

# **Glossary of Terms for the School Safety and Educational Climate (SSEC) Reporting System**

(effective July 1, 2021, starting in the 2021-22 School Year)

## **Violent of Disruptive Incident Related Terms (1)**

**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 Offense:**

Any act committed by a person 10 years of age or older which would constitute a felony under [Article 130 of the Penal Law](#), taking into consideration the developmental capacity of the person to form the intent to commit such act, and where the school has referred the person to the police for the act reported.

**3. Assault:**

Any act committed by a person 10 years of age or older which would constitute a felony under [Article 120 of the Penal Law](#), taking into consideration the developmental capacity of the person to form the intent to commit such act, and where the school has referred the person to the police for the act reported.

**4. Weapons Possession:**

An act committed by a person 10 years of age or older which would constitute a felony under [Article 265.00 of the Penal Law](#) taking into consideration the developmental capacity of the person to form the intent to commit such act, and where the school has referred the person to the police for the act.

**5. Material Incidents of Discrimination, Harassment and Bullying**

**5a. Material Incidents of Discrimination, Harassment and Bullying (Excluding Cyberbullying)**

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.[\(2\)](#) In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, as 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)(viii) provides that harassment or bullying means the creation of a hostile environment by conduct or by 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 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.

#### **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. Falsa 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. Threat of School Violence (Other than Bomb Threat or False Alarm):**

a verbal, telephoned, written or electronic message of a threat of violence on school property or at a school related function.

**9. 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.

**10. 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.

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## Bias-Related Terms [\(5\)](#)

**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. This includes traits historically associated with race, including, but not limited to, hair texture and protective hairstyles. Protective hairstyles shall include, but not be limited to, such hairstyles as braids, locks, and twists. (Education Law §11[9] and [10]).

**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.

**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 employment, 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 job or occupation sought or held (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]).[\(6\)](#)

**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 characteristics age, socio-economic status, health condition, housing, domestic relationships, social/academic status, etc.

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## 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, and/or colors that engages students in delinquent or illegal activity.

**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. (Education Law §11(1) and Vehicle and Traffic Law §142, 8 NYCRR 100.2(gg)(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(gg)(1)(ii) and (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 consequence [\(7\)](#) 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).
- **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.[\(8\)](#)

#### **12. Sexting:**

is described as the sending, receiving, or forwarding of sexually suggestive nude or nearly nude photos through text messages or email.[\(9\)](#)

#### **13. 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.”

## Footnotes

1. Education Law §2802, 8 NYCRR §100.2(gg)
2. For additional information and resources, please see [August 2016 Memo RE: Dignity for All Students Act: Results of Statewide School District Survey and Guidance on Implementation](#) and [The New York State Dignity for All Students Act Resource and Promising Practices Guide for School Administrators & Faculty](#) 
3. Education Law §11(7), 8 NYCRR §100.2(kk)
4. [Dignity for All Students Act Requirements for Schools \(Tool for training school employees\)](#) 

5. These terms are consistent with those found in the publication entitled, [The New York State Dignity for All Students Act Resource and Promising Practices Guide for School Administrators & Faculty](#) , Appendix A, Further descriptions and examples of these definitions are available in this document.
6. For further explanation refer to [Guidance to School Districts for Creating a Safe and Supportive School Environment For Transgender and Gender Nonconforming Students](#)  and [The New York City Department of Education's Transgender and Gender Nonconforming Student Guidelines](#)
7. 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.
8. 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).
9. For additional cyberbullying related terms, refer to Appendix A in [The New York State Dignity for All Students Act Resource and Promising Practices Guide for School Administrators & Faculty](#). 