Violent and Disruptive Incident Reporting System (VADIR)
Questions & Answers
For Reporting VADIR School Year Data
(Most Recent Revision October 2008)

The following guidance is provided to assist public schools, charter schools and boards of cooperative educational services (BOCES) in completing the Individual Incident Reports (IIR) and the Summary of Violent and Disruptive Incidents Form. This Q&A is intended to supplement the *Directions for Completing the Summary of Violent and Disruptive Incidents Form* and the *Glossary of Terms in Reporting Violent and Disruptive Incidents*. School officials responsible for the completion of these forms should review the above documents carefully before making the determination as to whether or not an incident must be reported. **Please note that Items C-22 and E-4 and 5 contain clarifying information and that the guidance provided in item A-3 has been changed**.

A. Forms, Data and When to Report

1. What is the URL for downloading VADIR forms and directions?

The forms are located at the following website: http://www.p12.nysed.gov/irs/vadir/

2. When are incidents reported to the New York State Education Department (NYSED)?

The Summary of Violent and Disruptive Incidents Form must be sent to NYSED annually by a date determined by the Commissioner of Education. The Individual Incident Reports, or school equivalent, must be filed in the school or district and should not be sent to NYSED. Individual Incident Reports must be available for inspection by NYSED upon request.

3. How long must a school retain VADIR related documents including, but not limited to Individual Incident Reports and Summary Reports?

After further review of the Records Retention and Disposition Schedule ED-1, SED has modified its previous guidance that VADIR records should be retained for 6 years. Records Retention and Disposition Schedule ED-1 states that violent and disruptive incident reports and summary records, including copies of summary information submitted to SED must be maintained until the youngest person involved in the incident(s) is 27 years old.

It further states that summary records may need to be retained longer, even permanently, if they document school violence, or if a school has been designated a persistently dangerous school. It recommends that the school district contact the State Archives for additional advice.

Additionally, violent and disruptive incident data received back from SED only needs to be retained until after the data is verified and any necessary corrections completed.

In addition, persistently dangerous school designation records, including SED citation, plan for corrective action (i.e., IRP), results of audits and monitoring, student transfer protocol and lists of transferring students, and documentation of removal of designation must be retained permanently.

4. Can a school continue using a database previously used to collect information concerning violent and disruptive incidents?

Yes, as long as the database includes all the categories and data elements needed to complete the Summary of Violent and Disruptive Incidents Form.

5. Are school districts required to report ethnicity in the new report?

NYSED is not requesting a break down by ethnicity at this time.

6. Should the data on victims be kept in a separate file from the incident report for reasons of confidentiality?

Under Education Law § 2802 (6) and § 100.2 (gg) of the Commissioner's Regulations, reports should be kept confidential, and personally identifiable information should not be disclosed except as otherwise authorized by law. Any disclosure must be consistent with Federal and State privacy laws, such as the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C.§ 1232g, the Protection of Pupil Rights Amendments (PPRA), 20 U.S.C. § 1232h, and the Personal Privacy Protection Law, Article 6-A of the Public Officers Law.

7. Will software be available to assist schools in completing the Individual Incident Reports and Summary of Violent and Disruptive Incidents Form?

NYSED has no immediate plan to issue software for this purpose.

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

The school district needs to consult with its FOIL officer and school attorney as to which data elements might be subject to FOIL. Personally identifiable information is confidential and protected from disclosure, but summary data is not. Specific questions about FOIL should be directed to the New York State Department of State's Committee on Open Government.

9. Can an Individual Incident Report be amended if it is later determined that the incident described in the report was more or less serious than originally reported?

Yes, the Individual Incident Report can be amended but the revised document should provide a clear audit trail indicating the reasons for any changes. Any evidence that supports the decision to amend the Individual Incident Report should be attached to the original form.

10. In preparation for a NYSED site visit, should a school file the Summary of Violent and Disruptive Incidents Form, Individual Incident Reports, and any supporting documents at the school building or district office?

A NYSED site visit will focus initially on the building level process used to collect, report and analyze the data. All forms related to the incident should be available at the school building.

B. School Property and Grounds

1. How is school property defined?

For reporting purposes, school property is defined as 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; in or on a school bus, as defined in Vehicle and Traffic Law §142; or at a school function. (See Education Law §2801[1] and 8 NYCRR §100.2[gg][1][ii]).

2. How is a school function defined?

For reporting purposes, a school function is defined as a school-sponsored or school-authorized extracurricular event or activity, regardless of where such event or activity takes place; including any event or activity that may take place in another state. (See Education Law §2801[1] and 8 NYCRR §100.2[gg][1][i]).

3. Are incidents that occur on school buses reportable?

Education Law §2802 requires the reporting of incidents that occur on "school property" and uses the same definition of "school property" as the Code of Conduct statute, Education Law §2801(1), which includes incidents occurring in and on a school bus. An incident that occurs on a school bus is reported by the school in (column i). Under New York State law, a school district is responsible for protecting the safety of students while they are being transported in a school bus.

4. Are incidents that occur on a district school bus transporting a district student with disabilities or a non-public school student to and from a private placement location or a non-public school reportable?

Education Law §2802 requires the reporting of incidents that occur on "school property," and uses the same definition of "school property" as the Code of Conduct statute, Education Law §2801(1), which includes incidents occurring in or on a school bus. Under NYS law, a school district is responsible for protecting the safety of students while they are being

transported in a school bus. Thus, the school district must report this incident if it operated the school bus or provided the school bus by contract where the incident occurred. The incident is a reportable incident for the school district, but will not be attributed to any school within the district because neither the student with disabilities nor the non-public school student is associated with any public school within the district. These types of incidents must be reported separately on a Summary of Violent and Disruptive Incidents Form for the district.

5. Is a school bus stop regarded as school property for the purpose of reporting violent and disruptive incidents?

A school bus stop is not considered school property for VADIR reporting purposes (See Education Law §2801[1] and 8 NYCRR §100.2[gg][1][ii]). Thus, incidents that occur at school bus stops would not be reported.

However, the Commissioner has upheld the suspension of students for off-campus conduct (Appeal of Ravick, 40 Ed Dept Rep 262, Decision No. 14,477; Appeal of Orman, 39 id. 811, Decision No. 14,389; Appeal of Mangaroo, 33 id. 286, Decision No. 13,050; Appeal of Pollnow, 22 id. 547, Decision No. 11,069; Appeal of Rodriguez, 8 id. 214, Decision No. 8015). Case law has also recognized that students may be disciplined for conduct that occurred outside of the school that may endanger the health safety or welfare of students within the educational system or that may adversely affect the educative process (Matter of Coghlan v. Board of Education, 262 AD2d 949 [4th Dept 1999], citing Pollnow v. Glennon, 594 F.Supp. 220, 224 [S.D.N.Y. 1984], aff'd, 757 F.2d 496 [2d Cir. 1985]). Accordingly, school districts have the authority to regulate student conduct that occurs off school property, but such incidents and any discipline or referral action that results from them would not be reportable under the VADIR System.

6. Is an incident reportable if it was committed on school property by a non-enrolled student or an adult attending a non-school sponsored event?

Incidents in categories 1-8, 14-15, and 17-19 that occur on school property or during a school-sponsored or school-authorized extracurricular event or activity are reportable in all circumstances. Such incidents are reportable regardless of both the time of occurrence as well as whether or not the person committing the act was an enrolled student.

Incidents in categories 9-13, 16 and 20 that occur on school property or during a school-sponsored or school-authorized extracurricular event or activity are reportable, whether or not the perpetrator is known, if the incident resulted in or would have resulted in one or more of the disciplinary or referral actions responses listed on the Summary of Violent and Disruptive Incidents Form. Again, such incidents are reportable regardless of both the time of occurrence as well as whether or not the person committing the act can be identified as an enrolled student.

7. Is an incident reportable if it occurs during summer vacation or some other time when school is not in session, including evenings or weekends?

Incidents in categories 1-8, 14-15, and 17-19 that occur on school property or during a school-sponsored or school-authorized extracurricular event or activity are reportable in all circumstances, regardless of both the time of occurrence as well as whether or not the person committing the act was an enrolled student.

Incidents in categories 9-13, 16 and 20 that occur on school property or during a school-sponsored or school-authorized extracurricular event or activity are reportable if the incident resulted in one or more of the disciplinary or referral actions that are listed on the Summary of Violent and Disruptive Incidents Form, or, in the case of an unknown perpetrator, would have resulted in one or more of the disciplinary or referral actions listed on the Summary of Violent and Disruptive Incidents Form. These incidents are reportable regardless of the time they occurred and whether or not the person committing the act was an enrolled student.

8. Who is responsible for reporting an incident occurring off-school property, such as Section 8 sponsored sports playoffs?

This depends on a number of factors. This type of incident may also need to be reported by more than one school. If, for example, a student enrolled in the school where the event was being held was involved in an incident then that school would report the incident because it occurred during a school-authorized extracurricular event or activity. If the event was being hosted by another school within Section 8, then this school, as well as the school student offender was enrolled in, would report the incident. If the event was being sponsored on a neutral site, such as a college campus, then the incident would only be reported by the school that had students involved in the incident.

9. If a middle school and high school share the same building, which school would report an incident involving both a middle school student and a high school student?

The middle school would report the incident if it occurred in a part of the building under its control and supervision. The high school would report the incident if it occurred in a part of the building under its control and supervision.

C. Reportable Offenses

1. When are incidents involving physical injury reportable?

Incidents involving physical injury, with or without the use of a weapon, must be reported regardless of the type of disciplinary or referral action that results. Such incidents must be reported even if they do not result in any disciplinary or referral action. Additionally, such incidents must be reported regardless of whether or not the perpetrator(s) is identified.

2. When are incidents involving the threat of physical injury reportable?

Incidents involving the threat of physical injury, with or without the use of a weapon, by subjecting an individual or individuals to danger by recklessly engaging in conduct that

creates a grave risk of death or serious physical injury, yet causes no actual physical injury, must be reported regardless of the type of disciplinary or referral action that results. Such incidents must be reported even if they do not result in any disciplinary or referral action. Additionally, such incidents must be reported regardless of whether or not the perpetrator(s) is identified. Incidents meeting this description are reported in incident category number 8 - reckless endangerment.

3. When are weapons possession incidents reportable?

Incidents involving weapons possession must be reported regardless of the type of disciplinary or referral action that results. Such incidents must be reported even if they do not result in any disciplinary or referral action. Additionally, such incidents must be reported regardless of whether or not the perpetrator(s) is identified.

4. When are incidents involving the use, sale or possession of drugs or alcohol reportable?

Incidents involving the use, sale or possession of drugs or alcohol must be reported regardless of the type of disciplinary or referral action that results. Such incidents must be reported even if they do not result in any disciplinary or referral action and regardless of whether or not the perpetrator(s) is identified.

5. When are incidents involving bomb threats or false alarms reportable?

Incidents involving bomb threats or false alarms must be reported regardless of the type of disciplinary or referral action that results. Such incidents must be reported even if they do not result in any disciplinary or referral action and regardless of whether or not the perpetrator(s) is identified.

6. When are incidents involving intimidation, harassment, menacing or bullying behavior reportable?

Incidents involving intimidation, harassment, menacing or bullying behavior are reportable if:

(1) the behavior of the known or unknown perpetrator involved in such incidents is of sufficient seriousness to warrant:
- the suspension of a student; or
- the removal of a disruptive student pursuant to Education Law § 3214; or
- the referral of a student to a counseling or treatment program; or
- the transfer of a student to an alternative education program; or
- the referral of a student to the juvenile justice system; or
- the disciplinary action against, or the dismissal of, a school employee or notification of law enforcement of the commission of a crime.

(2) the incidents are the subject of a written or oral complaint to the school principal or other school administrator responsible for school discipline or are otherwise directly observed by such principal or administrator.

Incidents meeting the description in 6.(1) are reported in incident category 10 – intimidation, harassment, menacing or bullying and incidents meeting the description in 6.(2) are reported in Item 2 of the Summary of Violent and Disruptive Incidents.

7. When are incidents involving burglary or criminal mischief reportable?

Incidents involving burglary or criminal mischief are reportable if the behavior of the known or unknown perpetrator involved in such incidents is of sufficient seriousness to warrant:

- the suspension of a student; or
- the removal of a disruptive student pursuant to Education Law § 3214; or
- the referral of a student to a counseling or treatment program; or
- the transfer of a student to an alternative education program; or
- the referral of a student to the juvenile justice system; or
- the disciplinary action against, or dismissal of, a school employee, or notification of law enforcement of the commission of a crime.

8. When are incidents involving larceny or other theft offenses reportable?

Incidents involving larceny and other theft offenses are reportable if the behavior of the known or unknown perpetrator involved in such incidents is of sufficient seriousness to warrant:

- the suspension of a student; or
- the removal of a disruptive student pursuant to Education Law § 3214; or
- the referral of a student to a counseling or treatment program; or
- the transfer of a student to an alternative education program; or
- the referral of a student to the juvenile justice system; or
- disciplinary action against, or dismissal of, a school employee or notification of law enforcement of the commission of a crime.

9. When are incidents involving riot reportable?

Incidents involving riot are reportable if the behavior of the known or unknown perpetrator involved in such incidents is of sufficient seriousness to warrant:

- the suspension of a student; or
- the removal of a disruptive student pursuant to Education Law § 3214; or
- the referral of a student to a counseling or treatment program; or
- the transfer of a student to an alternative education program; or
- the referral of a student to the juvenile justice system; or
- disciplinary action against, or the dismissal of, a school employee or notification of law enforcement of the commission of a crime.

10. When are other disruptive incidents reportable?

Other disruptive incidents are reportable if the behavior of the known or unknown perpetrator involved in such incidents is of sufficient seriousness to warrant:

- the suspension of a student; or
- the removal of a disruptive student pursuant to Education Law § 3214; or
- the referral of a student to a counseling or treatment program; or
- the transfer of a student to an alternative education program; or
- the referral of a student to the juvenile justice system; or
- disciplinary action against, or the dismissal of, a school employee or notification of law enforcement of the commission of a crime.

11. Is an incident resulting in an in-school detention reportable?

Whether an incident resulting in detention is reportable depends on the type of offense(s) involved in the incident (see answers to questions 1 through 10). If an incident that results in a detention involves incident categories 1 through 8, 14,15,17,18 or 19 it must be reported. However, since incidents that result in detentions generally tend to involve less serious offenses, most incidents resulting in detentions will not rise to the level of a disciplinary or referral action that will trigger the reporting requirement.

12. Is the threshold for reporting an incident one day of suspension (in-school, out-of-school, or its equivalent) or more than one day of suspension?

Whether an incident resulting in one day of suspension or more than one day of suspension is reportable depends on the type of offense(s) involved in the incident. (See, Answers to Questions 1 through 10.) Generally speaking, incidents that result in suspensions that last for, at least, the equivalent of one full day should be reported.

13. Do court decisions affect reporting on the Summary of Violent and Disruptive Incidents Form?

No. All incidents referred to the justice system must be reported regardless of the legal disposition of the case.

14. What parts of the Individual Incident Report must be completed for incidents that are reportable under Item 2 on the Summary of Violent and Disruptive Incidents Form?

For such incidents check the box in Item 2, page 2 of the Individual Incident Report. These checked boxes are then tallied for the Summary of Violent and Disruptive Incidents Form. Any and all incidents involving bomb threats must be reported.

15. Are incidents involving tobacco reportable?

Incidents involving tobacco are reportable when the incident is determined to be disruptive to the educational process, such as smoking in class, and results in one of the consequences (j-o) listed on the Summary of Violent and Disruptive Incidents Form. These incidents are reported in incident category 20, Other Disruptive Incidents.

16. Why does the Individual Incident Report contain space for information regarding two or more students?

The form is an incident report and sometimes more than one student is involved in the same incident.

17. If an incident results in more than one form of disciplinary or referral action, how should it be reported?

All consequences directly related to the incident should be reported.

18. Referral to a guidance counselor or student assistance counselor does not constitute a "program" per se. Frequently, counselors may serve both in a "referral" and a "preventative" role, so it would be difficult to count all such counseling events. Would it make more sense to report only those incidents that result in a "program" referral, e.g., peer mediation?

You do not need to report all referrals to guidance counselors. The guidance document establishes the threshold for reporting incidents as a referral to 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.

19. Does an alleged incident of Intimidation, Harassment, Menacing or Bullying need to be reported in Item 2 of the Individual Incident Form even if the incident is judged to be unfounded by the principal or other school administrator responsible for student discipline?

Yes, any incident of Intimidation, Harassment, Menacing or Bullying reported to the building principal or other school administrator responsible for student discipline must be reported, regardless of whether the complaint is subsequently determined to be unfounded.

20. Are incidents that violate the district's code of conduct but are not disruptive to the educational process, such as a student cutting school, required to be reported if the school district's disciplinary response meets or exceeds the threshold for reporting?

An incident must be reported if it is disruptive to the educational process and is serious enough to lead to one of the disciplinary or referral actions listed in columns j-o on the Summary of Violent and Disruptive Incidents Form. A student cutting class would generally be a non-reportable incident as it is not disruptive to the educational process.

Please note: *Incidents in categories 1-8, 14, 15, 17, 18 and 19 must be reported in all instances*.

21. When are ordinary items, such as a chair or wrench, considered weapons for VADIR reporting purposes?

For ordinary items like a chair or a wrench to be considered a dangerous or deadly instrument (weapon), it must be possessed with intent to use it unlawfully against another. (See, 8 NYCRR §100.2[gg][1][v][k].) Penal Law §10.00(13) defines a deadly instrument as any instrument, article or substance, including a vehicle, which under the circumstances in which it is used, attempted to be used, or threatened to be used, is capable of causing death or other serious physical injury.

22. How is an incident involving an imitation gun reportable?

Incidents where a student possessed or used an imitation gun, as defined below must be reported as an incident "with a weapon" or in the "weapons possession only" category in case of simple possession. Note however, that in Item 5 on the Summary of Violent and Disruptive Incidents Form, such imitation guns are not classified as firearms, but as "other weapons." Toy or imitation guns that do not meet the imitation gun definition, listed below, are not considered weapons for VADIR purposes.

Imitation Gun Definition:

For VADIR reporting purposes, an imitation gun, means any device or object made of plastic, wood, metal or any other material which substantially duplicates or can reasonably be perceived to be an actual firearm, including but not limited to a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun or spring gun.

A toy or imitation firearm will **<u>not</u>** be considered an imitation gun for VADIR reporting purposes if:

a) the entire exterior surface of such toy or imitation firearm is colored white, bright red, bright orange, bright yellow, bright green, bright blue, bright pink, or bright purple, either singularly or as the predominant color in combination with other colors in any pattern; or
b) such toy or imitation firearm is constructed entirely of transparent or translucent materials which permits unmistakable observation of the imitation or toy firearm's complete contents; and
c) the barrel of such toy or imitation firearm, other than the barrel of any such toy or imitation firearm that is a water gun, is closed with the same material of which the toy or imitation firearm is made for a distance of not less than one-half inch from the front end of said barrel; and
d) such toy or imitation firearm has legibly stamped thereon, the name of the manufacturer or some trade name, mark or brand by which the manufacturer can readily be identified; and
e) such toy or imitation firearm does not have attached thereto a laser pointer.

D. School Safety and Resource Officer

1. What is the definition of a school safety officer (SSO)?

A safety officer as requested in Item 7 of the Summary of Violent and Disruptive Incidents Form refers to a school resource officer(s) who is placed in the school to help ensure a safe and secure environment.

2. **In Item 7 of the Summary of Violent and Disruptive Incidents Form asks whether a police and safety officer is present in a school on a regularly scheduled basis. Who determines what constitutes a regularly scheduled basis for VADIR reporting purposes?**

   The determination regarding what constitutes a regularly scheduled basis for VADIR reporting purposes should be made locally by the school district superintendent or a designated school official/district administrator.

3. **What is the role of the school resource officer (SRO) in reporting violent and disruptive incidents?**

   The role of the SRO in reporting incidents should be determined locally.

E. Specific Incidents

1. **If a student is involved in multiple incidents during a day, should the incidents be reported as one incident or as multiple incidents? For example, in the morning a student is involved in a fight in the school's gymnasium. Later the student steals a wallet from a school locker. After school, the student throws a rock through a car window in the school parking lot. Must this be reported as one incident or as multiple incidents?**

   This example must be reported as three separate incidents because each of these incidents is a distinguishable event. Actions that are linked together in an unbroken chain of events would be reported as one incident (e.g., an incident involving name calling between two students leading to a fight during which one of the students sustains a physical, but not serious, injury, would be reportable in incident category 7 – assault with physical injury).. If a continuous incident involves more than one VADIR incident category, report it in the incident category with the lowest number, which is generally the most severe offense.

2. **A student attends a full or part-time BOCES program that is operated in classroom space rented by BOCES from a component school district. If the student is involved in an incident that takes place in a common area on school property (e.g., a hallway, a cafeteria, a gymnasium, parking lot, etc.) or on school buses that the school district operates or provides by contract, who reports the incident?**

   The school district must report incidents that occur in common areas,, on school property or on the school buses that the school district operates or provides by contract. The BOCES reports incidents that occur on school buses that the BOCES operates or provides by contract with any entity other than the school district.

3. **A student attends a full or part-time BOCES program that is operated in classroom space rented by BOCES from a component school district. If the student is involved in an incident that takes place in the BOCES' classroom, who reports the incident?**

Only the BOCES would report this incident because it occurred in space under BOCES supervision.

4. **When a student with a disability engages in conduct that violates the school district's code of conduct and the conduct has been determined to be a manifestation of the student's disability, is the incident reportable?**

All incidents in categories 1-8, 14-15 and 17-19 that occur on school property or during a school-sponsored or school-authorized extracurricular event or activity are reportable regardless of whether the offender is a student with a disability. The purpose of VADIR is to collect data on all violent and disruptive incidents; there is no automatic exclusion of incidents where the offender is a student with a disability.

Incidents in categories 9-13, 16 and 20 are reportable if the incident resulted in one or more of the disciplinary or referral actions that are listed on the Summary of Violent and Disruptive Incidents Form regardless of whether the offender is a student with a disability.

5. **What types of evidence will the Department consider in determining whether or not a school should be designated as persistently dangerous when some of the reported incidents were a manifestation of a student offender's disability?**

The following is the list of the evidence that a school must submit to the New York State Education Department (NYSED) in support of its position that it should not be designated as persistently dangerous because some of its reported incidents were directly related to a student offender's disability:

1. Documentation, on a form provided by NYSED, that the school has a system of behavior supports that is implemented in the school and a written description of the system that is in place.

2. For each student with a disability whose behavior is categorized as consistent with a weighted violent incident, as defined by the VADIR regulations and glossary, the school must provide each of the following:

    - a current Functional Behavioral Assessment (FBA) for the student offender;

    - a completed review of each FBA, on a form provided by NYSED, that assesses the extent to which the FBA meets the requirements of Sections 200.1(r) and 200.22(a) of the Regulations of the Commissioner of Education;

- a current Behavioral Intervention Plan (BIP) for the student offender;
- a completed review of each BIP, on a form provided by NYSED, that assesses the extent to which the BIP meets the requirements of Section 200.22(b)(4) of the Regulations of the Commissioner of Education; and
- behavioral trend data that documents a reduction in behavioral incidents for the student offender.

6. A student from outside the district, while attending summer school, commits a violent and disruptive incident. Should this student be regarded as an enrolled or non-enrolled student in the district where the incident took place?

A student who is attending summer school outside of his/her school district is not considered enrolled in the district providing the summer school services. Report the incident and the consequence in the appropriate category 1-20 and in Item 3 of the Summary of Violent and Disruptive Incidents Form (Incidents Where the Offender is *Not* an Enrolled Student).

7. **During a routine tour of school grounds, a weapon is discovered. In what category should this incident be reported?**

A weapon discovered during a routine tour of the school grounds/property should be reported in Item 1 - Category 17 (Weapons Possession Only) of the VADIR Form and in Category 17 (Weapons Possession Only) of the Summary of Violent and Disruptive Incidents Form. In this situation no offenders, victims, or consequences would be reported. The incident must also be reported in Item 5a (Other Information Regarding Incidents Involving Weapons).

8. **A group of students attacks another student and in the process of defending himself, the student causes physical injury to one of his attackers. For reporting purposes, must the action of the student attacked be reported as assault with physical injury? If so, is the attacker listed as the victim and the student who engaged in self-defense listed as the offender?**

The directions for both the Individual Incident Report and Summary of Violent and Disruptive Incidents Form state that each incident must be reported in only one category. If an incident involves more than one category, it must be reported in the category that captures the more severe offense. Thus, the victim in the above scenario would be considered the offender for reporting purposes if he caused more physical injury to his attackers than they caused to him. How a school handles the specifics of why the fight occurred and who instigated it is a separate issue.

9. Who are considered Victims of Violent Criminal Offenses for Reporting Purposes?

Pursuant to No Child Left Behind ("NCLB") and Education Law §2802(7) and 8 NYCRR §120.5, students who are victims of the following are considered Victims of Violent Criminal Offenses:

- Homicide;
- Sexual offenses involving forcible compulsion and sexual intercourse, oral sexual contact, anal sexual contact, or aggravated sexual contact with or without weapons;
- Kidnapping - if it involves the infliction of a serious physical injury or the use or threatened use of a deadly weapon;
- Assault with serious physical injury - with or without weapons;
- Assault with physical injury- only if it involves the use or threatened use of a deadly weapon;
- Robbery - only if it involves the use or threatened use of a deadly weapon;
- Reckless endangerment - only if it involves the use or threatened use of a deadly weapon; and
- Burglary - only if it involves the use or threatened use of a deadly weapon.

Where transfer options exist in a school district, victims of violent criminal offenses must be notified of their right to transfer to another school within it.

Data pertaining to both victims of violent criminal offenses and unsafe school transfers is reported in Item 6 on the Summary of Violent and Disruptive Incidents Form.

10. Are school districts required to report violent and disruptive incidents that occur at programs preparing students for GED tests and/or at county jails where the district is providing instruction?

Incidents that occur on the property of a public school, charter school or BOCES are all reportable. It makes no difference whether or not the offender is enrolled in a GED program, enrolled in a program leading to a diploma, or a complete stranger to the school - the incident is reportable if it occurs on school property, during school-sponsored or school-authorized extracurricular event or activity, is violent or disruptive, and meets the disciplinary threshold. Since incarcerated youth programs are conducted off-site, no VADIR reporting is required.

12. If a charter school rents space within a district school building, what part(s) of the building would the charter school consider as its "school grounds" for VADIR 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 from which the charter school rents space must report all incidents that occur in common areas, on school grounds, or on school buses that the district operates or provides by contract.

13. If a charter school is housed within a corporation's office building, what parts of the building are considered "school property" for VADIR reporting purposes?

Any part of the corporation's building that is under the charter school's control would be considered "school property" for VADIR reporting purposes. Additionally, any areas the charter school staff or students had access to under the terms of the lease would be considered under the control of the charter school for VADIR purposes. Thus, 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. Incidents that occur in the parking lot, playing fields, and entrances would have to be reported. 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.

14. Which incident category is used to report altercations involve the intent to injure but result in no injuries?

Incidents involving physical contact but no injury are most appropriately reported in incident category 9 - Minor Altercations.

15. 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?

This would be considered an assault with serious physical injury – incident catgory 4, which is the highest category of offense involved in this incident. Additionally, the incident must be reported as involving two weapons, both of which were knives.

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

The incident must be reported as one incident of weapons possession. The five knives should be listed in the weapons column of the Individual Incident Report and Item 5 of the Summary of Violent and Disruptive Incidents.