

Violent and Disruptive Incident Reporting System (VADIR)

Proposed Amendments to Section 100.2 (gg)

Safe Schools Task Force

- Established in 1999; re-established in 2013
- Comprised of approximately 70 experts from across the State including, school district officials; school personnel; parents; education advocates and union representatives; community health, mental health, social services and law enforcement personnel; Division of Homeland Security & Emergency Services; Division of State Police; Division of Criminal Justice Services , among others
- Established three Workgroups in 2013 (Student Engagement/School Climate; Data Use/Reporting; Building Security/Infrastructure)
- Presented the 36 recommendations from the Task Force and the 6 recommendations from the Student Forum to the Board of Regents in September 2014 and an update in October 2015

Safe Schools Task Force

Recommendations on VADIR

- Refine the incident categories **focusing on the most violent incidents**, in accordance with the requirements of Education Law § 2802, to enable the Department to **identify schools as persistently dangerous** based on the data submitted by the school through the VADIR data collection system.
 - Align and combine the reporting mechanisms for VADIR and DASA¹;
 - Provide greater technical assistance to schools on data collection, use and reporting; and
 - Create a Statewide School Climate Index to measure school building environments.
- ¹ *Dignity for All Students Act*

Categories of Violent and Disruptive Incidents Collected Pursuant to Commissioner's Regulation §100.2(gg) since the 2001-2002 School

- 1) Homicide
- 2) Forcible Sex Offenses
- 3) Robbery
- 4) Assault with Serious Physical Injury
- 5) Arson
- 6) Kidnapping
- 7) Assault with Physical Injury
- 8) Reckless Endangerment
- 9) Minor Altercations
- 10) Intimidation, Harassment,
Menacing or Bullying
- 11) Burglary
- 12) Larceny and Other Theft Offenses
- 12) Criminal Mischief
and Other Sex Offenses
- 13) False Alarm
- 14) Bomb Threat
- 15) Weapons Possession
- 16) Riot
- 17) Alcohol Use, Possession, or Sale
- 18) Drug Use, Possession, or Sale
- 19) Alcohol Use, Possession, or Sale
- 20) Other Disruptive Incidents

Proposed Changes to the Categories of Violent and Disruptive Incidents §100.2(gg)

- **Streamline the reporting categories to include the following:**
 1. Homicide
 2. Sexual Offenses
 3. Physical Injury
 4. Weapons Possession
 5. Material Incidents of Discrimination, Harassment, and Bullying with no physical injury
 6. Bomb Threat
 7. False Alarm
 8. Use, Possession, or Sale of Drugs
 9. Use, Possession, or Sale of Alcohol

Summary of Changes

- Twenty categories streamlined to nine categories
- Combine categories similar in nature
- Definitions provide clarity to schools for ease of categorizing incidents. However, the regulation continues to require the report of each incident within the category to provide additional information on the circumstances surrounding the incident and the resulting disciplinary actions, if any.

Assessment of Public Comment

- During the 45-day public comment period, the Department received **6 written responses**, which included 13 distinct comments (*see Assessment of Public Comment – Attachment B of the Regents Item*)
- Several responses were in **support** of the amendments
- Highlights of the concerns raised:
 - The VADIR categories should be expanded to include:
Gang-related Incidents, Hate and Bias-Motivated Incidents, Drug-Related Incidents that involve Heroin and Opioid Abuse, Gender Identity or Expression
 - Both Education Law §2802 and Commissioner's regulation §100.2(g)(4) continue to require some of this information to be reported along with the categorical data.
 - Two-year old data is Insufficient; Require Real-Time Online Reporting

Assessment of Public Comment

- Highlights of the concerns raised (continued):
 - Reducing the number of categories will weaken the public's ability to monitor serious school violence
 - Examples given:
 - Distinction between violent rape and non-consensual touching; assaults resulting in hospitalization and minor bruising
 - Prevent the public from tracking several distinct incident types

Persistently Dangerous Designation

- Both federal and State law require the Department to identify schools as Persistently Dangerous (PD). (20 U.S.C. 7912; N.Y. Education Law §2802(7))
- Education Law §2802 requires the Department to annually determine which schools in the state meet the criteria of a persistently dangerous school.
- On or before **July 1st of each year**, school districts are notified when the categorical incident data submitted through VADIR which includes additional content, meets the criteria for designation as a Persistently Dangerous (PD) school.
 - Schools have an opportunity to present evidence in support of its position that the school should not be designated as PD.
 - This evidence is reviewed by the Department and a determination is made whether or not a school shall be designated as PD. Those that met the criteria for two consecutive school years shall be notified **no later than August 1st** that the school has been designated as PD.
 - School districts identified as PD must notify the parent(s) or guardian(s) of the student **within 10 days** of their right to transfer the child to a safe public school within the district. ((20 U.S.C. 7912; N.Y. Education Law §2802(7))
 - Parents have a choice whether to request a transfer (Commissioner's regulation §120.5 Unsafe school choice).

Next Steps

1. Adopt the proposed amendment to the Commissioner's Regulations 100.2 (gg) to become effective for the 2017-18 school year;
2. Revise the electronic application used to collect VADIR and DASA data from schools to reflect the amended regulations; and
3. Work with the New York State Center for School Safety to expand the availability of technical assistance and professional development to support this work, and continue to conduct monitoring and site visits to ensure the accuracy of reporting.
4. Continue to work with the Safe Schools Task Force and other interested parties to discuss whether to require the reporting of additional categories of violent or disruptive incidents or categories defined in the Dignity for All Students Act.

