

6. Which incidents should districts report?

Yes, if the database includes all the categories and data elements needed to complete the

Yes. Incident categories 1-10, that occur on school property during the school year (July 1st through June 30th), 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 Ascyst6 (r)-6 (bul)2.6 (l)2.6 (y)-2aT2 1 Tf -0ch-uo

- b) Sexual Offense
- c) Assault
- d) Weapons Possession
- e) Material Incidents of Discrimination, Harassment, and Bullying (DASA)
- f) Threat (Other than Bomb Threat and False Alarm)
- g) Bomb Threat
- h) False Alarm
- i) Use, Possession or Sale of Drugs
- j) Use, Possession or Sale of Alcohol

29. 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 9, the Use, Possession, and Sale of Drugs. (See also question 27.)

30. Under Part 4 "School -Related Arrests, " 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.

31. 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.

32. One student calls another student a name that upsets 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 even if the response to the incident led to a resolution between the students.

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

It would not be reported.

cannot be ascertained. [Memo RE: Dignity for All Students Act: Results of Statewide School District Survey and Guidance on Implementation](#). (Also see question 35.)

35. 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. (Also see question 34.)

36. Can a school use information have 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

Additional Questions Related to SSEC Data

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 (Records and Retention Disposition Schedule ED-1) 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?

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

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.