

Questions & Answers: Reporting of School Safety and Educational Climate (SSEC)

The following guidance is intended to improve the completeness and accuracy of reporting on the school, district, and BOCES SSEC Summary Data Collection Form which is part of the New York State Education Department's implementation of Violent or Disruptive Incident Reporting (VADIR) and incidents related to Dignity for All Students Act (DASA).

1. What is a reportable SSEC incident?

Incidents in the 10 categories listed below that occur on school property or during a school-sponsored function off grounds are reportable in all circumstances, whether the offender is known or unknown. Incidents should be thoroughly investigated. Incident reporting forms and investigation materials should be retained at the school/district in which the incident occurred until the youngest person involved reaches the age of 27.

1. Homicide
2. Sexual Offense
3. Assault
4. Weapons Possession
5. Material Incidents of Discrimination, Harassment, and Bullying (DASA)
 - 5a. All Excluding Cyberbullying
 - 5b. Cyberbullying
6. Threat (Other than Bomb Threat or False Alarm)
7. Bomb Threat
8. False Alarm
9. Use, Possession or Sale of Drugs
10. Use, Possession or Sale of Alcohol

2. How can SSEC forms, glossary, and instructions be accessed?

SSEC form and other related documents can be accessed on the [NYS Education Department's SSEC Webpage](#).

3. What are the due dates for reporting to the New York State Education Department (NYSED)?

The timeline for reporting is available on our website and also distributed in the annual SSEC reporting memos posted under Field Memos.

4. Which schools report SSEC data to the Department?

Public schools and districts, charter schools and BOCES must report SSEC data. Nonpublic schools, including NYS approved private placement 8 53 schools, State-Supported 4201 schools, and State-Operated schools are not required to report. (Chapter 853 of the Laws of 1976, Section 4201, Article 87, and Article 88 of Education Law)

5. Where can I find prior years' incident data for schools?

School data is posted on our Information Reporting Services web page.

6. Which incidents should districts report?

A district SSEC report should include incidents involving students from different schools (different BEDS codes) that occur in shared spaces, and therefore cannot be attributed to any individual school within the district. In addition, it is not the total count of incidents from all schools in the district. Incidents are always reported on the SSEC form of the school or district in which the incident occurred.

7. If summer school is being hosted on school property but operated by BOCES (hiring of staff, supervision, etc.), and attending students from different schools are involved in a reportable incident, who reports it?

If BOCES is operating a program with students from different schools, then any incident would be reported on the BOCES SSEC form.

8. Who is responsible for reporting an incident occurring at a school function (high school athletic events, concerts, field trips, etc.) that is off-school property?

The reporting of incidents occurring during school functions off school grounds depends on several factors.

If there is an event at another school, the host school must report all violent incidents and/or infractions of DASA on the host school's SSEC form.

If the sponsored event occurs at a neutral site (college campus, public park, museum, etc.) involving students from one school, then the incident(s) would be reported by the school where the students are enrolled.

If the sponsored event occurs at a neutral site and students from different schools (different BEDS codes) are offenders, the incident would be reported on the district SSEC forms of each district in which an offender is enrolled.

9. If a middle school and high school share the same building, but have separate BEDS codes, which school would report an incident involving students from both schools?

If an incident occurred in a space shared by both schools (cafeteria, library, gym, etc.), the incident would be reported on the district SSEC form.

If an incident occurred because a student from one school was involved in an incident in the other school building, the school where the incident occurred would report the incident.

If an incident occurred in a space shared by both schools, but the students involved in the incident are from the same school, then the school in which the students are attending would report the incident on the school SSEC form.

10. Can a school continue using a database already in place to collect information concerning violent and disruptive incidents?

Yes, if the database includes all the categories and data elements needed to complete the SSEC Summary Data Collection Form. If a school is changing management systems, old student records must be archived.

11. Can a FOIL (Freedom of Information Law) request be made for SSEC information?

Yes. FOIL requests may be made, however personally identifiable information is confidential, protected from disclosure, and should be redacted.

Because NYSED also does not possess individual incident reports. Those detailed records are kept at the schools or districts where the incidents occurred.

12. Are incidents that occur on school buses reportable?

Yes. Incidents that occur on school buses are reportable.

The following are examples:

If an incident occurs among students from one school (one BEDS code) riding a bus together, it is reported on the school's SSEC report.

If an incident occurs among students from two different schools (two different BEDS codes) riding a bus together, it is reported on the district's SSEC report.

If an incident occurs among students riding a bus that is operated by BOCES, then it is reported on the BOCES' SSEC report.

Under New York State law, a school/district is responsible for protecting the safety of students while they are being transported on a school bus.

13. Are incidents reportable when they occur on a district school bus transporting a student residing in the district even if the student is not attending a school within the district?

Yes. The school district must report this incident if it operated the school bus or provided the school bus through a third-party contract. The incident should be reported on the district SSEC form. Note: there are no automatic exclusions of incidents where the offender is a student with disabilities.

14. Is a school bus stop regarded as school property for reporting violent incidents or infractions of DASA?

No. A school bus stop is not considered school property for SSEC reporting purposes. (Education Law §2801[1] and 8 NYCRR §100.2[gg][1][ii])

15. Is an incident reportable if it was committed on school property by a non-enrolled student?

Yes. Incident categories 1-10, that occur on school property or during a school-sponsored event off grounds by a non-enrolled student, non-staff member, and/or unknown person are reportable in all circumstances under the row of "other offender."

16. Is an incident that occurs on school property reportable if it occurs during summer months, or some other time when school is not in session, including evenings or weekends?

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 All Students Act requires that schools report all verified incidents that occur off school property and create a risk of substantial disruption within the school environment. (Ed Law Article 2 (11)(7)(d))

18. Are all suspensions reported?

No. For purposes of SSEC reporting, only suspensions related to categories 1-10 and Part 5 (Weapon Type and Fire-Arms- Related Offenses and Suspensions) are reported.

19. If school A is not open due to repairs or reconstruction, but is providing educational services in another district's building, school B which is not providing educational services at the time, which school will report?

School A would report all incidents that occur under its supervision.

20. When are schools required to report weapons possession to law enforcement?

It is mandatory to report to law enforcement when a student is in possession of a firearm.

21. When are incidents involving the use, sale, and/or possession of vaporizers, e-cigarettes, and/or tobacco reported?

Beginning with the 2017-18 school year, incidents involving the use, sale, and/or possession of vaping devices, e- cigarettes, and/or tobacco are not collected on the SSEC report.

22. Are incidents involving discrimination, harassment, or bullying behavior that did not result in a disciplinary action reported?

Yes. All verified incidents of discrimination, harassment, and bullying must be reported regardless of disciplinary action(s) or referral(s). DASA does not require discipline in response to DASA incidents.

23. If a charter school is located, or co-located, in space within a district school building, what part(s) of the building would the charter school consider as its "school grounds" for SSEC reporting purposes?

The charter school must report all incidents that occur in parts of the building under the charter school's control. The charter school must also report incidents that occur on school buses that

the charter school operates or provides by contract with an entity other than the school district. If the charter school has staff supervising students in the halls for example in transit to school buses, those areas are considered under the charter school's control during such periods of time. The school district which owns or controls the space in which the charter school is located, or co-located, must report all incidents that occur between students from both schools (different BEDS codes) in common areas, on school grounds, or on school buses that the district operates or provides by contract with an entity other than the school district.

24. If a charter school is housed within a building controlled or owned by a private, or corporate, entity what parts of the building are considered "school property" for SSEC reporting purposes?

Any part of the building controlled or owned by a private, or corporate, entity that is under the charter school's control would be considered "school property" for reporting purposes. The charter school must report all incidents that occur in the parts of the building that are under its control and all incidents that occur in areas of the building that the charter school staff or students have access to under the terms of the lease.

25. Two students brandishing knives have a fight in a school building resulting in one student inflicting serious physical injury on the other. How should this be reported?

If the student who inflicted the injury was 10 years of age or older and the school referred the student to law enforcement for the incident, this would be reported as an assault and the report must indicate that the incident involved a weapon, with one offender and one victim.

26. How should an incident be reported when a student is found to be in possession of five knives?

If the student is 10 years of age or older and the possession of the weapons found meets the definition outlined in Article 265 of NYS Penal Code, and the school referred the person to law enforcement for the act then it would be reported as one incident under Weapons Possession in Part 1. (see instructions).

27. If the school refers a student to law enforcement for an assault but the victim does not press charges, is this still reported in SSEC as an Assault?

The victim does not need to press charges for the incident to be reported under the SSEC Assault category. As long as the school investigation reveals that the incident met the definition of a felony assault in NYS Penal Code 120, the student was 10+ years old and the school referred the student to law enforcement the incident is reported in the SSEC data collection under Assault.

28. A student is found to possess drugs and the investigation process reveals a firearm in her locker, how is it reported?

Each incident must be reported in only one category. For incidents that fit the criteria for more than one category, report the most serious category as per the order of incidents listed in section 100.2 (gg) of Commissioner's Regulations (see list below.) Additional information for each incident must also be reported, such as whether the incident involved drugs, a weapon, a firearm, and location, disciplinary actions, etc.

- a) Homicide

- 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. This does not meet the definition of sexual felony sexual assault under NYS Penal Code 130 which states that “it is an element of every offense defined in this article that the sexual act was committed without consent of the victim...” and that “a person is deemed incapable of consent when he or she is less than seventeen years old.”

34. What is a material incident?

It is a verified single incident or a series of related verified incidents, where a student has been subjected to discrimination, harassment, and/or bullying by a student and/or employee on school property or at a school function. An incident can be material even if the perpetrator

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 information obtained must be documented.

37. Are school related arrests reported in Part 4 “School-related Arrests” counted towards the School Violence Index (SVI)?

No. They are reported for federal reporting requirements only. Please see the current

38. Does a school report an incident if the offender is unknown?

Yes. If the offender is unknown, neither a student, nor a staff member then it would be reported under “other offender.”

39. If a student is called five different names/slurs, how would that be reported?

If all names/slurs occurred at the same time, it would be counted as one incident under *Material Incidents of Discrimination, Harassment, and Bullying- All excluding Cyberbullying*. If names/slurs occur across five different times, it would be counted as five separate incidents. Each slur would be noted in the appropriate rows under bias-related incidents.

40. Is there a form for parents or students to report Dignity Act incidents to school staff?

Forms should be easily accessible to parents and students at the school/district and available on the school/district website. ([Memo RE: Dignity for All Students Act: Results of Statewide](#)) An incident report may be submitted in person, electronically, or anonymously. When an incident report is made orally, school personnel must file a written report within the next two school days. There is no required form that schools must use however, a sample reporting and investigation form and investigation process is available for use on the NYS Center for School Safety website.

41. If an investigation of a school threat shows that there was no intent and that the threat was made in the heat of the moment, due to student anger, can the incident be excluded from SSEC reporting?

The *Threat (other than Bomb Threat or False Alarm)* category is meant to capture instances where a school’s response is to take action by investigating the threat to determine if it is imminent and/or credible or unfounded. If the school did not find it necessary to investigate a verbal threat made in the “heat of a conflict,” to determine if it is imminent and/or credible or unfounded, it would not need to be reported. However, like *Bomb Threat*, intent or ability to follow through with a *Threat (other than Bomb Threat or False Alarm)* is not needed to meet the definition and be reported for this category.

42. If a parent makes a threat to “Shoot up the school” would this be reportable under Threat (other than Bomb Threat or False Alarm)?

Yes. The *Threat (other than Bomb Threat or False Alarm)* category is not limited to students as offenders making the threat. Like bomb threats a reportable threat can also be anonymous.

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.