

Amendments to the Uniform Violent and Disruptive Incident Reporting Regulation

By Carrie E. Flynn, Esq.

The New York State Education Department (“the Department”) has adopted amendments to Section (gg) of Title 8 of NYCRR entitled *Uniform violent incident reporting system*. The amendments do not change the substance of the regulation but attempt to further define its provisions and develop a standardized method of reporting for schools. The amendments took effect July 13, 2006.

Again, the amendments do not aim to change the already established procedures but attempt to make those procedures more uniform across the State. The amendments now include definitions for “physical injury” and “serious injury;” a breakdown of the definition for “theft” into the two subsets of “robbery” and “larceny;”¹ clarification as to the definition of “sex offenses;” and an addition of “sale” in the provisions involving offenses dealing with drugs and alcohol.² The amendments also provide a system of reporting that will rank the offenses listed in the definition section. The ranking has resulted in the reordering of offenses listed in the definition section. Finally, the Department will have a new index to appropriately file the information gathered from these reports.

The chart below breaks down the original regulation and the amendments side by side.

The opinions expressed in this bulletin are intended for general guidance only. They are not intended as recommendations for specific situations. As always, readers should consult a qualified attorney for specific legal guidance.

¹ This would parallel definitions and word choice in the penal law.

² The original definition only provided for the possession and use of drugs and alcohol.

Regulations of the Commissioner of Education: Subdivision (gg) of section 100.2

<u>Original</u>	<u>With Amendments</u>	<u>Clean Copy</u>
<p>(gg) Uniform violent incident reporting system.</p> <p>School districts, boards of cooperative educational services and county vocational education and extension boards shall submit to the commissioner annual reports of violent or disruptive incidents that occurred in the prior school year, commencing with the <u>2001-2002 school year</u>, in accordance with <u>Education Law section 2802</u> and this subdivision.</p> <p>(1) Definitions: For the purposes of this subdivision:</p> <p>(i) "School function" means a school-sponsored extracurricular event or activity.</p> <p>(ii) "School property" shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus, as defined in section one hundred forty-two of the Vehicle and Traffic Law; or at a school function.</p>	<p>(gg) Uniform violent or disruptive incident reporting system.</p> <p>School districts, boards of cooperative educational services, <u>charter schools</u> and county vocational education and extension boards shall submit to the commissioner annual reports of violent or disruptive incidents that occurred in the prior school year, commencing with the <u>2001-2002 school year</u>, in accordance with Education Law section 2802 and this subdivision.</p> <p>(1) Definitions: For the purposes of this subdivision:</p> <p>(i) "<u>School function</u>" means a school-sponsored or <u>school-authorized extracurricular event or activity, regardless of where such event or activity takes place, including any event or activity that may take place in another state.</u></p> <p>(ii) "School property" shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus, as defined in section 142 of the Vehicle and Traffic Law; or at a school function.</p> <p>(iii) "<u>Physical injury</u>" means <u>impairment of physical condition or substantial pain.</u></p> <p>(iv) "<u>Serious physical injury</u>" means <u>physical injury which creates a substantial risk of death or which causes death or serious and protracted disfigurement or protracted impairment of health or protracted loss</u></p>	<p>(gg) Uniform violent or disruptive incident reporting system.</p> <p>School districts, boards of cooperative educational services, charter schools and county vocational education and extension boards shall submit to the commissioner annual reports of violent or disruptive incidents that occurred in the prior school year, commencing with the 2001-2002 school year, in accordance with Education Law section 2802 and this subdivision.</p> <p>(1) Definitions: For the purposes of this subdivision:</p> <p>(i) "School function" means a school-sponsored or school-authorized extracurricular event or activity, regardless of where such event or activity takes place, including any event or activity that may take place in another state.</p> <p>(ii) "School property" shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus, as defined in section 142 of the Vehicle and Traffic Law; or at a school function.</p> <p>(iii) "Physical injury" means impairment of physical condition or substantial pain.</p> <p>(iv) "Serious physical injury" means physical injury which creates a substantial risk of death or which causes death or serious and protracted</p>

<p>(iii) "Violent or disruptive incident" shall mean</p>	<p>or impairment of the function of any bodily organ.</p> <p>(v) <u>"Weapon" means one or more of the following dangerous instruments:</u></p> <p>(a) <u>a firearm, including but not limited to a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, airgun or spring gun;</u></p> <p>(b) <u>a switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife or other dangerous knife;</u></p> <p>(c) <u>a billy club, blackjack, bludgeon, chukka stick, or metal knuckles;</u></p> <p>(d) <u>a sandbag or sandclub;</u></p> <p>(e) <u>a sling shot or slungshot;</u></p> <p>(f) <u>a Martial arts instrument, including but not limited to a kung fu star, ninja star, nin chuck, or shirken;</u></p> <p>(g) <u>an explosive, including but not limited to a firecracker or other fireworks;</u></p> <p>(h) <u>a deadly or dangerous chemical, including but not limited to a strong acid or base, Mace, or pepper spray;</u></p> <p>(i) <u>an imitation gun;</u></p> <p>(j) <u>loaded or blank cartridges or other ammunition;</u> or</p> <p>(k) <u>any other deadly or dangerous instrument possessed with intent to use the same unlawfully against another.</u></p>	<p>disfigurement or protracted impairment of health or protracted loss or impairment of the function of any bodily organ.</p> <p>(v) "Weapon" means one or more of the following dangerous instruments:</p> <p>(a) a firearm, including but not limited to a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, airgun or spring gun;</p> <p>(b) a switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife or other dangerous knife;</p> <p>(c) a billy club, blackjack, bludgeon, chukka stick, or metal knuckles;</p> <p>(d) a sandbag or sandclub;</p> <p>(e) a sling shot or slungshot;</p> <p>(f) a Martial arts instrument, including but not limited to a kung fu star, ninja star, nin chuck, or shirken;</p> <p>(g) an explosive, including but not limited to a firecracker or other fireworks;</p> <p>(h) a deadly or dangerous chemical, including but not limited to a strong acid or base, Mace, or pepper spray;</p> <p>(i) an imitation gun;</p> <p>(j) loaded or blank cartridges or other ammunition;</p> <p>(k) any other deadly or dangerous instrument possessed with intent to use the same unlawfully</p>
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<p>one of the following categories of incidents that occurs on school property of the school district, board of cooperative educational services or county vocational education and extension board:</p> <p>(a) Weapons possession. Possession of one or more of the following dangerous instruments, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of a teacher or other school personnel as authorized by school officials:</p> <p>(1) a firearm, including but not limited to a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, airgun or spring gun;</p> <p>(2) a switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife or other dangerous knife;</p> <p>(3) a billy club, blackjack, bludgeon, chukka stick, or metal knuckles;</p> <p>(4) a sandbag or sandclub;</p> <p>(5) a sling shot or slungshot;</p> <p>(6) a Martial arts instrument, including but not limited to a kung fu star, ninja star, nin chuck, or shirken;</p> <p>(7) an explosive, including but not limited to a firecracker or other fireworks;</p> <p>(8) a deadly or dangerous chemical, including but not limited to a strong acid or base, Mace, or</p>	<p>(vi) "Violent or disruptive incident" shall mean one of the following categories of incidents that occurs on school property of the school district, board of cooperative educational services, charter county vocational education and extension board, committed with or without a weapon (except in the case of weapons possession):</p> <p>(a) Weapons possession. Possession of one or more of the following dangerous instruments, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of a teacher or other school personnel as authorized by school officials:</p> <p>(1) a firearm, including but not limited to a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, airgun or spring gun;</p> <p>(2) a switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife or other dangerous knife;</p> <p>(3) a billy club, blackjack, bludgeon, chukka stick, or metal knuckles;</p> <p>(4) a sandbag or sandclub;</p> <p>(5) a sling shot or slungshot;</p> <p>(6) a Martial arts instrument, including but not limited to a kung fu star, ninja star, nin chuck, or shirken;</p> <p>(7) an explosive, including but not limited to a firecracker or other fireworks;</p>	<p>against another.</p> <p>(vi) "Violent or disruptive incident" shall mean one of the following categories of incidents that occurs on school property of the school district, board of cooperative educational services, charter school or county vocational education and extension board, committed with or without a weapon (except in the case of weapons possession):</p> <p>(a) Homicide. Any conduct which results in the death of another person.</p> <p>(b) Sex offenses. (1) Forcible sex offenses. Forcible sex offenses involving forcible compulsion. Incidents involving forcible compulsion and completed or attempted sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact with or without a weapon, including, but not limited to, rape and sodomy.</p> <p>(2) Other sex offenses. Other sex offenses involving inappropriate sexual contact but no forcible compulsion, including, but not 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 4 years older than the youngest individual participating in the conduct.</p> <p>(c) Robbery. Forcible stealing of property from a person by using or threatening the immediate use of physical force upon that person, with or without</p>
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<p>pepper spray;</p> <p>(9) an imitation gun;</p> <p>(10) loaded or blank cartridges or other ammunition; or</p> <p>(11) any other deadly or dangerous instrument.</p> <p>(b) Weapons use. Unlawful use of a weapon, as defined in clause (a) of this subparagraph, on school property.</p> <p>(c) Homicide. Any conduct which results in the death of another person.</p> <p>(d) Personal injury and intimidation. Any of the following acts:</p>	<p>(8) a deadly or dangerous chemical, including but not limited to a strong acid or base, Mace, or pepper spray;</p> <p>(9) an imitation gun;</p> <p>(10) loaded or blank cartridges or other ammunition;</p> <p>or</p> <p>(11) any other deadly or dangerous instrument.]</p> <p>[(b) Weapons use. Unlawful use of a weapon, as defined in clause (a) of this subparagraph, on school property.</p> <p>-(e)] (a) Homicide. Any conduct which results in the death of another person.</p> <p>(b) Sex offenses. (1) Forcible sex offenses. Forcible sex offenses involving forcible compulsion. Incidents involving forcible compulsion and completed or attempted sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact with or without a weapon, including, but not limited to, rape and sodomy.</p> <p>(2) Other sex offenses. Other sex offenses involving inappropriate sexual contact but no forcible compulsion, including, but not 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 4 years older than the youngest individual participating in the conduct.</p> <p>[(d) Personal injury and intimidation. Any of the following acts:]</p>	<p>the use of a weapon.</p> <p>(d) Assault involving serious physical injury. Intentionally or recklessly causing serious physical injury to another person, with or without a weapon, in violation of the school district code of conduct.</p> <p>(e) Arson. Deliberately starting a fire with intent to damage or destroy property.</p> <p>(f) Kidnapping. To abduct, as defined in section 135.00 of the Penal Law, a person, so as to restrain such person with intent to prevent his or her liberation, by either:</p> <p>(1) secreting or holding him or her in a place where he or she is not likely to be found, or</p> <p>(2) using or threatening to use deadly physical force.</p> <p>(g) Other assaults involving physical injury. Intentionally or recklessly causing physical injury to another person, with or without a weapon, in violation of the school district code of conduct.</p> <p>(h) Reckless endangerment. Subjecting individuals to danger by recklessly engaging in conduct that creates a grave risk of death or serious physical injury, but no actual physical injury.</p> <p>(i) Minor altercations involving physical contact and no physical injury. Striking, shoving or kicking another person or subjecting another person to unwanted physical contact with intent to harass, alarm or seriously annoy another person, but no physical injury results.</p> <p>(j) Intimidation, harassment, menacing or bullying</p>
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<p>(1) Assault. The intentional causing of physical injury to another person, with or without a dangerous weapon;</p> <p>(2) Criminal harassment. Intentionally striking, shoving or kicking another person or subjecting another person to unwanted physical contact, or threatening to do the foregoing; following a person in or about a public place; or otherwise engaging in a course of conduct which alarms or seriously annoys another person; where such behavior,</p>	<p>[(4)] (c) Robbery. Forcible stealing of property from a person by using or threatening the immediate use of physical force upon that person, with or without the use of a weapon.</p> <p>(d) Assault involving serious physical injury. [The intentional] Intentionally or recklessly causing [øf] serious physical injury to another person, with or without a [dangerous] weapon in violation of the school district code of conduct [;].</p> <p>[(2)] (e) Arson. Deliberately starting a fire with intent to damage or destroy property.</p> <p>(f) Kidnapping. To abduct, as defined in section 135.00 of the Penal Law, a person, so as to restrain such person with intent to prevent his or her liberation, by either:</p> <p>(1) secreting or holding him or her in a place where he or she is not likely to be found, or</p> <p>(2) using or threatening to use deadly physical force.</p> <p>(g) Other assaults involving physical injury. Intentionally or recklessly causing physical injury to another person, with or without a weapon, in violation of the school district code of conduct.</p> <p>(h) Reckless endangerment. Subjecting individuals to danger by recklessly engaging in conduct that creates a grave risk of death or serious physical injury, but no actual physical injury.</p> <p>(i) [Criminal harassment] Minor altercations involving physical contact and no physical injury. [Intentionally striking] Striking, shoving or kicking another person or subjecting another person to unwanted physical contact [or threatening to do the]</p>	<p>behavior and no physical contact. Threatening, stalking or seeking to coerce or compel a person to do something; intentionally placing or attempting to place another person in fear of imminent physical injury; or engaging in verbal or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs involving race, ethnicity, national origin, religion, religious practices, gender, sexual orientation, age or disability that substantially disrupts the educational process.</p> <p>(k) Burglary. Entering or remaining unlawfully on school property with intent to commit a crime.</p> <p>(l) Criminal mischief. Intentional or reckless damaging of the property of the school or of another person, including but not limited to vandalism and the defacing of property with graffiti.</p> <p>(m) Unlawful taking and carrying away of personal property with intent to deprive the rightful owner of property permanently or unlawfully withholding property from another.</p> <p>(n) Bomb threat. A telephoned, written or electronic message that a bomb, explosive [or], chemical or biological weapon has been or will be placed on school property.</p> <p>(o) False alarm. Falsely activating a fire alarm or other disaster alarm.</p> <p>(p) Riot. Simultaneously with four or more persons engages in tumultuous and violent conduct and thereby intentionally or recklessly causes or creates a grave risk of physical injury or substantial property damage or causes public alarm.</p>
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<p>under the district's code of conduct, is of sufficient seriousness to warrant the suspension or removal of a student or the referral of a student to the juvenile justice system, or disciplinary action against or dismissal of a school employee, or notification of law enforcement of the commission of a crime;</p>	<p>foregoing; following a person in or about a public place; or otherwise engaging in a course of conduct which alarms] with intent to harass, alarm or seriously [annoys] annoy another person, but no physical injury results [—where such behavior, under the district's code of conduct, is of sufficient seriousness to warrant the suspension or removal of a student or the referral of a student to the juvenile justice system, or disciplinary action against or dismissal of a school employee, or notification of law enforcement of the commission of a crime];</p>	<p>(q) Weapons possession. Possession of a weapon, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of a teacher or other school personnel as authorized by school officials.</p>
<p>(3) Intimidation or bullying. Threatening, stalking or seeking to coerce or compel a person to do something; engaging in verbal or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs involving race, ethnicity, national origin, religion, or disability that substantially disrupts the educational process.</p>	<p>{3} (j) Intimidation ,harassment, menacing or bullying behavior and no physical contact. Threatening, stalking or seeking to coerce or compel a person to do something; intentionally placing or attempting to place another person in fear of imminent physical injury; or engaging in verbal or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs involving race, ethnicity, national origin, religion, religious practices, gender, sexual orientation, age or disability that substantially disrupts the educational process.</p>	<p>(r) Drug use, possession or sale. Illegally using or possessing a controlled substance or marijuana, on school property, including having such substance on a person in a locker, vehicle, or other personal space; selling or distributing a controlled substance or marijuana, on school property; finding a controlled substance or marijuana, on school property that is not in the possession of any person; provided that nothing herein shall be construed to apply to the lawful administration of a prescription drug on school property.</p>
<p>(4) Menacing. Intentionally placing or attempting to place another person in fear of imminent physical injury; or</p> <p>(5) Reckless endangerment. Subjecting individuals to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.</p>	<p>{4} Menacing.—Intentionally placing or attempting to place another person in fear of imminent physical injury; or</p> <p>{5} Reckless endangerment.—Subjecting individuals to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.]</p>	<p>(s) Alcohol use, possession or sale. Illegally using or possessing alcohol on school property, including having such substance on a person or in a locker, vehicle, or other personal space; illegally selling or distributing alcohol on school property; finding alcohol on school property that is not in the possession of any person.</p>
<p>(6) Kidnapping. To abduct a person, which is</p>	<p>(k) Burglary. Entering or remaining unlawfully on school property with intent to commit a crime.</p> <p>(l) Criminal mischief. Intentional or reckless damaging of the property of the school or of another person, including but not limited to vandalism and the defacing of property with graffiti.</p>	<p>(t) Other disruptive incidents. Other incidents involving disruption of the educational process.</p>

<p>defined in section 135.00 of the Penal Law as to restrain a person with intent to prevent his liberation by either (a) secreting or holding him in a place where he is not likely to be found, or (b) using or threatening to use deadly physical force.</p> <p>(e) Sexual offenses. Rape, sodomy, sexual abuse, or other inappropriate contact of a sexual nature.</p> <p>(f) Use, possession or sale of drugs or alcohol. Illegally using or possessing a controlled substance or marijuana or alcohol on school property, including having such substance on a person or in a locker or vehicle or other personal space; or selling or distributing a controlled substance or marijuana on school property; or finding a controlled substance, marijuana or alcohol on school property that is not in the possession of any person; provided that nothing herein shall be construed to apply to the lawful administration of a prescription drug on school property.</p>	<p>[(6) Kidnapping. To abduct a person, which is defined in section 135.00 of the Penal Law as to restrain a person with intent to prevent his liberation by either: (i) secreting or holding him in a place where he is not likely to be found, or (ii) using or threatening to use deadly physical force.</p> <p>(e) Sexual offenses. Rape, sodomy, sexual abuse, or other inappropriate contact of a sexual nature.</p> <p>(f) Use, possession or sale of drugs or alcohol. Illegally using or possessing a controlled substance or marijuana or alcohol on school property, including having such substance on a person or in a locker or vehicle or other personal space; or selling or distributing a controlled substance or marijuana on school property; or finding a controlled substance, marijuana or alcohol on school property that is not in the possession of any person; provided that nothing herein shall be construed to apply to the lawful administration of a prescription drug on school property.]</p>	
<p>(g) Theft. Wrongfully taking, depriving or withholding property from another, including but not limited to robbery or theft with force.</p> <p>(h) Behavior risking injury. Any of the following acts that create a risk of injury to students and/or school employees:</p> <p>(1) Bomb threat. A telephoned, written or electronic message that a bomb, explosive or chemical weapon has been or will be placed on school property.</p> <p>(2) False alarm. Falsely activating a fire alarm or</p>	<p>[(g)] (m) [Theft] Larceny and other theft offenses. [Wrongfully taking, depriving or withholding property from another, including but not limited to robbery or theft with force] Unlawful taking and carrying away of personal property with intent to deprive the rightful owner of property permanently or unlawfully withholding property from another.</p> <p>[(h) Behavior risking injury. Any of the following acts that create a risk of injury to students and/or school employees:]</p> <p>[(+)] (n) Bomb threat. A telephoned, written or electronic message that a bomb, explosive [or], chemical or biological weapon has been or will be placed on school property.</p>	

<p>other disaster alarm.</p> <p>(3) Arson. Deliberately starting a fire with intent to destroy property.</p> <p>(4) Riot. Simultaneously when four or more persons engaging in tumultuous and violent conduct and thereby intentionally or recklessly causes or creates a grave risk of physical injury or causes public alarm.</p> <p>(i) Burglary. Entering school property with intent to commit a crime.</p> <p>(j) Criminal mischief. Intentional or reckless damaging of the property of the school or of another person, including but not limited to vandalism and the defacing of property with graffiti.</p>	<p>[(2)] (o) False alarm. Falsely activating a fire alarm or other disaster alarm.</p> <p>[(3)] Arson. <u>Deliberately starting a fire with intent to destroy property.</u></p> <p>[(4)] (p) Riot. Simultaneously with four or more persons engages in tumultuous and violent conduct and thereby intentionally or recklessly causes or creates a grave risk of physical injury or <u>substantial property damage</u> or causes public alarm.</p> <p>[(i)] Burglary. <u>Entering school property with intent to commit a crime.</u></p> <p>[(j)] Criminal mischief. <u>Intentional or reckless damaging of the property of the school or of another person, including but not limited to vandalism and the defacing of property with graffiti.</u></p> <p>(q) Weapons possession. Possession of a weapon, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of a teacher or other school personnel as authorized by school officials.</p> <p>(r) Drug use, possession or sale. <u>Illegally using or possessing a controlled substance or marijuana, on school property, including having such substance on a person in a locker, vehicle, or other personal space; selling or distributing a controlled substance or marijuana, on school property; finding a controlled substance or marijuana, on school property that is not in the possession of any person; provided that nothing herein shall be construed to apply to the lawful administration of a prescription drug on school property.</u></p>	
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	<p>(s) <u>Alcohol use, possession or sale. Illegally using or possessing alcohol on school property, including having such substance on a person or in a locker, vehicle, or other personal space; illegally selling or distributing alcohol on school property; finding alcohol on school property that is not in the possession of any person.</u></p> <p>(t) <u>Other disruptive incidents. Other incidents involving disruption of the educational process.</u></p>	
<p>[No corresponding section.]</p>	<p>(2) Recording of offenses. (i) For purposes of reporting pursuant to this subdivision, each incident shall be reported once in the highest ranking category of offense that applies, except that incidents involving a weapon and one of the offenses listed in clauses (a) through (p) of subparagraph (vi) of paragraph (1) of this subdivision shall be reported in the highest ranking category of offense that applies as an offense committed with a weapon, and not in weapons possession; and incidents involving drug use, possession or sale and/or alcohol use, possession or sale and another offense shall be reported in the highest ranking category in clauses (a) through (q) of subparagraph (vi) of paragraph (1) of this subdivision that applies. If the offense involves only the use, possession or sale of drugs or alcohol, it shall be recorded in the applicable category of drug or alcohol use, possession or sale involving drug or alcohol use, possession or sale only. For purposes of determining the highest ranking offense pursuant to this subparagraph, offenses shall be ranked in the order that they appear in clauses (a) through (p) of paragraph (1) of this subdivision, followed by weapons possession, drug use, possession or sale and alcohol use, possession or sale, and other disruptive incidents.</p> <p>(ii) <u>The offenses described in clauses (i), (k), (l),</u></p>	<p>(2) Recording of offenses. (i) For purposes of reporting pursuant to this subdivision, each incident shall be reported once in the highest ranking category of offense that applies, except that incidents involving a weapon and one of the offenses listed in clauses (a) through (p) of subparagraph (vi) of paragraph (1) of this subdivision shall be reported in the highest ranking category of offense that applies as an offense committed with a weapon, and not in weapons possession; and incidents involving drug use, possession or sale and/or alcohol use, possession or sale and another offense shall be reported in the highest ranking category in clauses (a) through (q) of subparagraph (vi) of paragraph (1) of this subdivision that applies. If the offense involves only the use, possession or sale of drugs or alcohol, it shall be recorded in the applicable category of drug or alcohol use, possession or sale as an incident involving drug or alcohol use, possession or sale only. For purposes of determining the highest ranking offense pursuant to this subparagraph, offenses shall be ranked in the order that they appear in clauses (a) through (p) of paragraph (1) of this subdivision, followed by weapons possession, drug use, possession or sale and alcohol use, possession or sale, and other disruptive incidents.</p> <p>(ii) The offenses described in clauses (i), (k), (l),</p>

	<p>(m), (p) and (t) of subparagraph (vi) of paragraph (1) of this subdivision shall only be reported where such behavior, under the district's code of conduct, is of sufficient seriousness to warrant the suspension or removal of a student to a counseling or treatment program or transfer of a student to an alternative education program, or the referral of a student to the juvenile justice system, or dismissal of a school employee, or notification of law enforcement perpetrators are identified. All incidents involving bomb threats or false alarms as defined in clauses (n) and (o) of subparagraph (vi) of paragraph (1) of this subdivision shall be reported. All incidents involving intimidation, harassment, menacing or bullying behavior as defined in clause (j) of subparagraph (vi) of paragraph (1) of this subdivision that are the subject of a written or oral complaint to the school principal or other school administrator responsible for school discipline, or are otherwise directly observed by such principal or administrator, shall be reported.</p>	<p>(m), (p) and (t) of subparagraph (vi) of paragraph (1) of this subdivision shall only be reported where such behavior, under the district's code of conduct, is of sufficient seriousness to warrant the suspension or removal of a student or the referral of a student to a counseling or treatment program or transfer of a student to an alternative education program, or the referral of a student to the juvenile justice system, or disciplinary action against or dismissal of a school employee, or notification of law enforcement of the commission of a crime, whether or not the perpetrators are identified. All incidents involving bomb threats or false alarms as defined in clauses (n) and (o) of subparagraph (vi) of paragraph (1) of this subdivision shall be reported. All incidents involving intimidation, harassment, menacing or bullying behavior as defined in clause (j) of subparagraph (vi) of paragraph (1) of this subdivision that are the subject of a written or oral complaint to the school principal or other school administrator responsible for school discipline, or are otherwise directly observed by such principal or administrator, shall be reported.</p>
<p>(2) Submission of report. Each school district, board of cooperative educational services and county vocational education and extension board shall annually submit its report on violent or disruptive incidents, in the manner prescribed by the Commissioner, on or before September 30th, 2002.</p>	<p>(3) Submission of report. Each school district, board of cooperative educational services, charter school and county vocational education and extension board shall annually submit its report on violent or disruptive incidents, in the manner prescribed by the commissioner, on or before [September 30th, commencing with September 30, 2002] the basic educational data system (BEDS) reporting deadline or such other date as determined by the commissioner.</p>	<p>(3) Submission of report. Each school district, board of cooperative educational services, charter school and county vocational education and extension board shall annually submit its report on violent or disruptive incidents, in the manner prescribed by the commissioner, on or before [September 30th, commencing with September 30, 2002] the basic educational data system (BEDS) reporting deadline or such other date as determined by the commissioner.</p>
<p>(3) Content of report. Each annual violent or disruptive incident report shall be in a form prescribed by the Commissioner and shall contain</p>	<p>{(3)} (4) Content of report. Each [annual] individual violent or disruptive incident report shall be in a form prescribed by the commissioner and shall</p>	<p>(4) Content of report. Each individual violent or disruptive incident report shall be in a form prescribed by the commissioner and shall contain</p>

<p>the following information concerning each violent or disruptive incident that occurred in the prior school year:</p> <p>(i) the number and types of offenders, identified as student, teacher, school safety officer, other school staff, student intruder, visitor, unknown or other;</p> <p>(ii) if any offender is a student, the age and grade of the student;</p> <p>(iii) the location at which the incident occurred, including:</p> <p>(a) the school building in which the incident occurred or whose real property boundary line includes the athletic playing field, playground, parking lot or land on which the incident occurred, and whether the incident occurred in a classroom, laboratory, hall, staircase, gymnasium, locker room or pool, cafeteria, bathroom, auditorium, playground or athletic field or otherwise on school grounds; or</p> <p>(b) where applicable, that the incident occurred on a school bus; or</p> <p>(c) where applicable, that the incident occurred at a school function conducted off school grounds.</p> <p>(iv) the types of incident, identified by category listed in clauses (a) to (l) of subparagraph (iii) of paragraph (1) of this subdivision;</p> <p>(v) whether the incident occurred during or outside of regular school hours;</p> <p>(vi) where the incident involves a weapon, whether the weapon was a firearm, knife or other weapon;</p>	<p>contain the following information concerning each violent or disruptive incident that occurred in the prior school year:</p> <p>(i) the number and types of offenders, identified as student, teacher, school safety officer, other school staff, student intruder, visitor, unknown or other;</p> <p>(ii) if any offender is a student, the age and grade of the student;</p> <p>(iii) the location at which the incident occurred, including:</p> <p>(a) the school building in which the incident occurred or whose real property boundary line includes the athletic playing field, playground, parking lot or land on which the incident occurred, and whether the incident occurred in a classroom, laboratory, hall, staircase, gymnasium, locker room or pool, cafeteria, bathroom, auditorium, playground or athletic field or otherwise on school grounds; or</p> <p>(b) where applicable, that the incident occurred on a school bus; or</p> <p>(c) where applicable, that the incident occurred at a school function conducted off school grounds.</p> <p>(iv) the types of incident, identified by category listed in clauses (a) to (l) <u>(a) through (t)</u> of subparagraph (iii) <u>(vi)</u> of paragraph (1) <u>(1)</u> of this subdivision;</p> <p>(v) whether the incident occurred during or outside of regular school hours;</p> <p>(vi) where the incident involves a weapon, whether the weapon was a firearm, knife or other weapon;</p>	<p>the following information concerning each violent or disruptive incident that occurred in the prior school year:</p> <p>(i) the number and types of offenders, identified as student, teacher, school safety officer, other school staff, student intruder, visitor, unknown or other;</p> <p>(ii) if any offender is a student, the age and grade of the student;</p> <p>(iii) the location at which the incident occurred, including:</p> <p>(a) the school building in which the incident occurred or whose real property boundary line includes the athletic playing field, playground, parking lot or land on which the incident occurred, and whether the incident occurred in a classroom, laboratory, hall, staircase, gymnasium, locker room or pool, cafeteria, bathroom, auditorium, playground or athletic field or otherwise on school grounds; or</p> <p>(b) where applicable, that the incident occurred on a school bus; or</p> <p>(c) where applicable, that the incident occurred at a school function conducted off school grounds.</p> <p>(iv) the types of incident, identified by category listed in clauses (a) through (t) of subparagraph (vi) of paragraph (1) of this subdivision;</p> <p>(v) whether the incident occurred during or outside of regular school hours;</p> <p>(vi) where the incident involves a weapon, whether the weapon was a firearm, knife or other weapon;</p>
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<p>(vii) whether the incident was bias-related, drug-related, or gang or group-related;</p> <p>(viii) the actions taken by the school in response to the incident, including when the incident was reported to police or other law enforcement officials and whether disciplinary action was taken against the offenders;</p>	<p>(vii) whether the incident was bias-related, drug-related, or gang or group-related;</p> <p>(viii) the actions taken by the school in response to the incident, including when the incident was reported to police or other law enforcement officials and whether disciplinary action was taken against the offenders;</p>	<p>(vii) whether the incident was bias-related, drug-related, or gang or group-related;</p> <p>(viii) the actions taken by the school in response to the incident, including when the incident was reported to police or other law enforcement officials and whether disciplinary action was taken against the offenders;</p>
<p>(ix) any student discipline or referral action taken against a student/offender, including but not limited to an out-of-school suspension, a teacher removal, an involuntary transfer to an alternative placement, an in-school suspension, a referral for community service, a referral for counseling, or a referral to the juvenile justice system or the criminal justice system, and the duration of such action; and</p> <p>(x) the number and nature of the victims, identified as a student, teacher, school safety officer, other school staff or other and the victim's age and grade where the victim is a student.</p>	<p>(ix) any student discipline or referral action taken against a student/offender, including but not limited to an out-of-school suspension, a teacher removal, an involuntary transfer to an alternative placement, an in-school suspension, a referral for community service, a referral for counseling, or a referral to the juvenile justice system or the criminal justice system, and the duration of such action; and</p> <p>(x) the number and nature of the victims, identified as a student, teacher, school safety officer, other school staff or other and the victim's age and grade where the victim is a student.</p>	<p>(ix) any student discipline or referral action taken against a student/offender, including but not limited to an out-of-school suspension, a teacher removal, an involuntary transfer to an alternative placement, an in-school suspension, a referral for community service, a referral for counseling, or a referral to the juvenile justice system or the criminal justice system, and the duration of such action; and</p> <p>(x) the number and nature of the victims, identified as a student, teacher, school safety officer, other school staff or other and the victim's age and grade where the victim is a student.</p>
<p>(4) Preparation of report. Each annual violent or disruptive incident report shall contain such information on the offenders, actions taken by the school in response and student discipline or referral actions taken as is available on the date the annual report is submitted.</p>	<p>{4} (5) Preparation of report. Each annual violent or disruptive incident report shall <u>be in a form prescribed by the commissioner and shall contain such information as the commissioner shall prescribe, including but not limited to information on the frequency and types of incidents, offenders, [actions taken by the school in response] victims</u> and student discipline or referral actions taken, as is available on the date the annual report is submitted.</p>	<p>(5) Preparation of report. Each annual violent or disruptive incident report shall be in a form prescribed by the commissioner and shall contain such information as the commissioner shall prescribe, including but not limited to information on the frequency and types of incidents, offenders, victims and student discipline or referral actions taken, as is available on the date the annual report is submitted</p>
<p>(5) Local procedures. The governing body of each school district, board of cooperative educational services and county vocational education and</p>	<p>{5} (6) Local procedures. The governing body of each school district, board of cooperative educational services, charter school and county</p>	<p>{5} (6) Local procedures. The governing body of each school district, board of cooperative educational services, charter school and county</p>

<p>extension board shall establish local procedures for the reporting of violent or disruptive incidents by each building and/or program under its jurisdiction. Such procedures shall assure that copies of each violent or disruptive incident report at the building or program level are retained for period prescribed by the Commissioner in the applicable records retention schedule, and are available for inspection upon request; provided that a district or board that adopts an electronic reporting system may fulfill such requirement by retaining an electronic record of the information reported at the building or program level.</p>	<p>vocational education and extension board shall establish local procedures for the reporting of violent or disruptive incidents by each building and/or program under its jurisdiction. Such procedures shall assure that copies of each violent or disruptive incident report at the building or program level are retained for period prescribed by the commissioner in the applicable records retention schedule, and are available for inspection by the department upon request; provided that a district or board that adopts an electronic reporting system may fulfill such requirement by retaining an electronic record of the information reported at the building or program level.</p>	<p>vocational education and extension board shall establish local procedures for the reporting of violent or disruptive incidents by each building and/or program under its jurisdiction. Such procedures shall assure that copies of each violent or disruptive incident report at the building or program level are retained for period prescribed by the commissioner in the applicable records retention schedule, and are available for inspection by the department upon request; provided that a district or board that adopts an electronic reporting system may fulfill such requirement by retaining an electronic record of the information reported at the building or program level.</p>
<p>(6) Confidentiality. Pursuant to subdivision 6 of <u>section 2802 of the Education Law</u>, all personally identifiable information included in a violent or disruptive incident report shall be confidential, and shall not be disclosed to any person for use by any person for purposes other than the purposes of <u>section 2802 of the Education Law</u>, except as otherwise authorized by law.</p>	<p>{6} (7) Confidentiality. Pursuant to subdivision 6 of section 2802 of the Education Law, all personally identifiable information included in a violent or disruptive incident report shall be confidential, and shall not be disclosed to any person for use by any person for purposes other than the purposes of section 2802 of the Education Law, except as otherwise authorized by law.</p>	<p>(7) Confidentiality. Pursuant to subdivision 6 of section 2802 of the Education Law, all personally identifiable information included in a violent or disruptive incident report shall be confidential, and shall not be disclosed to any person for use by any person for purposes other than the purposes of section 2802 of the Education Law, except as otherwise authorized by law.</p>
	<p>(8) School violence index. Each school year, commencing with the 2005-2006 school year, the department shall establish a school violence index as a comparative measure of the level of school violence in a school. The school violence index will be computed in accordance with a formula established by the commissioner that takes into account the enrollment of the school and is weighted to reflect the most serious violent incidents, which shall include but need not be limited to the following categories of incidents: homicide, forcible sexual offense, robbery, assault resulting in serious physical injury, arson, kidnapping, and incidents involving the possession, use or threatened use of a weapon.</p>	<p>(8) School violence index. Each school year, commencing with the 2005-2006 school year, the department shall establish a school violence index as a comparative measure of the level of school violence in a school. The school violence index will be computed in accordance with a formula established by the commissioner that takes into account the enrollment of the school and is weighted to reflect the most serious violent incidents, which shall include but need not be limited to the following categories of incidents: homicide, serious sexual offense, robbery, assault resulting in serious physical injury, arson, kidnapping, and incidents involving the possession, use or threatened use of a weapon.</p>