

10-15-2019

The Guardian interviews Maryam Ahranjani: When kids are threats: the assessments unfairly targeting students with disabilities

Maryam Ahranjani
University of New Mexico - School of Law

Ike Swetlitz
Searchlight New Mexico

Follow this and additional works at: https://digitalrepository.unm.edu/law_facultyscholarship

 Part of the [Disability and Equity in Education Commons](#), [Early Childhood Education Commons](#), and the [Law Commons](#)

Recommended Citation

Maryam Ahranjani & Ike Swetlitz, *The Guardian interviews Maryam Ahranjani: When kids are threats: the assessments unfairly targeting students with disabilities*, *The Guardian* (2019).

Available at: https://digitalrepository.unm.edu/law_facultyscholarship/843

This Article is brought to you for free and open access by the School of Law at UNM Digital Repository. It has been accepted for inclusion in Faculty Scholarship by an authorized administrator of UNM Digital Repository. For more information, please contact disc@unm.edu.

<https://www.theguardian.com/us-news/2019/oct/14/when-kids-are-threats-the-assessments-unfairly-targeting-students-with-disabilities>

When kids are threats: the assessments unfairly targeting students with disabilities

A systemic problem in New Mexico schools turns a well-meaning evaluation into a stigma unfairly ensnaring minority groups

**By Ike Swetlitz of Searchlight New Mexico
The Guardian
October 15, 2019**

Jamari Nelson likes action figures and video games – the “usual kid stuff,” as the seven-year-old put it. One of his favorite activities is making slime out of glue, laundry detergent, and other household chemicals.

“I sort of really recommend this one for stress and stuff,” he said, showing off a mustard-yellow slime the consistency of Silly Putty. By varying the ingredients, by warming the slime with his hands or cooling it in the fridge, he can create endless, surprising varieties.

“That’s the cool thing about science,” Jamari said. “You don’t really know what’s going to happen.”

Jamari’s science experiments only happen at home these days. In January, his mother pulled him out of Albuquerque Public Schools in New Mexico after the staff at Collet Park Elementary conducted a “threat assessment” on her first-grader, who has autism. Introduced around the country two decades ago, threat assessments originally were intended to identify children who might commit mass shootings.

“He’s not a threat,” said Agatha Cooper, his mom. “He is a student who is struggling.”

Jamari’s predicament illustrates a systemic problem in Albuquerque and serves as a warning to schools nationwide. In well-meaning attempts to prevent gun violence and keep students safe, districts around the country have implemented threat assessment procedures that can stigmatize whole groups of students, most notably kids with disabilities. That’s precisely what’s occurring in Albuquerque, where these assessments have become commonplace – and where Jamari’s evaluation could remain on his school records for years to come.

His story should motivate district officials to re-evaluate their use of threat assessments, said Maryam Ahranjani, a law professor at the University of New Mexico. As currently practiced, she said, the assessment process can unfairly ensnare many students. “It’s treating them as if they are criminals without them actually engaging in criminal activity.”

An APS spokeswoman, Monica Armenta, said in an email that “while the presence of a threat assessment might be considered a stigma, APS’s priority is to provide safety for the student and the APS community”.

Jamari’s assessment followed a 22 January classroom incident, when he was asked to stop playing a game on an iPad and get to work. The boy – about 4ft tall and weighing 50 pounds – didn’t obey. After a teaching assistant took the tablet from his hands, he grabbed some pencils and tried to jab her. Another adult intervened and tried to physically restrain Jamari. He bit her, and then hit a teacher on the head with a whiteboard, drawing blood.

“Everybody back up and nobody gets hurt,” Jamari said, according to a staff member who testified about the incident at a public hearing.

The next day, he was deemed a “high-level threat” to the school.

During the 2018-19 school year, APS carried out 834 threat assessments, according to district data. It was the third consecutive year in which a disproportionate number of the assessments were conducted on special education students and African American children.

Last school year, kids in special education, who made up just 18% of the total student population, were the subject of 469, or 56%, of all threat assessments in Albuquerque. Meanwhile, 80 assessments, or 9.6%, were conducted on African American children, who constituted only 2.6% of the student body.

Jamari belongs to both groups.

In Albuquerque, threat assessments reflect national patterns of inequity that affect black students and students with disabilities. Federal data show these children are far more likely to be suspended, expelled or arrested at school than their peers.

Armenta said in an email that the district never “refers students for threat assessments based on ethnicity, ability or any other distinguishing trait”.

But experts expressed concerns.

“I don’t think it’s terribly hard to say there is a disparity here,” said Kristen Harper, director for policy development at Child Trends, a research institute in Bethesda, Maryland, referring to the overrepresentation of black students. She also pointed out that APS’s threat assessment forms list certain disabilities as reasons to consider students threatening: “The bias is present. It’s written. It’s stated. It’s plain.”

The director of APS’s threat assessment program said the large representation of special education students makes sense. “A lot of special education kids, they have a disability, and they say things that, you know, are scary to people,” said Larry Fortress. “They just don’t know how to communicate in an appropriate way.”

'It's this secret file about your child'

Threat assessments were imported into schools in the late 1990s after a series of school shootings, such as the massacre at Columbine high school, terrified parents and students around the country. The protocols were derived from a Secret Service strategy to prevent political assassinations, and later endorsed for school use by the Department of Education.

About 42% of public schools in the US use some form of the evaluation, according to the latest federal data, from the 2015-2016 school year. There's a push in Congress to expand the use of threat assessments throughout the country.

At the same time, there's a dearth of data showing which students are being identified as threats and for what behaviors. Whether threat assessments actually reduce gun violence in schools has never been demonstrated.

In the best-case scenario, trained professionals identify students who they believe pose a threat to their schools. An assessment team determines what issues are causing the students' aggressive tendencies. The team then develops a plan - tutoring, counseling, mentoring or other interventions - to address the root causes.

According to research conducted by Dewey Cornell, a professor of education at the University of Virginia who developed a threat assessment model used across the US, the process can have positive effects: less bullying, fewer suspensions and an elevated feeling of safety. In schools that used Cornell's model, a study showed, kids were more willing to seek help from adults if another student was bullying them or threatening violence.

But at their worst, these assessments can reach too far and go awry. Jamari, for example, was physically restrained at least five times before he was deemed a threat, according to school records. A Searchlight investigation published last week found that APS teachers and staff routinely restrain students, even though this practice can traumatize kids and educators.

Jamari's parents said school officials never questioned them while conducting the threat assessment. For many months, they knew little about the process. "It's just this secret file about your child," said Gail Stewart, an Albuquerque lawyer who represents Jamari's parents.

Armenta denied Searchlight's request to interview any staff involved in the classroom incident with Jamari, citing federal privacy law.

'High-level threat'

Agatha Cooper first noticed her son's abnormal behavior when he was three years old. He had trouble establishing friendships at daycare. He struggled when events didn't follow a predictable routine, and it was difficult for him to transition from one task to the next. Sometimes, he would lash out when people got too physically close to him.

He was frequently restrained in school, beginning in kindergarten. Cooper said that on one occasion she was called to his class, where she saw Jamari held down in the back of the room, hysterical.

The summer after kindergarten, she took him to a private psychologist, who diagnosed Jamari with autism spectrum disorder. Cooper sent the information to Jamari's principal, hoping the school would develop a strategy – as required by federal law – to provide her son with an education tailored to his autism.

The school was in the midst of developing such a plan when the 22 January incident took place.

The next day, Jamari wasn't allowed to return to school, and the staff filled out the threat assessment paperwork. It included a checklist indicating that he engaged in "frequent fighting" and "destruction of property". He was "extremely manipulative", "distrustful" and displayed an "alternate identity 'as a force to be reckoned with'".

He did have a few things going for him: "good grades" and "involved caregivers", for example. His "family seeks help when needed", the document stated, and "respects authority".

The team concluded Jamari was a "high-level threat". He displayed "high violence potential", but he was not an "imminent" threat to the school.

Jamari's parents say they didn't know about any of this. Called to the school a few days after the incident, they were given a one-page form that included a vague description of the event.

It was almost by accident that Jamari's parents were able to peer behind the curtain. Believing that APS was failing to address their son's needs, they engaged a lawyer, Stewart, who filed a formal complaint against the district, and uncovered the details behind the assessment.

Reviewing the checklist last month at his barber supply store in Albuquerque, he zeroed in on the wording: "perceived injustices, humiliation, or disrespect" to Jamari. Malcolm pointed out that Jamari had been restrained multiple times by school staff.

"What do you mean it's 'perceived'?" Malcolm demanded. "They're just trying to say that's like, in his own mind? The injustices? I mean, being held down in front of the whole class – that is humiliating."

The hearing showed that the 22 January incident was distressing for many involved. Agatha Cooper testified that her son felt terrible about having hurt a teacher, and he couldn't sleep for days: "Mom, I saw blood all over her face," he said, according to Cooper's testimony. "Am [I], like, a killer kid or something?"

The teacher who tried to restrain Jamari testified that she suffered from post-traumatic stress disorder and anxiety. She had nightmares. The incident made her rethink her desire to be a teacher.

Since pulling Jamari out of school in January, Cooper has homeschooled her son. “I’m just trying to focus on nursing Jamari’s love of learning back,” she said.

Jamari enjoys the academics at home more than at his old school, he said. “I just get my school done really fast, because, like my mom said, I’m a fast learner,” Jamari said.

But he misses his classmates. He recalled how he and one of his friends would crawl under the playground equipment, pretending it was a fort.

“We’d pretend that we were saving the world and there were robots everywhere,” Jamari said. “Yeah, that’s what I really miss.”

© 2021 Guardian News & Media Limited or its affiliated companies. All rights reserved.