



**Charter Schools Institute**  
The State University of **New York**

**MEMORANDUM**

To: SUNY Authorized Charter School Leaders  
From: Ralph A. Rossi II, Executive Deputy Director and General Counsel  
Subject: Violent or Disruptive Incident Reporting Updates  
Date: March 28, 2018

This memo outlines changes to Violent or Disruptive Incident Reporting (“VADIR”) updates for the 2017-18 school year.

**Violent or Disruptive Incident Reporting Updates**

All charter schools are required to report violent or disruptive incidents that occur on school property, including incidents occurring in, or on, a school bus (as defined in Vehicle and Traffic Law §142), and at school functions. Reports are to be submitted to the New York State Education Department (“NYSED”) between June 25, 2018 and July 20, 2018.

Recent changes adopted pursuant to the State Administrative Procedures Act under 8 NYCRR 100.2(gg) have shortened the number of VADIR reportable categories from twenty to nine. Please note that any individual incidents that occurred on July 1, 2017 or later, including incidents those that occurred during summer months must be reported using the new categories. If an incident involves more than one category, it only needs to be reported once in the category that captures the most violent offense (highest weight).

Violent or disruptive incident shall mean one of the following categories of incidents that occur on school property of the charter school, committed with or without a weapon (except in the case of weapons possession):

**(a) Homicide.** Any intentional violent conduct which results in the death of another person.

**(b) Sex offenses.**

(1) *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, rape and sodomy; or resulting from forcibly touching or grabbing another student on a part of the body that is generally regarded as private, which includes, but is not limited to the buttocks, breasts, or genitalia.

(2) *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 be 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 four years older than the youngest individual participating in the conduct.

**(c) Assault.** Intentionally or recklessly causing physical injury to another person, with or without a weapon, in violation of the school district code of conduct which shall include either:

- (1) engaging in behavior which causes serious physical injury; or
- (2) engaging in behavior which causes physical injury.

**(d) Material incident of harassment, bullying, and/or discrimination.** A single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function. In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, as defined in subparagraph (kk)(1)(viii) of this section, 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; provided that nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under [Education Law sections 3201-a](#) or [2854\(2\)\(a\)](#) and title IX of the Education Amendments of 1972 ([20 U.S.C. section 1681, et seq.](#)), or to prohibit, as discrimination based on disability, actions that would be permissible under section 504 of the Rehabilitation Act of 1973.

**(e) 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.

**(f) 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.

**(g) Weapons possession.** Possession of one or more weapons as defined by subparagraph (v) of this paragraph, 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 which are discovered either through:

- (1) routine security checks; or
- (2) weapons possessed 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 the possession of a student or within a locker.

**(h) 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.

**(i) Use, possession or sale of alcohol.** Illegally using, possessing, or being under the influence of alcohol on school property or at a school function, including having such substance on a person or in a locker, vehicle, or other personal space; illegally selling or distributing alcohol on school property or at a school function; finding alcohol on school property that is not in the possession of any person.

## **Resources**

NYSED has a variety of resources on its website to assist schools in completing the VADIR submission.

- SSEC - School Safety and Educational Climate:  
<http://www.p12.nysed.gov/sss/ssae/schoolsafety/vadir/>
- Dignity for All Students Act (DASA) and Violent or Disruptive Incident Reporting (VADIR):  
Instructions for Completing Parts 1-6 of the Summary Data Collection Form:  
<http://www.p12.nysed.gov/sss/ssae/schoolsafety/vadir/SSECIInstructions.html>

- Violent or Disruptive Incident Related Terms:  
<http://www.p12.nysed.gov/sss/ssae/schoolsafety/vadir/glossary201718.html>
- Data Collection for 2017-18 School Year Incidents:  
[http://www.p12.nysed.gov/irs/school\\_safety/school\\_safety\\_data\\_collection.html](http://www.p12.nysed.gov/irs/school_safety/school_safety_data_collection.html)
- Memo RE: School Safety and Educational Climate Data Collection for the 2016-17 School Year, and Important Information about Changes to Data Collection for 2017-18 School Year:  
<http://www.p12.nysed.gov/sss/ssae/schoolsafety/vadir/ssecdatamemo.html>
- Questions and Answers Regarding SSEC Reporting:  
<http://www.p12.nysed.gov/sss/ssae/schoolsafety/vadir/SSECQandA.html>

### **Assistance**

Questions may be directed to NYSED at the Office of Student Support Services at (518) 486-6090 or [StudentSupportServices@nysed.gov](mailto:StudentSupportServices@nysed.gov). Questions for the Charter Schools Institute may be directed to 518-445-4250 or [charters@suny.edu](mailto:charters@suny.edu).