procedures:

*Nature of Assessment:*

- No single, specific assessment tool is required, but districts should ensure appropriate, uniform standard of care and evaluation.
- Identifying information (name, etc.)
- Medical and family history
- Presenting problem, incident
- Mental status examination
- Diagnosis
- Triggers for reoccurrence
- Recommendations for follow-up services
Assessment Practice & Procedures: 

*Release of Report:*

- If the parents or guardians assume the cost of the assessment (through a provider of their own choosing), the resulting report is their property, and **will require their consent** before being released to the school district.

  - In such circumstances, parents are not required to produce the report in its entirety, so long as the essential elements (e.g., whether the student’s return to school would create a danger to the students or others) are satisfied.
Assessment Practice & Procedures: Clearance Letter:

• Should include:
  • Evaluator’s name and license number
  • Student’s name and date of birth
  • Confirmation that evaluator assessed the student following and in connection with the precipitating school-based incident
  • The date of the assessment
  • A specific statement that the student does not present a danger to himself/herself or others and is able to return to school.
Relevant Caselaw:

- State Board agreed that school personnel acted appropriately in seeking an immediate psychiatric evaluation of petitioner’s granddaughter after she tightened a belt around her neck in school and threatened to commit suicide. However, noted the importance of staff following its express written procedures for handling such exigencies. *M.F. o/b/o S.L.T. v. Bd. of Educ. of Neptune*, OAL Dkt No. EDU-8583-96, 97 N.J.A.R.2d (EDU) 578, initial decision (March 27, 1997) aff’d, Comm. Ed. (May 19, 1997), aff’d, St. Bd. (September 3, 1997).
Relevant Caselaw:

- Notable Findings:
  - Joking suicide threats by children, or even imitative “fooling around” can turn out to have very serious consequences. The school was therefore justified in taking the student’s threat very seriously.
  - The Board acted in accordance with its Policy, specifically the section entitled “Suicidal Ideation (Verbal threat or communication of possible suicidal intent).”
  - The fact that the hospital crisis intervention unit determined that the student was not in any immediate physical or mental jeopardy did not diminish or invalidate the school district’s legitimate concern or the need to implement applicable policy in the situation.
Relevant Caselaw:

After a verbal altercation with the band director and the exhibition of disturbing behavior (including a threat to kill the band director), a student was excluded from band activities for two weeks and was required to undergo a psychological examination. Student's suspension from band activities pending a psychological examination was proper under the circumstances and the Board's application of discipline was rationally related to the good order and best interest of the school and the particular conduct exhibited by the student. *McB. v. Washington Tp. Bd. of Ed.*, 96 *N.J.A.R.2d* (EDU) 298
 Relevant Caselaw:

Board policy requiring psychological or psychiatric examination at board expense for student who had been suspended for developing a “hit list” of friends and teachers prior to returning to the school population was not unreasonable. *T.L. o/b/o T.L. v. Bd. of Educ. of Middletown, OAL Dkt No. EDU-6671-01*, aff'd Comm. Ed. June 13, 2002.
Relevant Caselaw:

- Notable Facts and Findings:
  - “Crisis Team” (consisting of the Principal, Vice-Principal, guidance counselors, school psychologist and social workers) convened following discovery of “hit list” and interview of students. Team determined that it would be unsafe for the student and the school population to have the student return to school without first undergoing a psychiatric or psychological evaluation.
  - The student expressed feelings of ongoing depression and anger to the school psychologist and social worker.
Relevant Caselaw:

- Notable Facts and Findings:
  - The Board and its witnesses credibly related that its reaction to the incident was focused on **safety**.
  - Board Policy addressing “Terroristic Threats” clearly provided that a first offense would include exclusion from school until psychiatric clearance occurred.
  - Notes that clearance requirement is not discipline, although it is may be part of the “entire discipline complex” of the Policy.
Relevant Caselaw:

• Notable Facts and Findings:
  ▫ “In a nationwide climate of concern for student and teacher safety which can be officially noticed, a compelled psychological or psychiatric evaluation in the factual circumstances here is a rational requirement.”
  ▫ A policy of psychological clearance required in the context of satisfying the Board’s obligation to ensure school safety is not arbitrary or capricious.
Relevant Caselaw:

This case addressed whether the IDEA’s stay-put provision prohibited schools from unilaterally excluding a disabled student from school grounds for dangerous or disruptive conduct growing out of his disabilities. The Supreme Court declined to create a “dangerousness” exception to the stay-put provision, but instead created an “extraordinary removal remedy” whereby the school could request that the federal district court temporarily enjoin a student from attending school in appropriate circumstances. Since that time, the amendments to the IDEA have created the ability to remove such a student for up to 45 days to an alternative educational setting. Honig v. Doe, 484 U.S. 305 (1988).
Instruction During Exclusion

- Students will be provided with appropriate home or other out-of-school instruction in accordance with *N.J.A.C. 6A:16-10.1 et seq.* during any period of exclusion.
Re-Entry to School:

- Reentry meeting with relevant staff
- Consideration of CST referral
- Discussion with parents regarding follow-up treatment, as necessary
- Discussion with parents regarding access to additional evaluative information (beyond clearance letter)
QUESTIONS?