



**TO:** The Honorable the Members of the Board of Regents

**FROM:** James N. Baldwin 

**SUBJECT:** Proposed Technical Amendment to Section 100.2(gg)(8) of the Regulations of the Commissioner of Education Relating to the Uniform Violent or Disruptive Incident Reporting System, Also Known as the School Safety and Educational Climate Reporting System

**DATE:** December 30, 2021

**AUTHORIZATION(S):**  

#### **SUMMARY**

#### **Issue for Decision (Consent)**

Should the Board of Regents adopt the proposed technical amendment of section 100.2(gg)(8) of the Regulations of the Commissioner of Education relating to the Uniform Violent or Disruptive Incident Reporting System, also known as the School Safety and Educational Climate Reporting System?

#### **Reason(s) for Consideration**

Review of Policy.

#### **Proposed Handling**

The proposed amendment is submitted to the Full Board for adoption as a permanent rule at the January 2022 Board of Regents meeting. A copy of the proposed amendment is included (Attachment A).

#### **Procedural History**

The proposed amendment was presented to the Full Board for adoption as an emergency rule at its July 2021 meeting. A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on September 29, 2021 for a 60-day public comment period. Because the July 2021 emergency action was set to expire on December 6, 2021, a second emergency action was necessary to ensure the emergency rule remained continuously in effect until it could be permanently adopted.

Following publication in the State Register, the Department received no comments on the proposed amendment. Therefore, an Assessment of Public Comment is not required and no changes to the proposed amendment are needed. A Notice of Adoption will be published in the State Register on January 26, 2022. Supporting materials are available upon request to the Secretary of the Board of Regents.

### **Background Information**

At its April 2021 meeting, the Board of Regents voted to adopt amendments to section 100.2 (cc), (gg) and 120.3(a) of the Commissioner's regulations to: (1) update the definitions of violent and disruptive incidents for purposes of the uniform violent and disruptive incident reporting system (VADIR), also known as the safe schools and educational climate (SSEC) reporting system, consistent with the requirements of Education Law §2802 and the recommendations of the Department's Safe Schools Task Force; and (2) update the categories of serious violent incidents that are included in the School Violence Index (SVI) and used for the purposes of determining persistently dangerous schools, consistent with the recommendations of the Safe Schools Task Force.

The April 2021 amendments to the Commissioner's regulations inadvertently omitted the word "assault" in section 100.2(gg)(8) as a category of serious violent incidents that must be included for purposes of determining persistently dangerous schools. Therefore, the proposed amendment is necessary to resolve this oversight by inserting the omitted language.

### **Related Regents Items**

April 2021: [Proposed Amendment to Sections 100.2\(cc\), \(gg\) and 120.3\(a\) of the Regulations of the Commissioner of Education Relating to the Uniform Violent or Disruptive Incident Reporting System, Also Known as the School Safety and Educational Climate Report](https://www.regents.nysed.gov/common/regents/files/4211brca12.pdf)  
(<https://www.regents.nysed.gov/common/regents/files/4211brca12.pdf>)

July 2021: [Proposed Technical Amendment to Section 100.2\(gg\)\(8\) of the Regulations of the Commissioner of Education Relating to the Uniform Violent or Disruptive Incident Reporting System, Also Known as the School Safety and Educational Climate Reporting System](https://www.regents.nysed.gov/common/regents/files/721brca10.pdf)  
(<https://www.regents.nysed.gov/common/regents/files/721brca10.pdf>)

November 2021: [Proposed Technical Amendment to Section 100.2\(gg\)\(8\) of the Regulations of the Commissioner of Education Relating to the Uniform Violent or Disruptive Incident Reporting System, Also Known as the School Safety and Educational Climate Reporting System](https://www.regents.nysed.gov/common/regents/files/1121brca3.pdf)  
(<https://www.regents.nysed.gov/common/regents/files/1121brca3.pdf>)

### **Recommendation**

It is recommended that the Board of Regents take the following action:

VOTED: That section 100.2(gg)(8) of the Regulations of the Commissioner of Education be amended, as submitted, effective January 26, 2022.

### **Timetable for Implementation**

If adopted at the January meeting, the proposed rule will become effective as a permanent rule on January 26, 2022.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 15, 101, 207, 305, 308, and 2802 of the Education Law.

1. Paragraph (8) of subdivision (gg) of section 100.2 of the Regulations of the Commissioner of Education is amended to read as follows:

(8) Persistently dangerous schools. For purposes of determining persistently dangerous schools pursuant to section 120.3 of this Subchapter, only the most serious violent incidents, which shall include only the following categories of incidents: assault, homicide, sexual offense, and incidents involving the possession or use of a weapon, as defined in this subdivision, shall be used in making such determination.