

Glossary of Terms used in the Annual Reporting of Incidents Concerning School Safety and Educational Climate (SSEC)

Violent or Disruptive Incident Related Terms¹

Violent or disruptive incident: an incident that occurs on school property of the school district, board of cooperative educational services, charter school or county vocational education and extension board, and falls under one of these categories:

1. **Homicide:** any intentional violent conduct that results in the death of another person.

2. Sexual Offenses

2a. Forcible Sex Offenses: Sex offenses 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 penetration with a foreign object, rape and sodomy; or resulting from forcibly touching or grabbing another student on a part of the body that is generally regarded as private, such as buttocks, breast, genitalia.

2b. Other Sex Offenses: Other non-consensual sex offenses involving inappropriate sexual contact, including, but not limited to, touching another student on a part of the body that is generally regarded as private, which includes, but is not limited to, the buttocks, breasts, and genitalia, removing another student's clothing to reveal underwear or private body parts, or brushing or rubbing against another person in a sexual manner. Other sex offenses shall also include, 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 the individuals participating in the conduct is at least four years older than the youngest individual participating in this conduct.

3. **Assault:** engaging in behavior intentionally or recklessly that causes physical injury to another person with or without a weapon, in violation of school district code of conduct and falls under one of these categories:

3a. Physical Injury: means impairment of physical condition or substantial pain and includes, but is not limited to, black eyes, welts, abrasions, bruises, cuts not requiring stitches, swelling and headaches not related to a concussion

3b. Serious Physical Injury: means physical injury which creates a substantial risk of death or serious and protracted disfigurement or protracted impairment of health or protracted loss or impairment of the function of any bodily organ and requires hospitalization or treatment in an emergency medical care facility outside of school, including but not limited to, a bullet wound, fractured or broken bones or teeth, concussions, cuts requiring stitches and any other injury involving risk of death or disfigurement.

¹ Education Law §2802, 8 NYCRR §100.2(gg).

4. Weapons Possession: possession of one or more weapons, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of some teacher or other school personnel as authorized by school officials and falls under one of these categories:

4a. Routine Security Checks: possession of one or more weapons (see list below) secured through routine security checks.

Weapons: means one or more of the following dangerous instruments:

- i. firearm, including, but not limited to, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, spring gun, BB gun, or paint ball gun;
- ii. a switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife;
- iii. a billy club, blackjack, bludgeon, chukka stick, or metal knuckles;
- iv. a sandbag or sandclub;
- v. a sling shot or slungshot;
- vi. a martial arts instrument, including, but not limited to, a kung fu star, ninja star, nun-chuck, or shirken;
- vii. an explosive, including but not limited to, a firecracker or other fireworks;
- viii. a deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray;
- ix. an imitation gun that cannot be easily distinguished from a real gun;
- x. loaded or blank cartridges or other ammunition; or
- xi. any other deadly or potentially dangerous object that is used with the intent to inflict injury or death.

4b. Weapons possessed under other circumstances: Possession of one or more weapons at a school function or on school property which are not discovered through a routine security check, including but not limited to, weapons found in possession of a student or within a locker or personal vehicle on school property.

5a. Material Incident of Discrimination, Harassment, and Bullying (excluding Cyberbullying)

A single verified incident or a series of related verified incidents where a student is subjected to (verbal and non-verbal) harassment, bullying, and/or discrimination by a student and/or employee on school property or at a school function.² In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, as

²For additional information and resources, please see
<http://www.p12.nysed.gov/dignityact/documents/SED-AGLtrandGuidance8-31-16.pdf>
<http://www.p12.nysed.gov/dignityact/documents/FINALDignityForAllStudentsActGuidanceMay2016.pdf>

defined in Commissioner's regulation §100.2(kk)(1)(viii). Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

Commissioner's regulation 100.2(kk)(1)(vii) provides that harassment or bullying means the creation of a hostile environment by conduct, threats, intimidation, or abuse that either: (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation, or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or (b) reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety. Such definition shall include acts of harassment or bullying that occur on school property, at a school function, or off school property where such act creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. For the purposes of this definition the term "threats, intimidation or abuse" shall include verbal and non-verbal actions.³

Bullying is defined as a form of unwanted, aggressive behavior that involves, but not limited to, a real or perceived power imbalance and that is repeated, or has the potential to be repeated, over time.⁴

Please note the following "elements of bullying" do not solely determine whether an incident is material.

- **Imbalance of power:** An imbalance of power involves the use of physical strength, popularity, or access to embarrassing information to hurt or control another person.
- **Repetition:** Bullying typically repeated, occurring more than once or having the potential to occur more than once.
- **Intent to Harm:** The person bullying has the goal to cause harm. Bullying is not accidental.

Discrimination not specifically defined in the Dignity Act. However, it would include any form of discrimination against students prohibited by state or federal law such as, for example, the denial of equal treatment, admission, and/or access to programs, facilities, and services based on the person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity), or sex. It should be noted that Educational Law §3201 and 3201-a prohibit discrimination in the form of denial of admission into or exclusion from any public school on the basis of race, creed, color, national origin, and sex.

³ Education Law §11(7), 8 NYCRR §100.2(kk).

⁴ <http://www.p12.nysed.gov/dignityact/documents/TrainingMaterialsFn18-31-16.pdf>;

- 5b. Cyberbullying** is defined as harassment or bullying that occurs through any form of electronic communication, (Ed. Law §11[8]) including, but not limited to, cell phones, computers, and tablets, or other communication tools, including social media sites, text messages, chat rooms, and websites. (See definition of harassment or bullying as defined in 5a. and Commissioner's regulation 100.2(kk)(1)(viii))
- 6. 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.
- 7. False Alarm:** causing a fire alarm or other disaster alarm to be activated knowing there is no danger, or through false reporting of a fire or disaster.
- 8. Use, Possession, or Sale of Drugs:** illegally using, possessing, or being under the influence of a controlled substance or marijuana, on school property or at a school function, 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.⁵
- 9. Use, Possession, or Sale of Alcohol:** illegally using, possessing, or being under the influence of alcohol on school property or at a school function. This includes possessing alcohol on a person, in a locker, a vehicle or other personal space; selling or distributing alcohol on school property or at a school function; and finding alcohol on school property that is not in the possession of any person.

Bias-Related Terms⁶

- 1. Biased-related conduct:** behavior that is motivated by a target/victim's race, color, creed, national origin, gender (including gender identity), sexual orientation, age, marital or partnership status, family status, disability, alienage, or citizenship status.
- 2. Race:** the groups to which individuals belong, identify with, or belong in the eyes of the community.
- 3. Ethnic Group (Ethnicity):** an affiliation with a particular group, country or area of origin (distinct from citizenship or country of legal nationality), race, color, language, religion, customs of dress or eating, tribe or various combinations of these characteristics.

⁵ Refer to the definition of controlled substance in Other-Related Terms section in glossary

⁶ These terms are consistent with those found in the publication entitled, **Dignity Act: A Resource and Promising Practices Guide for School Administrators & Faculty**, Appendix A, For further descriptions and examples of these definitions please see:

<http://www.p12.nysed.gov/dignityact/documents/FINALDignityForAllStudentsActGuidanceMay2016.pdf>

4. **National origin:** is an individual's country of birth, country of origin, or the country of origin of an individual's family or spouse.
5. **Color:** complexion tint or skin pigmentation. Color discrimination can occur within the same racial or ethnic group.
6. **Religion:** religious or spiritual belief of preference, regardless of whether this belief is represented by an organized group or affiliation having religious or spiritual tenets.
7. **Religious Practices:** religious observances or practices that may include attending worship services, praying, wearing garb or symbols, displaying religious objects, adhering to certain dietary rules, proselytizing or other forms of religious expression, and/or refraining from certain activities.
8. **Disability:** means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or a record of such an impairment or (b) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with the educational setting, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the educational setting (Education Law §11[3] and Executive Law §292[21]).
9. **Gender:** means a person's actual or perceived sex and includes a person's gender identity or expression (Education Law §11[6]).⁷
10. **Sexual Orientation:** means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law §11[5]).
11. **Sex:** is the biological and physiological characteristics that define men and women.
12. **Other:** can include, but is not limited to, physical appearance, age, socio-economic status, health condition, housing, domestic relationships, social/academic status, etc.

Other Related Terms

1. **Gang-Related:** when an incident involves one or more than one offender, known to be a member of an organized group, or gang, which is characterized by turf concerns, symbols, special dress code, and/or colors that requires students to engage in delinquent or illegal activity.

⁷ For further explanation refer to http://www.p12.nysed.gov/dignityact/documents/Transg_GNCGuidanceFINAL.pdf and <http://schools.nyc.gov/NR/rdonlyres/6AAB4B91-3292-4EB0-86D8-DC0FF7811CC1/0/TransGNCGuidelinesMarch1finaltopost.pdf>

2. **Group-Related:** an incident is group-related if it is several individuals that assemble for the purpose of engaging in or contributing to actions that occur during the incident.
3. **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 or third-party operator. (Education Law §11(1) and Vehicle and Traffic Law §142, 8 NYCRR 100.2(kk)(1)(i))
4. **School Function:** means a school-sponsored or school-authorized extracurricular event or activity, regardless of where such activity takes place, including any event or activity that may take place in another state. (Education Law §11(2), 8 NYCRR 100.2(kk)(1)(ii))
5. **School Bus:** means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, teachers, and other person acting in a supervisory capacity, to or from school or school activities (Education Law §11(1) and Vehicle and Traffic Law §142).
6. **Target:** refers to a person who has been mistreated and/or injured, or the individual affected by the incident. The target can be identified as a student, staff, or other.
7. **Victim:** see the definition of target.
8. **Other:** refers to a target/victim or offender who is unknown, or neither a student, nor a staff member
9. **Offender:** refers to a person who has mistreated and/or injured another person, or the individual who caused an incident. The offender can be identified as a student, staff (such as teacher or other school staff), or other (such as school safety officer, student intruder, visitor, unknown).
10. **Disciplinary or Referral Action:** for purposes of reporting, a consequence⁸ assigned based on the violation of the school's code of conduct and reported under one of the following:
 - **Counseling or Treatment Programs:** For purposes of reporting, referrals to counseling or treatment programs are formal multi-session interventions, provided by certified or licensed professionals, aimed at reducing risk factors linked to the identified problem area(s) (i.e. drug/alcohol rehabilitation programs, anger management programs, etc.)
 - **Teacher Removal:** is the removal of a disruptive pupil from the teacher's classroom pursuant to the provisions of Education Law §3214(3-a).

⁸ Routine referrals of a student to a principal or assistant principal for possible disciplinary action should not be counted as a referral to a counseling or treatment program or teacher removal.

- **In-School Suspension:** is a removal from instruction and/or activities in the same setting as class/age peers as a disciplinary purpose, but remains under the direct supervision of school personnel.
- **Out-of-School Suspension:** a student is suspended from attending classes or being on school property. The student must receive his/her instruction during the period of suspension, in an alternate setting, separate from the school which his/her class/age peers attend.
- **Involuntary transfer to an Alternative Placement:** is the removal from instruction within the same school building as class/age peers as a disciplinary measure, and assignment to an alternate setting to receive instructional services. This could also include alternate (i.e. condensed) hours.
- **Community Service:** when a school/district determines work that is assigned without pay to help a community.
- **Juvenile Justice or Criminal Justice System:** when the school is aware that a student, under the supervision of juvenile justice of the criminal justice system, engages in an incident that may rise to the level of a criminal offense, the school reports the incident to the juvenile justice system for intervention.
- **Law Enforcement:** when a student engages in an incident, that occurs on school grounds, during school-related events, or while on school transportation, and the incident may rise to the level of a criminal offense, the school reports the incident to any law enforcement agency or official, according to law enforcement procedures.

11. School-related arrests: refers to an arrest of a student for any activity conducted on school grounds, during off-campus school activities (including while taking school transportation), or due to a referral to law enforcement by any school official.⁹

12. Controlled substance: According to Title 21 United States Code (USC) Controlled Substances Act, Subchapter 1, Part A, §802 (6), “The term "controlled substance" means a drug or other substance, or immediate precursor, included in schedule I, II, III, IV, or V of part B of this subchapter. The term does not include distilled spirits, wine, malt beverages, or tobacco, as those terms are defined or used in subtitle E of the Internal Revenue Code of 1986.”

⁹ Elementary and Secondary Education Act of 1965, as amended by Every Student Succeeds Act of 2015, 20 U.S.C. sections 6301 et seq., (Public Law 114-95, title 1, section 8532, 129 STAT. 1802); Education Law §2802(7).