

ELECTRONIC VIOLENCE AND VANDALISM REPORTING SYSTEM (EVRVS)

Definitions and Scenarios

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Contact Information

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State Requirements

- ▣ ***N.J.S.A. 18A:17-46: Reporting of Act of Violence by School Employee; Annual report; Public Hearing***
 - Employee required to file a report;
 - Superintendent required to conduct public hearing, annually;
 - State Board of Education to adopt regulations regarding penalties for falsification; and
 - LEAs required to provide majority representative with monthly access to the number and disposition of reported acts.

N.J.A.C. 6A:16-5.3, Incident reporting of Violence, Vandalism and Substance Abuse (VVSA)

- ▣ Reporting form must include all information required on the EVVRS
- ▣ The principal must:
 - Review incident for accuracy;
 - Forward a copy to the Chief School Administrator (CSA); and
 - Notify the CSA of action taken.

N.J.A.C. 6A:16-5.3, Incident Reporting of Violence, Vandalism and Substance Abuse (cont.)

▣ The CSA annually must:

- Submit a report to the Commissioner of Education (*using the EVVRS*);
- Review and verify reported incidents (*via faxback form to the NJDOE*);
- Provide training for staff on reporting requirements; and
- Conduct a public hearing to the district board of education on all acts of violence, vandalism and substance abuse that occurred the previous school year.

N.J.A.C. 6A:16-5.3, Incident Reporting of Violence, Vandalism and Substance Abuse (cont.)

- ▣ Each district must adopt and implement procedures for any school employee that knowingly **falsifies** information or incidents found in the annual report
 - District responsibilities
 - Employees have the right to file a grievance under their respective bargaining agreements and they have the right to appeal the decision made by the Commissioner of Education and State Board of Education

N.J.S.A. 18:36–5.1 and N.J.A.C. 6A:16–5.2, “School Violence Awareness Week”

- Begins the third Monday in October each year
- Organized activities
 - Age appropriate
 - Conflict resolution
 - Issue of student diversity
 - Law enforcement must be invited to discussions
- NJDOE issued guidance at <http://www.nj.gov/education/students/safety/behavior/violence.shtml>

Specific Types of Offenses in Statute and Regulation

- ▣ *N.J.S.A. 18A:37-7 et seq.* and *N.J.A.C. 6A:16-5.5*, Removal of Students for Firearms Offenses
 - Automatic removal of general education student for not less than one calendar year
 - Students with disabilities are removed pursuant to *N.J.A.C. 6A:14*
- ▣ *N.J.S.A. 18A:37-2.2 et seq.* and *N.J.A.C. 6A:16-5.6*, Removal of Students for Assaults with Weapons Offenses
 - Does *not* include firearms
 - Student removal must not exceed one calendar year

Specific Types of Offenses in Statute and Regulation

- ▣ *N.J.S.A. 18A:37-2.1* and *N.J.A.C. 6A:16-5.7*, Assaults on District Board of Education Members or Employees
 - District *must* respond in a particular way when assaults on employees and board members occur.
 - The law signals a clear line between the adults in the school and the students.
 - Gravely impacts school climate and culture if there are assaults on individuals who are in charge of the building.

The Two Components of the EVVRS

- ▣ Incidents of Violence, Vandalism and Substance Abuse (VV-SA).
 - General Education Students
 - Special Education Students
- ▣ Suspensions of students with disabilities.
 - Report the suspension of students, lasting at least one-half day from their IEP placement for reasons other than violence, vandalism, weapons and substance abuse (VV-SA)
- ▣ The following information applies only to incidents of VV-SA.

Entities Required to Report Incidents on the EVVRS

- ▣ Public Schools
- ▣ Charter Schools
- ▣ Jointure Commissions
- ▣ Educational Services Commissions
- ▣ Approved Private Schools for the Disabled

Individuals Required to Report Incidents on the EVVRS

- ▣ All school employees must report incidents that occur during the course of their employment

What to Report on the EVVRS

- ▣ Incidents of violence, vandalism, weapons, and substance abuse that occur on school grounds, including in school buildings and on school buses.
- ▣ Removal of students with disabilities for reasons not related to violence, vandalism, weapons, or substance abuse for one half of a school day or more.

Definition of School Grounds

(*N.J.A.C. 6A:16-1.3*)

- ▣ All school property used during academic and extracurricular programs, including:
 - Land
 - Buildings
 - Vehicles
- ▣ Other facilities, such as municipal playgrounds and recreational facilities owned by others, when the school district has exclusive use of a portion of the land.

What NOT to Report on the EVVRS

- ▣ Any incidents not on school grounds, including school buildings and school buses;
- ▣ Any incidents between staff members or other adults;
- ▣ Any incidents where a staff member commits an otherwise EVVRS reportable offense on a student; and
- ▣ Any incidents that are not found in the EVVRS definitions.

EVVRS Recent Modifications

- Only report Weapon Possession and Sale/Distribution Offenses when there has been a one-day suspension as a result of the incidents
 - Origin of change:
 - ⑩ The USDOE's definition of weapons offense includes the one-day suspension criteria.
- Simple and Aggravated Assaults
 - Collapsed into one category, assaults only;
 - Must determine the type of injury, whether it is minor or major;
 - Identifying the type of injury will determine whether the offense is a simple assault or aggravated assault.
 - Origin of change:
 - Definitions were confusing and difficult to apply. The change provides schools with more objective criteria for reporting assaults. Specifically, the type of injury (major or minor) determines the type of assault.

EVVRS Recent Modifications

▣ Fire Alarm Offense

- When the fire alarm is pulled and there is no emergency, it must be reported
- Origin of change:
 - Cost to the school
 - Creates a safety hazard by detracting resources from “real” emergencies

▣ Extortion definition modification

- Attempting to obtain or obtaining money or any material thing (regardless of value) from another by means of a stated or implied threat of future violence, or **threats to make false charges against someone or to blackmail someone**
- Origin of change:
 - Clarification to distinguish “extortion” from “robbery “and “harassment, intimidation, bullying, threat”

EVVRS Recent Modifications (cont.)

- Age and cognitive/developmental maturity may be considered in the following incidents only, because the statutory definition for these incidents includes consideration for age and cognitive/developmental maturity:
 - Assault;
 - Criminal Threat;
 - Sex Offense;
 - Damage to Property; and
 - Theft.

- The age and cognitive/developmental maturity standard should be used only in the applicable offenses and after careful consideration. Most students understand the impact of their actions. It can be extremely difficult for a school administrator to determine and prove students were not cognitively mature enough to understand the possible effects of their actions.

EVVRS Recent Modifications (cont.)

- ▣ Offenses when the age and cognitive/developmental maturity standard does not apply:
 - Extortion
 - Fight
 - Harassment, Intimidation , Bullying and Threat
 - Kidnapping
 - Robbery
 - Arson
 - Bomb Threat
 - Burglary
 - Fake Bomb
 - Fire Alarm
 - Fireworks
 - All substance abuse offenses
 - All weapons offenses
 - Bomb offenses either exploded or unexploded.

EVVRS Recent Modifications (cont.)

- ▣ Consideration of Age and Cognitive/Developmental Maturity Standard
- ▣ *In order to accurately apply the cognitive/developmental maturity standard for offenders, the observer must be sure that the offender is cognitively and developmentally mature enough to understand the potential consequences of his or her actions.*
- ▣ *If a student commits one of the five offenses, but the age and cognitive/developmental maturity standard is not met, the district should proceed as follows:*
 - *If the offender is a student with a disability and is subsequently suspended for the behavior, the incident must be reported.*
 - *If the offender is a student with a disability, but is not suspended for the behavior, the incident must not be reported using the EVVRS.*
 - *If the offender is a general education student, the incident must be reported using the EVVRS.*

EVVRS Incident Definitions – Violence

- ▣ Assault*
- ▣ Criminal Threat*
- ▣ Harassment, Intimidation Bullying and **Threat***
- ▣ Extortion*
- ▣ Fight
- ▣ Kidnapping*
- ▣ Robbery*
- ▣ Sex Offense*

* An asterisk indicates that the offense type is used in the identification of persistently dangerous schools.

EVVRS Incident Definitions – Vandalism

- ▣ Arson*
- ▣ Bomb Threat
- ▣ Burglary
- ▣ Theft
- ▣ Damage to Property
- ▣ Fake Bomb
- ▣ Fire Alarm
- ▣ Fireworks Offense
- ▣ Trespassing

* Indicates that arson is used in the identification of persistently dangerous schools when a victim type has been identified.

EVVRS Incident Definitions – Substance Abuse

- ▣ Suspected Use - Confirmed
- ▣ Possession
- ▣ Sale/Distribution*
- ▣ Substance Type

* Indicates that the offense type is used in the identification of persistently dangerous schools when a victim type has been identified.

EVVRS Incident Definitions – Weapons

▣ Weapons Offense*

- Possession
- Used in Offense
- Sale/Distribution

▣ Bomb Offense*

- Exploded
- Unexploded

*Indicates that the offense type is used in the identification of persistently dangerous schools when a victim type has been identified.

EVVRS and USCO

- ▣ Unsafe School Choice Option Policy
 - To provide safety and security for students to prevent unnecessary or extended interruptions to student learning.
- ▣ Provision I
 - Persistently Dangerous Schools - Corrective Action Plans and Student Transfers
 - Early Warning Schools - School Safety Plans
- ▣ Provision II
 - Victims of Violent Criminal Offenses

PDS Determining Incidents

- ▣ Category A offenses are as follows:
 - A firearms offense set forth by New Jersey statute in accordance with the federal Gun-Free Schools Act.
 - An aggravated assault upon a student.
 - An assault with a weapon upon a student.
 - Any assault upon a member of the school district staff.
- ▣ Category B offenses are as follows:
 - Simple Assault on a student.
 - Possession or sale of a weapon other than a firearm.
 - Gang Fight.
 - Robbery or Extortion.
 - Sex Offense.
 - Criminal Threat.
 - Arson.
 - Sale and Distribution of Drugs (excluding possession with intent).
 - Harassment, Intimidation, Bullying or Threat.

Criteria for Determining PDS

- ▣ A school that meets any of the two criteria in each of three consecutive school years and is part of an LEA will be determined to be persistently dangerous.
 - The school has seven or more Category A offenses;
 - or
 - The school has a score of 1.0 or greater on the index of Category B offenses where the index is defined as the result of dividing the number of Category B offenses by the square root of the school's enrollment.

Scenario 1

◎ A sophomore student walked up to a freshman student and pushed him into a locker, punched him in the stomach and kicked him when he fell to the ground. The sophomore called the freshman “gay boy.” An administrator witnessed the incident and intervened. The victim walked away from the incident with bruises and scratches.

◎ Incident Category

- Assault
- Bias Incident

Discussion

- ▣ What is the definition of an assault?
 - A person attempts to cause - or purposely, knowingly, or recklessly causes - bodily injury to another. *One needs to consider age and developmentally appropriate behavior before using this category.*
- ▣ Why is *Scenario 1* an assault and not a fight?
 - The victim chose not to mutually engage the offender once the incident occurred. The victim chose not to reciprocate or continue the confrontation with the offender.
- ▣ When would the scenario be considered a fight and an assault?
 - If the scenario began as an assault with no provocation, but a mutual engagement ensued as a result of the assault, the incident would be an assault and a fight.
- ▣ Why was bias included in this incident?
 - The administrator witnessed the offender call the victim “gay boy,” and the administrator perceived this as the reason for the assault.

Scenario 2

- ▣ Two students were seen smoking marijuana off school grounds, in the park across the street from the school, by a teacher from their school who was jogging in the park. The teacher immediately reported the incident to the police and reported it to school administrators first thing the next day.
- ▣ Incident Type
 - Not reportable

Discussion

- ▣ Why was *Scenario 2* not reportable?
 - The incident occurred off school grounds.
- ▣ What would have made this scenario a reportable incident?
 - If the teacher had caught the student smoking marijuana on school grounds, such as on the school track field or in the locker room.

Scenario 3

- ▣ A 6th grade special education student was angry at the teacher because the student received a poor grade on a spelling test. The student went to the teacher's desk, kicked him in the shin and stated that she was going to send her father to the school to kill the teacher.
- ▣ Incident Type
 - Assault

Discussion

- ▣ Why was *Scenario 3* categorized as an assault, even though the student was a special education student?
 - The definition of an assault includes knowingly causing bodily injury. To know that you will injure someone requires a certain level of developmental maturity. After consideration of the student's age and developmental maturity, it was determined that the student was aware of the consequences of her actions (e.g., kicking would hurt the teacher), even though the student was a special education student.

- ▣ Why wasn't this scenario also classified as a criminal threat?
 - As a result of a consultation with a member of the student's I.E.P. team, it was determined that the offender did not understand the meaning of death (e.g., the finality of the threat) and, therefore, could not understand the ultimate consequence of the death threat.

Discussion (continued)

- ▣ What could change in this scenario to make it not reportable?
 - If the student had a more severe disability it would likely be determined by the student's I.E.P. Team that the student could not understand the meaning of what she said or that the action was a manifestation of the student's disability.
 - Therefore, in this case she would not meet the cognitive and developmental maturity standard for the principal to determine that the incident is reportable on the EVVRS.

Scenario 4

- ▣ Paul, a student with a disability, and Rich, a general education student, both sophomores, were punching each other in the hallway when the wrestling coach ordered the boys to “break it up.” When they did not stop, the coach stepped between the boys in an attempt to stop the fight, and Paul struck him on the side of the head. Horrified that he struck the coach, Paul immediately stopped punching and apologized many times.
- ▣ Incident type
 - Fight
 - Assault

Discussion

- ▣ Why is *Scenario 4* a fight and an assault?
 - A fight because the students were mutually engaged in a physical confrontation.
 - An assault with the teacher as the victim because the student was aware of the coach's presence, and, therefore, recklessly caused bodily injury to the coach.

- ▣ What could be different in this scenario to change the reporting decision?
 - If the student who struck the coach was not aware of his presence, the incident would only be a fight.

Scenario 5

□ While on the school bus, several students repeatedly called James “homo” and “gay” and directed other comments to him in regard to sexual orientation. Today, when James was getting on the bus, the same students shoved him up the steps. While riding to school, the students openly passed around a derogatory note about him. When James got to school he told his 8th-grade homeroom teacher about the incidents, adding that he was very upset, was tired of the abuse, and did not want to come to school anymore because of it.

□ Incident Type

- HIBT
- Bias

Discussion

- ▣ Why is this incident categorized as an HIBT incident?
 - The students' actions (verbal and written communications, shoving) caused James to feel insulted and demeaned and caused a substantial disruption on the bus. James was alarmed and harmed emotionally by their behavior.
- ▣ Why is this incident also classified as a bias incident?
 - The students' behavior was motivated by bias perceptions of James's sexual orientation.

Scenario 6

- ▣ Shannon and Tracey were arguing during 6th-grade math class. When the teacher intervened, Shannon called Tracey a name that is considered a racial slur. The teacher reprimanded Shannon, classroom instruction continued, and nothing more happened between the girls. The teacher spoke with Tracey after class and determined that she was not upset about the incident. Tracey told the teacher that she knew that Shannon did not intend to hurt her by making the comment and that they were still friends.
- ▣ Incident Category
 - Not reportable

Discussion

- ▣ Why is *Incident 6* not reportable?
 - Tracey indicated that she was not upset with the remark, and she was neither alarmed nor harmed by the remark.
- ▣ Definition of HIBT
 - Any gesture, written, verbal, or physical act, or electronic or wireless communication that:
 - ▣ A reasonable person should know, under the circumstances, will have the effect of **alarming** (i.e., fear created by imminent danger) or **harming** (e.g., physically, emotionally) a student or staff member, or of damaging their property.

Scenario 7

- ▣ Billy approached Anne from behind and touched her buttocks with his hand. Anne was upset and reported the incident to the assistant principal. She told him she was angry and embarrassed. The principal spoke to Billy, who admitted touching Anne but said that he did not mean anything by it.
- ▣ Incident Type
 - Sex Offense

Discussion

- Why is this incident categorized as a sex offense?
 - By approaching Anne and touching her buttocks, Billy forced sexual contact on Anne
 - Also, Billy did not intentionally touch Anne's buttocks (intimate body part) with the purpose of degrading or humiliating her. However, Anne felt degraded and humiliated.
- When would the incident not be reported?
 - If the victim reported the incident, but said she did not feel degraded or humiliated.

Scenario 8

- ▣ Craig approached Nikki as she left the restroom and said, “Give me some money, now!” When Nikki hesitated, Craig repeated his demand, adding “or you won’t know what hit you.” Nikki gave him some money and ran down the hall to the office, where she explained to the principal that she gave Craig the money out of fear of being hurt.
- ▣ Incident Category
 - Robbery

Discussion

- ▣ Why would this scenario be reported as robbery?
 - Craig threatened to immediately assault Nikki, which frightened her into giving him the money.
 - The EVVRS definition of Robbery incorporates the concept of threat, therefore do not report the incident as HIBT.

Scenario 9

- ▣ While in the lunch line, Anthony told Terrell, “You better have my \$20 tomorrow, if you know what is good for you. Remember what happened last time.” Terrell did remember last time: Anthony had followed him home from school, knocked him down, and kicked him. The next morning, Terrell gave Anthony the money, then reported the incident to his teacher.
- ▣ Incident Type
 - Extortion

Discussion

- ▣ Why is this scenario reported as extortion and not HIBT?
 - The EVVRS definition of Extortion incorporates the concept of “threat,” the incident would not be reported under the HIBT category.

Scenario 10

- ▣ Maribella, a 7th-grade girl, was found with a pocket knife in her jacket. She explained that she needed it for protection against another girl who had threatened her. When the incident was reported to administrators, Maribella was immediately suspended for one, full school day.

- ▣ Incident Category
 - Weapon - Possession

Discussion

- ▣ What made this incident an EVVRS reportable weapons offense?
 - Maribella possessed an object that is readily capable of lethal use or of inflicting serious bodily injury, and she was suspended for one, full day as a result of the weapons possession.

- ▣ What could make this incident not reportable?
 - If Maribella, as a result of this incident, was not suspended but received an alternate consequence, or did not receive a consequence, this incident would not be reported on the EVVRS.

Concluding Remarks

- ▣ Have a clear understanding of your rights and responsibilities and the school district's responsibilities regarding violence, vandalism and substance abuse (VV-SA) incident reporting;
- ▣ Become actively involved in the prevention of incidents of VV-SA by improving the school climate and culture; and
- ▣ Use the VV-SA data for program planning, problem analysis, funding applications, school comparison, and comparison of state and national data.

Web Resources

- ▣ New Jersey Department of Education
 - www.state.nj.us/education
- ▣ Rutgers Safe and Drug-free Schools and Communities Project
 - <http://sdfsc.rutgers.edu/index.php>
- ▣ Violence and Vandalism Reports to the Legislature
 - <http://www.nj.gov/education/schools/vandv/>
- ▣ Model Policy and Guidance for Prohibiting HIB on school property, at school sponsored functions, and on school buses
 - <http://www.nj.gov/education/parents/bully.htm>
- ▣ The Electronic Violence and Vandalism Reporting System
 - <http://homeroom.state.nj.us/index.htm>

Additional Web Resources

- ▣ National Center for School Engagement:
Truancy Tool kit
 - <http://www.ncjrs.gov/pdffiles1/pr/217271.pdf>
- ▣ National School Climate Center
 - <http://www.schoolclimate.org/climate/>
- ▣ Collaborative for Academic, Social, and Emotional Learning (CASEL)
 - <http://www.casel.org/>