

GLOSSARY OF TERMS USED IN REPORTING

VIOLENT AND DISRUPTIVE INCIDENTS

For additional information refer to the Q&A at <http://www.emsc.nysed.gov/irts/violence-data/home.shtml>.

Incident Categories

- (1) **Homicide:** Any conduct that results in the death of another person.
- (2) **Sexual Offenses:**
 - 2.1 Forcible Sex Offense: 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. Pursuant to Penal Law §130.00(8), "**forcible compulsion**" means "to compel by either: (a) use of force; or (b) a threat, express or implied, which places a person in fear of immediate death or physical injury to himself, herself or another person, or in fear that he, she or another person will immediately be kidnapped." Pursuant to Penal Law §130.00(11), "**aggravated sexual contact**" means "inserting, other than for a valid medical purpose, a foreign object in the vagina, urethra, penis or rectum of a child, thereby causing physical injury to such child." "**Oral sexual conduct**" and "**anal sexual conduct**" mean oral or anal sex.
 - 2.2 Other sexual 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.

Note: Verbal sexual harassment should be reported in category 10 (Intimidation, Harassment, Menacing or Bullying.)
- (3) **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.
- (4) **Assault with 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. Pursuant to Penal Law §10.00(10), "**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. Serious physical injury requires hospitalization or treatment in an emergency room and includes but is not limited to, a bullet wound, a serious stab or puncture wound, fractured or broken bones or teeth, concussions, cuts requiring stitches and any other injury involving risk of death or disfigurement.
- (5) **Arson:** Deliberately starting a fire with intent to damage or destroy property.
- (6) **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 (a) secreting or

holding him or her in a place where he or she is not likely to be found, or (b) using or threatening to use deadly physical force with or without a weapon.

- (7) ***Assault with Physical Injury:*** Intentionally or recklessly causing physical injury (not serious) to another person, with or without a weapon, in violation of the school district code of conduct. Physical injury means impairment of physical condition or substantial pain.
- (8) ***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.
- (9) ***Minor Altercations (Assaults):*** 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.
- (10) ***Intimidation, Harassment, Menacing, or Bullying Behavior and not 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. Incidents **not** resulting in a disciplinary or referral action are reported in Item 2 of the *Summary Form*. Incidents of harassment involving physical contact are reported in the Category 9 (Minor Assaults).
- (11) ***Burglary:*** Entering or remaining unlawfully on school property with intent to commit a crime.
- (12) ***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.
- (13) ***Larceny or Other Theft Offenses:*** Unlawful taking and carrying away of personal property with intent to deprive the rightful owner of property. Permanently or unlawfully withholding property from another.
- (14) ***Bomb Threat:*** A telephoned, written, or electronic message that a bomb, explosive, chemical, or biological weapon has been or will be placed on school property.
- (15) ***False Alarm:*** Falsely activating a fire alarm or other disaster alarm.
- (16) ***Riot:*** Four or more persons simultaneously engaging in tumultuous and violent conduct and thereby intentionally or recklessly causing or creating a grave risk of physical injury or substantial property damage or causing public alarm.
- (17) ***Weapons Possession Only:*** Possession of one or more of the weapons listed below, 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. Possession includes bringing a weapon to or possessing a weapon at school.

Weapons:

- a. a firearm, including, but not limited to, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, or spring gun;
 - b. 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;
 - c. a billy club, blackjack, bludgeon, chukka stick, or metal knuckles;
 - d. a sandbag or sandclub;
 - e. a sling shot or slungshot;
 - f. a martial arts instrument, including, but not limited to, a kung fu star, ninja star, nin-chuck, or shirken;
 - g. an explosive, including but not limited to, a firecracker or other fireworks;
 - h. a deadly or dangerous chemical, including, but not limited to, a strong acid or base, mace, or pepper spray;
 - i. an imitation gun;
 - j. loaded or blank cartridges or other ammunition; or
 - k. any other deadly or dangerous instrument.
- (18) ***Use, Possession, or Sale of Drugs Only.*** Illegally using or possessing a controlled substance, such as marijuana, on school property, including having such substance on a person or in a locker, vehicle, or other personal space; selling or distributing a controlled substance such as marijuana on school property; finding a controlled substance, such as 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. Tobacco and tobacco products are not to be considered as drugs for the purposes of incident reporting. **Incidents should only be reported in this category if they were not associated with an offense reportable in Categories 1–16.**
- (19) ***Use, Possession, or Sale of Alcohol Only.*** Using or possessing alcohol on school property, including having such substance on a person or in a locker, vehicle, or other personal space; selling or distributing alcohol on school property; or finding 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. **Incidents should only be reported in this category if they were not associated with an offense reportable in Categories 1–16.**
- (20) ***Other Disruptive Incidents:*** Other incidents involving disruption of the educational process and rise to the level of a consequence listed in the *Summary Report* (columns j-0). Reportable incidents are limited to those resulting in disciplinary action or referral.

Other Definitions

Disciplinary or Referral Action: For purposes of reporting, a disciplinary or referral action includes a referral to: Counseling or Treatment Programs, Teacher Removal, Suspension from Class or Activities, Out-of-School Suspension, Involuntary Transfer to Alternative Education Program or Law Enforcement/Juvenile Justice. (Refer to definitions below.)

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 and increasing protective factors linked to the identified problem area(s) (i.e., drug/alcohol rehabilitation programs, anger management programs, etc.). Note: Routine referrals of a student to a principal or assistant principal for possible disciplinary action should not be counted as a referral to counseling or treatment program.

Teacher Removal: For purposes of reporting, a "teacher removal" means the removal of a disruptive pupil from the teacher's classroom pursuant to the provisions of subdivision 3-a of section 3214 of the Education Law. Routine referrals of a student to a principal or assistant principal for possible disciplinary action should not be counted as a teacher removal.

Suspension from Class or Activities: For purposes of reporting, suspension from class or activities includes in-school suspension and/or suspensions from school transportation or school/extracurricular activities, such as band, choir, or athletics. Report incidents that result in an in-school suspension that lasts for at least the equivalent of one school day. Report suspensions from activities or transportation that exclude the student from the activity for at least five consecutive school days.

Out-of-School Suspension: The student is suspended from attending school for at least one day.

Transfer to Alternative Education Program: For purposes of reporting, a "transfer to an alternative education program" means any transfer to an educational program in a setting outside of the student's home school to which the student is referred as part of or in lieu of disciplinary action, i.e., as a consequence of the child's misconduct. This includes, but is not limited to, involuntary transfers pursuant to Education Law § 3214(5) and placement of students with disabilities in interim alternative educational settings as a result of violations of the school district code of conduct.

Transfer to Law Enforcement/Juvenile Justice: For purposes of reporting, referrals to law enforcement or juvenile justice include each incident whereby the perpetrator is referred to the police, law enforcement officers, or criminal justice.

Gang Related: An incident is gang related if it is gang motivated or if gang membership caused the incident or contributed to actions that occurred during the incident. For example, an incident of vandalism or robbery might be part of an initiation into a gang, or a fight might be caused by gang rivalry. Report an incident as gang-related only if certain that gang membership contributed to the incident. A gang is an organized group characterized by turf concerns, symbols, special dress, and/or colors that engages in delinquent or illegal activity. This definition is from the National Center for Education Statistics.

Bias Related: An incident is bias related if it is motivated by hate due to some characteristics or perceived characteristics of the victim, including race, gender, religion, color, sexual orientation, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference, or disability. Any act, or attempted act, is bias-related if it is designed to cause physical injury, emotional suffering, or property damage through intimidation, harassment, racial/ethnic slurs and bigoted epithets, vandalism, force, or the threat of force, motivated all or in part by hostility to some real or perceived characteristic of the victim. This definition is from the National Center for Education Statistics.