

## QUESTIONS & ANSWERS REGARDING REPORTING OF SCHOOL SAFETY AND EDUCATIONAL CLIMATE (SSEC) DATA

The following guidance is to improve the completeness and accuracy of reporting on the school, district, and BOCES *SSEC Summary Data Collection Form* which is part of the New York State Education Department's implementation of Violent or Disruptive Incident Reporting<sup>1</sup> (VADIR) and incidents related to Dignity for All Students Act<sup>2</sup> (DASA).

### 1. What is a reportable incident?

Incidents in the 9 categories listed below that occur on school property or during a school-sponsored function off grounds are reportable in all circumstances, whether the offender is known or unknown. Incidents should be thoroughly investigated. Incident reporting forms and investigation materials should be retained at the school/district in which the incident occurred until the youngest person involved reaches the age of 27.

1. Homicide
2. Sexual Offenses
  - 2a. Forcible Sex Offenses
  - 2b. Other Sex Offenses
3. Assault
  - 3a. Physical Injury
  - 3b. Serious Physical Injury
4. Weapons Possession
  - 4a. Routine Security Check
  - 4b. Other
5. Material Incidents of Discrimination, Harassment, and Bullying
  - 5a. All Excluding Cyberbullying
  - 5b. Cyberbullying
6. Bomb Threat
7. False Alarm
8. Use, Possession or Sale of Drugs
9. Use, Possession or Sale of Alcohol

### 2. How can SSEC forms, glossary, and directions be accessed?

SSEC forms and other related documents can be accessed by clicking:  
[Instructions Regarding School Safety and Educational Climate \(SSEC\): Dignity for All Students Act and Violent or Disruptive Incident Reporting](#)

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<sup>1</sup> [Proposed Amendment of Section 100.2\(gg\) of the Commissioner's Regulations, Relating to the Uniform Violent and Disruptive Incident Reporting System \(VADIR\)](#)

<sup>2</sup> [Education Law Article 2 Dignity for All Students Act](#)

[Glossary of Terms Used in the Annual Reporting of Incidents Concerning SSEC](#)  
[School Safety and Educational Climate \(SSEC\) Summary Data Collection Form](#)

**3. What are the due dates for reporting to the New York State Education Department (NYSED)?**

The timeline for reporting is available [here](#).

**4. Which schools report SSEC data to the Department?**

Public schools and districts, charter schools and BOCES must report SSEC data. Nonpublic schools, including NYS approved private placement [853 schools](#), [State-Supported 4201 schools](#), and [State-Operated schools](#) are not required to report.<sup>3</sup>

**5. Where would I find prior years' incident data for schools?**

School data are posted at:

[http://www.p12.nysed.gov/irs/school\\_safety/school\\_safety\\_data\\_reporting.html](http://www.p12.nysed.gov/irs/school_safety/school_safety_data_reporting.html).

**6. Which incidents should districts report?**

A district SSEC report should include incidents involving students from different schools (different BEDS codes) that occur in shared spaces, and therefore cannot be attributed to any individual school within the district. In addition, it is **not** the total count of incidents from all schools in the district. Incidents are always reported on the SSEC form of the school or district in which the incident occurred.

**7. If summer school is being hosted on school property but operated by BOCES (hiring of staff, supervision, etc.), and attending students from different schools are involved in a reportable incident, who reports it?**

If BOCES is operating a program with students from different schools, then any incident would be reported on the BOCES SSEC form.

**8. Who is responsible for reporting an incident occurring at a school function (high school athletic events, concerts, field trips, etc.) that is off-school property?**

The reporting of incidents occurring during school functions off school grounds depends on several factors.

- A) If there is an event at another school, the host school must report all violent incidents and/or infractions of DASA on the host school's SSEC form.

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<sup>3</sup> Chapter 853 of the Laws of 1976, Section 4201, Article 87, and Article 88 of Education Law

- B) If the sponsored event occurs at a neutral site (college campus, public park, museum, etc.) involving students from one school, then the incident(s) would be reported by the school where the students are enrolled.
- C) If the sponsored event occurs at a neutral site and students from different schools (different BEDS codes) are offenders, the incident would be reported on the district SSEC forms of each district in which an offender is enrolled.

**9. If a middle school and high school share the same building, but have separate BEDS codes, which school would report an incident involving students from both schools?**

- A) If an incident occurred in a space shared by both schools (cafeteria, library, gym, etc.), the incident would be reported on the district SSEC form.
- B) If an incident occurred because a student from one school was involved in an incident in the other school building, the school where the incident occurred would report the incident.
- C) If an incident occurred in a space shared by both schools, but the students involved in the incident are from the same school, then the school in which the students are attending would report the incident on the school SSEC form.

**10. Can a school continue using a database already in place to collect information concerning violent and disruptive incidents?**

Yes, if the database includes all the categories and data elements needed to complete the SSEC *Summary Data Collection Form*. If a school is changing management systems, old student records must be archived.

**11. Can a FOIL (Freedom of Information Law)<sup>4</sup> request be made for SSEC information?**

Yes. FOIL requests may be made, however personally-identifiable information is confidential, protected from disclosure, and should be redacted.

**12. Are incidents that occur on school buses reportable?**

Yes. Incidents that occur on school buses are reportable. The following are examples:

- A) If an incident occurs among students from one school (one BEDS code) riding a bus together, it is reported on the school's SSEC report.
- B) If an incident occurs among students from two different schools (two different BEDS codes) riding a bus together, it is reported on the district's SSEC report.
- C) If an incident occurs among students riding a bus that is operated by BOCES, then it is reported on the BOCES' SSEC report.

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<sup>4</sup> [New York State Education Department FOIL Requests](#)

Under New York State law, a school/district is responsible for protecting the safety of students while they are being transported on a school bus.

**13. Are incidents reportable when they occur on a district school bus transporting a student residing in the district even if the student is not attending a school within the district?**

Yes. The school district must report this incident if it operated the school bus or provided the school bus through a third-party contract. The incident should be reported on the district SSEC form. *Note: there are no automatic exclusions of incidents where the offender is a student with disabilities.*

**14. Is a school bus stop regarded as school property for reporting violent incidents or infractions of DASA?**

No. A school bus stop is not considered school property for SSEC reporting purposes.<sup>5</sup>

**15. Is an incident reportable if it was committed on school property by a non-enrolled student?**

Yes. Incident categories 1-9, that occur on school property or during a school-sponsored event off grounds by a non-enrolled student, non-staff member, and/or unknown person are reportable in all circumstances under the row of “other offender.”

**16. Is an incident that occurs on school property reportable if it occurs during summer months, or some other time when school is not in session, including evenings or weekends?**

Yes. Incident categories 1-9, that occur on school property during the school year (July 1<sup>st</sup> through June 30<sup>th</sup>), including summer months and when summer school is in session, are reportable in all circumstances. Incidents that occur during the evenings and/or weekends when school is not in session should be reported to the school and investigated.

**17. Should incidents be reported that occur off school property that adversely affect the educational process, interfere with a student’s educational performance, or endanger the mental, emotional health, physical safety, or well-being of the students in the educational system?**

Yes, if the incident occurs during a school sponsored event off grounds; or starts at a bus stop and then continues onto the bus. In addition, cyberbullying that occurs between students while not on school property must also be reported. The Dignity for All

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<sup>5</sup> Education Law §2801[1] and 8 NYCRR §100.2[gg][1][ii]

Students Act requires that schools report all verified incidents that occur off school property and create a risk of substantial disruption within the school environment.<sup>6</sup>

**18. Are all suspensions reported?**

For purposes of SSEC reporting, only suspensions related to categories 1-9 and Part 5 (Weapon Type and Fire-Arms-Related Offenses and Suspensions) are reported.

**19. If school A is not open due to repairs or reconstruction, but is providing educational services in another district's building, school B which is not providing educational services at the time, which school will report?**

School A would report all incidents that occur under its supervision.

**20. When are schools required to report weapons possession to law enforcement?**

It is mandatory to report to law enforcement when a student is in possession of a firearm.

**21. When are incidents involving the use, sale, and/or possession of vaporizers, e-cigarettes, and/or tobacco reported?**

Beginning with the 2017-18 school year, incidents involving the use, sale, and/or possession of vaping devices, e-cigarettes, and/or tobacco are **not** collected on the SSEC report.

**22. Are incidents involving discrimination, harassment, or bullying behavior that did not result in a disciplinary action reported?**

All verified incidents of discrimination, harassment, and bullying must be reported regardless of disciplinary action(s) or referral(s).

**23. If a charter school is located, or co-located, in space within a district school building, what part(s) of the building would the charter school consider as its "school grounds" for SSEC reporting purposes?**

The charter school must report all incidents that occur in parts of the building under the charter school's control. The charter school must also report incidents that occur on school buses that the charter school operates or provides by contract with an entity other than the school district. If the charter school has staff supervising students in the halls for example in transit to school buses, those areas are considered under the charter school's control during such periods of time. The school district which owns or

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<sup>6</sup> Ed Law Article 2 (11) (7) (d)

controls the space in which the charter school is located, or co-located, must report all incidents that occur between students from both schools (different BEDS codes) in common areas, on school grounds, or on school buses that the district operates or provides by contract with an entity other than the school district.

**24. If a charter school is housed within a building controlled or owned by a private, or corporate, entity what parts of the building are considered "school property" for SSEC reporting purposes?**

Any part of the building controlled or owned by a private, or corporate, entity that is under the charter school's control would be considered "school property" for reporting purposes. The charter school must report all incidents that occur in the parts of the building that are under its control and all incidents that occur in areas of the building that the charter school staff or students have access to under the terms of the lease.

**25. Two students brandishing knives have a fight in a school building resulting in one student inflicting serious physical injury on the other. How should this be reported?**

This incident would be reported as an Assault with Physical Injury. In addition, the report must indicate that the incident involved a weapon, a knife, with one offender and one victim.

**26. How should an incident be reported when a student is found to be in possession of five knives?**

The incident must be reported as one incident under Weapons Possession-Other. In addition, the report must also indicate that the incident involved weapons, knives, and other information such as location, disciplinary actions, etc. In Part 1, it is the number of incidents, not the number of weapons that is reported (see instructions). There is no length of blade requirement.

**27. A student is found to possess drugs and the investigation process reveals a firearm in her locker, how is it reported?**

Each incident must be reported in only one category. For incidents that fit the criteria for more than one category, report the most egregious category using the list below. Additional information for each incident must also be reported, such as whether the incident involved drugs, a weapon, a firearm, and location, disciplinary actions, etc.

1. Homicide
2. Sexual Offenses
  - 2a. Forcible Sex Offenses
  - 2b. Other Sex Offenses
3. Assault
  - 3a. Physical Injury
  - 3b. Serious Physical Injury

- 4. Weapons Possession
  - 4a. Routine Security Check
  - 4b. Other
- 5. Material Incidents of Discrimination, Harassment, and Bullying
  - 5a. All Excluding Cyberbullying
  - 5b. Cyberbullying
- 6. Bomb Threat
- 7. False Alarm
- 8. Use, Possession or Sale of Drugs
- 9. Use, Possession or Sale of Alcohol

**28. If a student possessed both drugs and alcohol, in what category would it be reported?**

If an incident involves more than one category, it must be reported in the category that is the most serious, so the incident would be reported under category 8, the Use, Possession, and Sale of Drugs.

**29. Is a mental health removal or escort by police (police remove or escort a student from school for his/her safety to the hospital) considered a school-related arrest?**

No. A removal to a mental health clinic or hospital should not be reported as an arrest unless the removal also included an actual arrest by law enforcement.

**30. If a swastika was painted on an exterior wall of the school building and it seems that no student was affected by it, is it reportable?**

The incident would be reported on the district SSEC form under the category 5a, Material Incidents of Discrimination, Harassment, and Bullying- All Excluding Cyberbullying, with a bias towards an ethnic group, with one student target/victim (row z) and one “other” offender (row ee) since the number of targets/victims and offenders is unknown.

**31. One student calls another student a name that upset the student and was reported to the Dignity Act Coordinator (DAC) and investigated. Through a restorative conference, the intent and harm were discussed and resolved between the students. Is the incident still reported to the NYSED?**

Yes. The original incident is still reported to NYSED regardless of resolution between the students.

**32. How would schools report two students, 17 years old, who have consensual sex on school grounds?**

It would not be reported. Language from the regulation is as follows: “... *Other sex offenses shall also include, but not be limited to conduct that may be consensual or involve a child who is incapable of consent by reason of disability or because he or she is under 17 years of age, provided that such term shall not include consensual sexual conduct involving only students, and/or non-students 18 years of age or under, unless at least one of the individuals participating in the conduct is at least four years older than the youngest individual participating in the conduct.*”

**33. What is a material incident?**

It is a verified *single* incident **or** a *series* of related verified incidents, where a student has been subjected to discrimination, harassment, and/or bullying by a student and/or employee on school property or at a school function.<sup>7</sup> An incident can be material even if the perpetrator cannot be ascertained.

**34. What does a verified incident mean?**

According to CR §100.2 (kk) incidents of harassment, bullying, and/or discrimination are verified via a thorough investigation. Verified means that the school/district has investigated the incident and found the report to be true.

**35. Can a school use information obtained from an electronic device as part of the investigation of an incident?**

A school can use information obtained from an electronic device as part of an investigation. The information obtained must be documented.

**36. Are school related arrests counted towards the School Violence Index (SVI)<sup>8</sup>?**  
No. They are reported for federal reporting requirements only.

**37. Does a school report an incident if the offender is unknown?**

Yes. If the offender is unknown, neither a student, nor a staff member then it would be reported under “other offender.”

**38. If a student is called five different names/slurs, how would that be reported?**

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<sup>7</sup> [Dignity for All Students Act: Results of Statewide School District Survey and NYS Office of Attorney General and NYSED Guidance on Implementation](#)

<sup>8</sup> [Criteria for Designating Persistently Dangerous Schools](#)

If all names/slurs occurred at the same time, it would be counted as one incident under Material Incidents of Discrimination, Harassment, and Bullying- All excluding Cyberbullying. If names/slurs occur across five different times, it would be counted as five separate incidents. Each slur would be noted in the appropriate rows under bias-related incidents.

### **39. Is there a form for parents or students to report incidents to school staff?**

Forms should be easily accessible to parents and students at the school/district and available on the school/district website.<sup>9</sup> An incident report may be submitted in person, electronically, or anonymously. When an incident report is made orally, school personnel must file a written report within the next two school days.

## **Additional Questions Related to SSEC Data**

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### **1. How long must a school retain SSEC related documents?**

SSEC related documents include, but are not limited to, all reports of violent incidents and infractions of DASA, IIR's, copies of SSEC *Summary Data Collection* reports submitted to NYSED, action plans to eliminate unsafe and/or hostile environment, and investigative notes. These documents must be maintained at the school/district until the youngest person involved in the incident is 27 years old<sup>10</sup> and should NOT be sent to the next school/district nor sent to NYSED. The IIR is NOT part of the student educational record and therefore should NOT be kept in the student's cumulative folder; but kept in a separate location or filing system. ***Please note: Even if an investigation fails to provide sufficient information to ascertain whether an incident is verified (material), these documents must be retained by the school/district in which the incident occurred.***

### **2. Can an IIR be updated if it is later determined that the incident described in the report was more or less serious than originally reported?**

Yes, the IIR's can be updated to provide a clear audit trail indicating the reasons for any additional information. Any evidence that supports the decision to update the IIR should be attached to the original form.

### **3. When are schools/districts required to provide the safe public school choice option?**

- A) When a student is attending a school that is designated as a Persistently Dangerous school by NYSED.

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<sup>9</sup> [Dignity for All Students Act: Results of Statewide School District Survey and NYS Office of Attorney General and NYSED Guidance on Implementation](#) (Page 2)

<sup>10</sup> Records and Retention Disposition Schedule ED-1

- B) When a student is a victim of any other offense defined in Penal Law that involves the use or threatened use of a deadly weapon.<sup>11</sup>

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<sup>11</sup> [Providing a Safe Public School Choice Option to Students Who Have Been Victims of a Violent Criminal Offense](#)