

## Tarasoff Legal Guidelines & School Application

### Purpose:

This handout provides an overview of the **Tarasoff ruling**, its legal implications, and how it applies in school settings to ensure student and staff safety.

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### 1. Understanding the Tarasoff Case

#### Background:

- **Tarasoff v. Regents of the University of California (1976)** established a mental health professional's duty to protect individuals threatened with harm.
- The case originated when a patient confided to a therapist that he intended to harm a specific individual, but no action was taken to prevent it.
- The court ruled that protecting potential victims takes precedence over patient confidentiality in certain situations.

#### Key Legal Principles:

✔ **Duty to Warn** – Professionals must notify the intended victim or law enforcement when a credible threat exists.

✔ **Duty to Protect** – Beyond warning, professionals must take reasonable action to prevent harm, such as law enforcement intervention or hospitalization.

 **Reference:** Tarasoff v. Regents of the University of California (1976).

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### 2. Tarasoff in the School Setting

#### Who Must Act?

- **School counselors, psychologists, administrators, school resource officers (SROs), and teachers** who receive credible threats of harm.

#### When Does Tarasoff Apply in Schools?

✔ A student makes a **direct or implied threat** against another student, teacher, or staff member.

✔ A student **expresses violent intent** toward a specific individual or group.

✔ There is a **reasonable belief** that the student may act on the threat.

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### Examples:

- A student tells a counselor, *"I'm going to make sure my teacher never comes back to school."*
- A student posts on social media, *"I hope something bad happens at school tomorrow."*

 **Reference:** California Penal Code § 11166 (Mandated Reporting Law).

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### 3. Required Actions Under Tarasoff

#### Step 1: Assess the Threat

- Determine if the threat is **specific, credible, and imminent**.
- Evaluate if the student has **access to weapons or means** to carry out the threat.
- Consult the **school's Behavioral Threat Assessment Team (BTAT)** if applicable.

#### Step 2: Notify the Right Authorities

- Inform the intended victim(s)** or law enforcement immediately.
- Document all steps taken, including whom you notified and when.
- Follow **school district policies** regarding threat response.

#### Step 3: Implement Safety Measures

- Increase supervision of the student.
  - Work with law enforcement and mental health professionals for intervention.
  - Develop a **Student Safety Plan** if the student remains in school.
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### 4. Balancing Safety & Confidentiality

#### Confidentiality Considerations:

- While **student privacy is protected under FERPA**, threats of harm override confidentiality.
- Information should be shared **only with those who need to know**, such as administrators, law enforcement, and mental health professionals.
- Avoid unnecessary disclosure to protect the student's rights while ensuring safety.

 **Reference:** Family Educational Rights and Privacy Act (FERPA) Exception for Health & Safety Emergencies.

### 5. School Application Scenarios

**Scenario 1:** A student tells a teacher, *“I want to hurt someone in class.”*

- ✓ **Teacher reports immediately** to administration.
- ✓ **Threat assessment is conducted**, and law enforcement is notified if needed.
- ✓ **Parent contact is made**, and intervention steps are taken.

**Scenario 2:** A school counselor overhears a student saying, *“I’m going to get my revenge on Monday.”*

- ✓ The **student is interviewed**, and records are checked for past behaviors.
- ✓ If the threat is credible, a **safety plan is implemented**, and parents are informed.
- ✓ **Law enforcement may be contacted** depending on the level of risk.

 **Handout:** Student Safety Plan Template

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### 6. Final Takeaways & Best Practices

- ✓ **Take all threats seriously**—early intervention prevents escalation.
- ✓ **Follow proper reporting channels** and document every step.
- ✓ **Notify law enforcement and victims when legally required.**
- ✓ **Ensure school personnel are trained** on **Tarasoff obligations** and school safety procedures.

 **For Further Guidance:** Consult your **school administrator, legal counsel, or behavioral threat assessment team.**