

# SAFE SCHOOLS AGAINST VIOLENCE IN EDUCATION ACT



## An Overview and Advice to Locals

*Presented by:  
Albert Comfort*

*Labor Relations Specialists  
Southern Tier Regional Office*

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# Key Components of the Legislation

- A Comprehensive School Safety Plan
- An Emergency Response Plan
- Codes of Conduct
- Teacher Removal of Student and Principal Suspension
- Character Education
- Fingerprinting of Staff
- Child Abuse Reporting and Prohibiting Silent Resignations
- Uniform Violent Incident Reporting
- Reporting Sentences to Schools
- Whistleblower Protection for Employees Reporting Acts of Violence
- Omnibus School Violence Prevention Grant Program
- School Violence Prevention Training
- Health Curriculum Changes to Prevent Interpersonal Violence
- Expanding Teacher Discipline (Part 83)
- Felony Assaults
- Plans for Enrolling Juvenile Delinquents Upon Release



# Codes of Conduct

- “The Board of Education will develop Codes of Conduct in collaboration with students, TEACHERS, administrators, parent organizations, school safety and other personnel for implementation on 7/1/01.”
- The Board of Education must adopt or amend Code of Conduct.



# Major Points of the Code

- conduct, dress and language
- civil and respectful treatment of teachers and others
- the roles of school personnel
- security, standards and procedures
- removal procedures
- disciplinary measures
- provisions for detention
- reporting violations
- students with disabilities
- notifying law enforcement agencies
- notifying parents
- referral to human service agencies
- suspension of students who are disruptive
- suspension of pupils who are violent



# Major Points of the Code (con't)

- The Code must be annually reviewed and updated
  - “If necessary”
  - By a committee of “similar individuals”
- Plain language summary provided annually to:
  - All students
  - Persons in a parental role
  - Teachers
- File Code with SED within 30 days of update. <sup>5</sup>



# Advice to Local Leaders

- “Codes of Conduct” equals “STUDENT’S Codes of Conduct”.
- Designate teachers and other union members who will be involved in the annual review of the “Code of Conduct.”
- Be certain of definitions and timeframes for student discipline.
- Retain flexibility while providing clear and defensible reasons for teacher removal of students.
- Review with LRS for current or potential conflicts with contract.



# Teacher Removal and Principal Suspension

## Key Concepts:

- NYSUT lobbied for right of teacher to remove disruptive students from the classroom.
- Definition of “disruptive” not helpful.
- Local leaders should be certain that the Code contains a clear and unambiguous listing of the categories of behavior that fit within the definition of disruptive and will therefore warrant removal from the classroom.
- Specify the time period of removal.
- Regulations require suspension due process after four removals.



# Principal Suspension

- Principal may now suspend pupils for up to five days without authorization of Board of Education.
- If pupil presents a behavior problem, but is not “disruptive,” teacher may impose traditional discipline.





# Suspension and Teacher Removal

- Gives teacher authority to remove student from the classroom.
- Tied to Code of Conduct.
- Requires teacher to report and refer to principal or superintendent.
- Students with disabilities - ensure compliance with state and federal laws.



# Procedures Required Upon Removal from the Classroom

- Initial notification:
  - teacher notifies principal
  - principal notifies parents
- Student hearing within 24 hours.
- Informal hearing with parents within 48 hours.
- “The principal shall not set aside the discipline imposed by the teacher unless...” (Section 8236, Page 6, 3c).
- Continued educational programming required.
- Principal may designate another administrator to act on their behalf.



# Disruptive Pupil

“For the purposes of this section, a disruptive pupil is an elementary or secondary student under 21 years of age who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.”



# Violent Pupil

- Under 21 years of age.
- Commits an act of violence upon a teacher, administrator or other school employee.
- Commits an act of violence upon school property.
- Possesses a gun, knife, explosive or bomb.
- Threatens to use an instrument of harm.
- Displays what appears to be... or threatens to use a device to cause harm.
- Damages or destroys personal property.
- Damages or destroys school property.



# GREY AREAS

**ARE THERE ANY?**

**How do we address them?**



# COMMITMENT

Examine the **GREY AREA** in terms of **COMMITMENT** (or lack of) to the applicable part of the **CODE OF CONDUCT**.

- **EXPLICITNESS**
- **REVOCABILITY**
- **VOLITION**
- **PUBLICITY**



# EXPLICITNESS:

**IS THE CODE EXPLICIT?** or are certain violations left to interpretation? The violation (or the result of the violation) must be well defined and observable.



# PUBLICITY:

**THE CODE MUST BE WELL PUBLICIZED and WHEN IT IS VIOLATED the COMMUNITY SHOULD BE MADE AWARE.** When the code is violated the community is violated and members of the community have a natural interest in justice. Word of a consistently administered code of conduct builds commitment. “Rumor mills” are not a good way to publicize.





# VADIR Reporting

What does it show?



# Overview of Violence in NYS Schools during 2013–14 Year

<b>Incident Category</b>	<b>With a Weapon</b>	<b>Without a Weapon</b>
1 Homicide	1	0
2.1 Forcible Sex Offenses	1	33
2.2 Other Sex Offenses	5	294
3 Robbery	6	154
4 Assault/Serious Physical Injury	46	509
5 Arson	285	
6 Kidnapping	0	1
7 Assault Physical Injury	755	6,386

2014 New York State Center for School Safety



# Overview of Violence in NYS Schools

<b>■ Incident Category</b>	<b>Weapon</b>	<b>Without Weapon</b>
■ 8 Reckless Endangerment	277	2,192
■ 9 Minor Altercations	1,251	48,704
■ 10 IHMB	995	22,788
■ 11 Burglary	0	80
■ 12 Criminal Mischief	50	2,445
■ 13 Larceny/Other Theft	4	3,699
■ 14 Bomb Threat		108

2014 New York State Center for School Safety



# Overview of Violence in NYS Schools

- Incident Category

■ 15 False Alarm	274
■ 16 Weapons Possession	5,075
■ 17 Drug Possession	5,076
■ 18 Alcohol Possession	1,366
■ 19 Other Disruptions	86,796

- ***Total Student Population 2,691,905***

2014 New York State Center for School Safety



# Assaults on Public School Employees

- Elevates what was previously a misdemeanor, to a Class D felony
- Acting on school grounds
- Acting with intent to cause physical injury
- Causes physical injury to school employee
- Effective November 1, 2000



# Assaults Upon Students

- Elevates what was previously a misdemeanor, to a Class D felony
- Non-student of the school, acting on school grounds
- Acting with intent to cause physical injury
- Causes physical injury to a student present for educational purposes



# Best Practices: VADIR

- Provide on-going staff training
- Enforce the Code of Conduct consistently and equitably
- Align the Code of Conduct with VADIR
- Ensure districts understand how to analyze and use data

2008 New Yk State Center for School Safety



# Dignity for All Students Act DASA

- Chapter 482 of the Laws of 2010
  - Effective July 1, 2012
- Goal – Promote a safe and supportive learning environment in all schools, free from harassment and discrimination.





# Requires Districts and Schools to Prevent and Address bullying through:

- Implementing sensitivity and tolerance curricula for students
- Revising the CODE OF CONDUCT to foster a school environment free from harassment and discrimination
- Designate a School Dignity Act Coordinator to be trained in non-discriminatory instructional and counseling methods, preventing and responding to incidents , and reporting the same
- Provide staff training to raise awareness and sensitivity of school employees
- Reporting of Bullying incidents to the State



# Bullying is an act of Harassment

- An intentional act of aggression, based on an imbalance of power, that is meant to harm a victim either physically or psychologically.
- Can occur as a single event or be repeated over time.



# Student Instruction and Curricula

- Requires Classroom Instruction in :
  - Civility
  - Citizenship
  - Character
  - Honesty
  - Tolerance
  - Personal Responsibility
  - Respect for all
  - Dignity for all



# Types of Bullying

## ■ Physical

- Hitting, punching, slapping
- Kicking, Pushing  
Scratching
- Damaging or Stealing property

## ■ Verbal

- Name Calling, Teasing
- Threats
- Making offensive remarks
- Making discriminatory remarks
- Telling offensive jokes

## ■ Social/Emotional

### Relational

- Excluding or threatening to exclude from a group
- Ostracizing, alienating
- Threatening looks
- Threatening gestures
- Spreading rumors/gossip
- Extortion
- Singling out a person



# DASA Prohibits harassment with respect to certain non-exclusive protected classes whether they are actual or perceived

- Race
- Color
- Weight
- National Origin
- Ethnic Group
- Religion, Religious Practices
- Disability
- Sex, Sexual Orientation



# DASA Statistics 2013-2014

<u>Nature of Harrassment</u>	<u>Number of Incidents</u>
• Race	1,782
• Ethnic Group	481
• National Origin	371
• Color	447
• Religion	240
• Religious Practices	118
• Disability	716
• Gender	1,147
• Sexual Orientation	1,578
• Sex	1,554
• Weight	1,362
• Other	13,829



# Cyberbullying Law

- Effective July 1, 2013
- Requires all school staff to report any incident of cyberbullying to the Principal, Superintendent , or DASA Coordinator
- “Cyberbullying has become a dangerous trend and this legislation gives parents and students the tools needed to overcome it. Standardized policies and procedures will guide teachers and school staff so that they are better equipped to respond to harassment and bullying withn the classroom and beyond.” Assemblyman Kenneth Zebrowski (D- NYC)



# Cyberbullying Statistics

2013-2014

<u>Nature of Harrassment</u>	<u>Number of Incidents</u>
• Race	164
• Ethnic Group	45
• National Origin	36
• Color	51
• Religion	23
• Religious Practices	7
• Disability	45
• Gender	166
• Sexual Orientation	236
• Sex	286
• Weight	147
• Other	2,023





# Prevention

- All adults should:
  - Display warm, positive interest and involvement
  - Establish clear rules which are implemented consistently and with respect
  - Use mentoring connections to build connections with all students
  - Alert students and others if they are displaying unacceptable behavior toward others
  - Help students understand the power they have when they intervene to make a difference
  - Teach students about the reporting system and policies in your school



# Remember.....

- Research shows that in schools where bullying is not an issue, **EVERY** child has at least one adult in the school that they feel comfortable talking to.

