

Proposed Amendments to Regulations Relating to the Categories of School Safety and Educational Climate

Sections 100.2(cc), (gg) and 1120.3(a) relating to the Uniform Violent or Disruptive Incident Reporting System



New York State
EDUCATION DEPARTMENT
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Safe Schools Task Force

Task Force Reconvened August 2019 to:


- **Refine past work on School Safety and Educational Climate (SSEC) definitions**
- **Review and address inaccuracies in the School Violence Index (SVI) calculation and Persistently Dangerous (PD) determination**
- **Address 2018 OSC Audit findings of School Safety Plans**
- **Address newly enacted Red Flag Law**

SSEC Categories and Definitions

- In 2016, NYSED combined VADIR and DASA into SSEC and adopted new definitions
- In 2017 SSEC definitions caused increased reporting of:
 - “Sexual Offenses” incidents
 - “Assault with Physical Injuries” incidents

Comparison of Incident Counts Collected in 2016-17 and 2017-18 School Years	2016-17	2017-18	year to year change	% change
1. Homicide	-	1	1	-
2. Sex Offenses	3,479	4,583	1,104	32%
3. Assault	10,501	14,144	3,643	35%
4. Discrimination, Harassment, and Bullying (including Cyberbullying)	23,930	23,768	(162)	-1%
5. Bomb Threat	209	211	2	1%
6. False Alarm	684	692	8	1%
7. Weapons Possession	5,139	5,464	325	6%
8. Use, Possession, or Sale of Drugs	5,346	5,917	571	11%
9. Use, Possession, or Sale of Alcohol	1,094	1,089	(5)	0%
Total	50,382	55,869	5,487	11%

- “Bomb Threat” and “False Alarm” do not capture threats of school violence



Revisions to
VADIR
Categories
and
Definitions in
§100.2(gg)

The Task Force Recognized the need to:

- **Revise the definitions of Assault and Sexual Offense to include age, developmental age and intent**
- **Create one incident category and definition for serious “Assault” and serious “Sexual Offense”**
- **Create an incident category for “Threat (other than bomb threat or false alarm)”**

Proposed New Definitions

- **Sexual offense.**
 - **10 years of age or older**
 - **Felony under Article 130 of the Penal Law**
 - **Consideration of the developmental capacity to form the intent to commit act**
 - **School has referred the person to the police**
- **Assault.**
 - **10 years of age or older**
 - **Felony under Article 120 of the Penal Law**
 - **Consideration of the developmental capacity to form the intent to commit act**
 - **School has referred the person to the police**
- **Weapon**
 - **Defined in Article 265 of the Penal Law.**
- **Threat**
 - **Threat of violence on school property/school function.**

Persistently Dangerous Schools Designation (PD)

- Federal and State law require Persistently Dangerous (PD) Determination.
- Currently, SVI is a ratio of incidents to school enrollment, determined by the number of incidents, the seriousness and type of incidents.

Sum of Incident X weight

Enrollment

- Currently schools are designated as PD if:
 - For 2 consecutive school years, EITHER*
 - SVI of 1.5 or greater; OR
 - SVI of 0.5 + and 60 + serious incidents

SVI Calculation Sheet			
Incident Category	Weight (A)	# Reported (B)	(A X B)
1. Homicide	100	0	0
2a. Forcible Sex Offenses	60	0	0
2b. Other Sex Offenses:	40	0	0
3a. Assault with Physical Injury	30	0	0
3b. Assault with Serious Physical Injury	45	0	0
4a. Weapon Possession: weapon(s) confiscated through entry screening	1	0	0
4b. Weapon Possession: weapon(s) found under other circumstances	15	0	0
5a. Material Incidents of Discrimination, Harassment, and Bullying (excluding Cyberbullying)	0	0	0
5b. Material Incidents of Cyberbullying	0	0	0
6. Bomb Threat	0	0	0
7. False Alarm	0	0	0
8. Use, Possession, or Sale of Drugs	0	0	0
9. Use, Possession, or Sale of Alcohol	0	0	0
Total:			0
BEDS Enrollment Total:			11
School Violence Index:			0.000

Recalculation of the School Violence Index (SVI)

The current SVI formula over-identifies:

- low enrollment (elementary) schools
- under-identifies high enrollment (mostly secondary) schools
- schools with high numbers of students with disabilities

The Safe Schools Task Force concluded that the SVI should be revised to:

- Use a total of the most serious 4 violent categories
 - homicide, assault, sexual offense and weapons use/possession
- Take into account school enrollment in a more accurate manner
- Remove the weighting of all incidents

To do this:

- Use a ratio of the sum of the 4 violent incident categories per 100 students;
- Establish a cut score of 3 instances/100 students to designate schools as persistently dangerous.

Next Steps

- **Proposed regulations will go out for public comment through March 1.**
- **It is anticipated that the proposed rule will be presented to the Board of Regents for adoption at the April 2021 Regents meeting after all comments are reviewed and considered by the Department.**
- **If adopted at the April meeting, the proposed rule will become effective as a permanent rule on April 28, 2021.**