

2009-2010
School Safety and Discipline Report
Instructions
Version 1

Questions concerning this report should be referred to:
THE MASSACHUSETTS DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Information Services/Data Collection
781-338-DATA (3282)

Purpose:

These reports gather information on:

1. all incidents involving drugs, violence or criminal incident on school property and the resulting disciplinary actions imposed on the student offenders involved, and
2. data on any other General Education students receiving suspensions of more than 10 consecutive school days (including expulsion) for non-drug or violence related activities.
3. data on all other Special Education students receiving any disciplinary action for non-drug or violence related activities.

Background:

Various federal and state statutes require the collection, monitoring and reporting of data relative to school safety, student behavior and discipline:

The Federal Gun-Free Schools Act (Section 14601 of the Improving America's Schools Act) includes re-authorization of the Elementary and Secondary Education Act (ESEA). It requires each state to provide annual reports to the Secretary of Education concerning implementation of the Act's requirements.

The Federal Safe and Drug-Free Schools and Communities Act requires the Secretary of Education to report to Congress the frequency, seriousness and incidence of violence in schools in the States.

The Federal Individuals with Disabilities Act (IDEA) requires each state to report annually to the Secretary of Education the number of children with disabilities disciplined for drug, weapon or other offenses.

The Massachusetts Education Reform Act of 1993 requires that every school district report annually to the ESE on statistics relative to suspensions and expulsions.

Several different data collection instruments were developed over the years to satisfy these reporting requirements:

Gun-Free Schools Report
Safe and Drug-Free Schools and Communities Report
Special Education Discipline Report
Student Exclusion Report
Year-End School Indicator Report (YESIR)

In order to reduce the reporting burden placed on the schools and districts by all of these reports and meet the new requirements of the most recent re-authorization of ESEA (NCLB), we have consolidated the above forms into two reports, (a) **Violence, Drug or Criminal-Related Incidents** and (b) **Student Discipline Records**.

Each time a violence- or drug-related incident occurs on school property, all public schools in Massachusetts are required to file (1) a single Incident Report and (2) a Student Discipline Record for each student offender reported on the Incident Report. A Student Discipline Record must also be completed for non-drug or violence related incidents which result in suspensions of more than 10 consecutive school days for General Education students, or which result in any disciplinary action for Special Education students.

Definitions –Violence, Drug or Criminal-Related Incidents on School Property

Incident: A violation of a statute or regulation; it may involve one or more victims and/or one or more offenders. Incidents include the following: homicide; sexual battery (including rape); robbery; battery; breaking and entering/burglary; larceny/theft; motor vehicle theft; kidnapping; arson; threat/intimidation; use or possession of drugs (other than alcohol); sexual harassment; sex offenses (non-forcible); vandalism; weapon possession; unclassified offenses; alcohol (liquor law violations); tobacco (where declared illegal); trespassing; fighting; disorderly conduct; as well as other major offenses; and other state (district or municipal) defined offenses. See Appendix A for offense definitions.

Non-school personnel – An individual who was neither a student nor school personnel for the district reporting the incident.

Non-student – An individual who is not a student in the school or district reporting the incident.

Offender – Any individual, whether student or not, involved in committing an incident of prohibited behavior. There may be more than one offender involved in any single incident.

School personnel – A teacher, administrator, or other school staff member such as support staff or maintenance worker; includes a school-based law enforcement officer such as a school resource officer.

Student – an individual who is enrolled as a PK-12 student in the school district reporting the incident at the time the incident occurred.

Weapon – Any instrument or object possessed or used to inflict harm on another person, or to intimidate any person. Examples include firearms of any kind (operable or inoperable, loaded or unloaded); all types of knives, chains, pipes, razor blades or similar instruments with sharp cutting edges; ice picks, dirks, other pointed instruments (including pencils, pens); nunchakus; brass knuckles; Chinese stars; billy clubs; tear gas guns; electrical weapons or devices (stun guns); BB or pellet guns; and explosives or propellants.

Weapons-related incident – Any incident that involves possession, use, or intention of use of any instrument or object to inflict harm on another person, or to intimidate a person, as well as any incident that is somehow related to the possession, use, or sale of weapons but where the possession, use, or sale of weapons was not the main offense (e.g., burglary, trespassing, vandalism); in other words, any incident for which a weapon is present.

Other illegal substances – This would include all illegal drugs (hallucinogens, cocaine, ecstasy, etc) and also the illegal use of substances that may be legal elsewhere (e.g. prescription drugs, steroids, inhalants).

On school property – For purposes of this report, “school property” includes not only the school and school grounds, but also school buses and places where school-sponsored events (dances, trips, sporting events, proms, etc.) are being held.

Physical Injury - Incidents with injury include those in which one or more students, school personnel, or other persons on school grounds require professional medical attention. Examples include stab or bullet wounds, concussions, fractured or broken bones, or cuts requiring stitches.

Definitions – Student Discipline Record

SASID – The state assigned student identification number (SASID) should be used to identify the student each time a disciplinary record is filed for that student. If a student is excluded more than once during the school year, records should be filed as described below:

Example

A student is excluded in October and returns to school. In February, the same student is excluded again. Two records should be submitted, one for each exclusion. The second record should be submitted using the same student ID number (SASID) that was submitted on the first record.

Disciplinary action - reported

In-school suspension is defined as a disciplinary action imposed by school officials to remove a student from participation in school activities for 1 day or more. Students suspended in school remain in school during the suspension period but are removed from academic classes and placed in a separate environment.

Out-of-school suspension is defined as a disciplinary action imposed by school officials to remove a student from participation in school activities for 1 day or more. Students suspended out-of-school are not in school during the period of their suspension at any time.

Permanent Exclusion (Expulsion) from school is defined as a disciplinary action imposed by school officials to permanently remove a student from participation in all school activities. Student is ineligible to return to school.

Disciplinary action – not reported

After school detention, Saturday programs or half-day suspensions.

Unilateral Removal – Instances in which school personnel (not the IEP team) order the removal of children with disabilities from their current educational placement to an appropriate interim alternative educational setting for not more than 45 school days. **The IEP team is responsible for determining the interim alternative educational setting. Unilateral removals do NOT include decisions by the IEP team to change a student’s placement.**

Removal by a Hearing Officer – Those instances in which an impartial hearing officer orders the removal of children with disabilities from their current educational placement to an appropriate alternative educational setting for not more than 45 school days based on the hearing officer’s determination that the public agency has demonstrated by substantial evidence that maintaining the child’s current placement is substantially likely to result in injury to the child and youth, or others.

Interim Alternative Educational Setting – An appropriate setting determined by the child’s IEP team in which the child is placed for no more than 45 school days. This setting enables the child to continue to progress in the general curriculum; to continue to receive the services and modifications, including those described in the child’s current IEP; and to meet the goals set out in the IEP. Setting includes services and modifications to address the problem behavior and to prevent the behavior from recurring.

Serious Bodily Injury – bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

Appendix A

Offense Definitions

The following definitions have been adapted from *Safety in Numbers* a National Center For Education Statistics publication. The document can be found at <http://nces.ed.gov/forum/publications.asp>. This information is being provided as guidance to assist in reporting violence and drug related incidents. It is not intended to replace local discipline code definitions or state or federal laws.

Type of Offense	Definitions
1. Illegal substances	
a. Tobacco use	Smoking, chewing or otherwise using tobacco (cigarettes, cigars, pipes or smokeless tobacco)
b. Alcohol possession	Having alcoholic beverages in one's pocket(s), bag(s), car, locker, etc.
c. Alcohol use	Drinking alcoholic beverages
d. Marijuana possession	Possession of marijuana in one's pocket(s), bag(s), car, locker, etc.
e. Marijuana use	Smoking or otherwise using Marijuana
f. Possession of other illegal substances	Possession of other illegal substances not mentioned above
g. Illegal use of other substances	Illegal use of other substances not mentioned above
h. Sale of illegal drugs	Selling illegal drugs
i. Possession of illegal drugs with intent to sell	Possession of an illegal drug not mentioned above with the intent to sell
2. Physical fight	Mutual participation in an incident involving physical violence. No victims, only offenders.
3. Threat of physical attack	Any threat (verbal, written, or electronic) by a person to commit a physical attack/injury.
4. Physical Attack (Battery)	Touching or striking another person against his or her will or intentionally causing bodily harm to an individual. Must be victim(s) and offender(s).
5. Sexual Harassment	Unwelcome sexual advances, requests for sexual favors, other physical or verbal conduct or communication of a sexual nature, including gender-based harassment that creates an intimidating, hostile, or offensive educational or work environment.
6. Sexual assault	Oral, anal or vaginal penetration forcibly or against the person's will or where the victim is incapable of giving consent. Includes rape, fondling, indecent liberties, and child molestation.
7. Theft (school, staff or student property)	The unlawful taking of property belonging to a school, a school staff member or a student without threat, violence or bodily harm.
8. Threat of robbery	Any threat (verbal, written, or electronic) by a person to commit a robbery.
9. Robbery using force	The taking of, or attempt to take, anything of value

	that is owned by another person or organization by force or threat of force or violence. A key difference between robbery and theft is that the threat of physical harm or actual physical harm is involved in a robbery.
10. Vandalism/Destruction of property	Willful and malicious destruction or defacement of school property or of personal property belonging to a school staff member or a student.
11. Destruction of school property due to arson	The unlawful and intentional damage, or attempt to damage, any school property by fire or incendiary device. Firecrackers, fireworks, and trashcan fires would be included in this category if they were contributing factors to a damaging fire.
12. Kidnapping (Abduction)	Unlawful seizure, transportation, and/or detention of a person against his/her will, or of a minor without the consent of his/her custodial parent(s) or legal guardian. This category includes <u>hostage taking</u> .
13. Homicide (murder or manslaughter)	Killing a human being.
14. Weapon on school premises	
a. Knife	The weapon involved was a knife or cutting instrument.
b. Gun/Firearm	A firearm is any weapon which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon/ any firearm muffler or firearm silencer; or any machine gun.
1. Handgun	The weapon involved was a handgun or pistol.
2. Rifle	The weapon involved was a rifle.
3. Shotgun	The weapon involved was a shotgun.
4. Other type of firearm	The weapon involved was another type of firearm not named above, including zip guns, starter guns, and flare guns.
c. Explosive or incendiary device	The weapon involved was a bomb, grenade, rocket, missile, mine or other incendiary device
d. Other weapon (describe)	The incident involved a weapon other than those described above, such as firecrackers or fireworks.
15. Other violence or substance-related incident	Any significant violence or drug-related offense not previously mentioned
16. Felony conviction outside of school	Please indicate type of felony

Appendix B

Reporting Samples – General Education

It is recommended that this form be used along with a copy of the Incident and Discipline Report. These forms are posted at:

<http://www.doe.mass.edu/infoservices/data/schedule.html>

Incident Description	Incident Report		Discipline Report	
	Form ?	Information Reported	Form ?	Information Reported
A general education student steals a teacher's purse. As a result he is suspended from school for 5 days. He refused alternative education during this time.	Yes	<ul style="list-style-type: none"> Line 7 = check off <ul style="list-style-type: none"> Number of Victims, School Personnel = 1 Number of Offenders, Student = 1 	Yes	<ul style="list-style-type: none"> Enter student SASID Line 7a = 2nd button Line 8 – enter start date Line 9 – enter date returned to school Line 11 = 5 Line 12 = No Line 14 = 2nd button
The computer lab in the school is vandalized. The 3 adults responsible are former students of the school.	Yes	<ul style="list-style-type: none"> Line 10 = check off <ul style="list-style-type: none"> Number of Offenders, Non-Student = 3 	No	Since the offenders are not presently students of the school and no disciplinary action was taken a Discipline Report is not completed
3 students engage in a fight and physical restraint is necessary to stop it. All 3 students are disciplined. They received an in-school suspension for 3 days and receive alternative education during that time. All three students are in general education programs	Yes	<ul style="list-style-type: none"> Line 2 = check <ul style="list-style-type: none"> Number of Offenders, Student = 3 	Yes	<ul style="list-style-type: none"> Enter SASID for student # Line 7a = 1st button Line 8 – enter start date Line 9 – enter return date Line 11 = 3 Line 12 = Yes Line 13 = 2nd button <p>Enter SASID for student #2 complete same information as student #1, follow the same procedure for student #3.</p>

2 students engage in "horseplay". No disciplinary action is taken	No		No	
After a series of unexcused absences, late arrivals and early departures, a student is suspended, in school, for 15 school days. It is a general education student. No alternative education is provided.	No	Since this is not a Violence or Drug-related Incident an Incident Report should not be completed	Yes	<ul style="list-style-type: none"> • Enter SASID • Line 7a = 1st button • Line 8 = enter start date • Line 9 = enter date returned to school • Line 11 = 15 • Line 12 = No • Line 14 = 4th button
An incident occurred involving a general education student (#1) and a youth (#2) that is not enrolled at the school. The 2 individuals engage in a fight with the first continuing to hit/beat the second person even after the second person stops fighting or is no longer able to fight back. The student receives an out of school suspension for 12 days. No alternative education is provided.	Yes	<ul style="list-style-type: none"> • Line 4 = check • Number of Victims, Unknown = 1 • Number of Offenders, Student = 1 	Yes	<ul style="list-style-type: none"> • Enter SASID • Line 7a = 2nd button • Line 8 = enter start date • Line 9 = enter date returned to school • Line 11 = 12 • Line 12 = No • Line 14 = 4th button
2 students are smoking cigarettes and drinking alcohol on the football field. Both students receive an in-school suspension for 2 days. They are both general education students and received alternative education.	Yes	<p>Line 1a = check Number of Offenders, Student = 2</p> <p>Line 1c = Check Number of Offenders, Student = 2</p>	Yes	<ul style="list-style-type: none"> • Enter SASID for student #1 • Line 7a = 1st button • Line 8 = enter start date • Line 9 = enter returned date • Line 11 = 2 • Line 12 = Yes • Line 13 = 2nd button • Enter SASID for student #2 complete same information as student #1
A student is suspended, in school, for 4 school days for cheating on a test. It is a general education student. No alternative education is provided.	No	Since this is not a Violence or Drug-related Incident an Incident Report should not be completed	No	

Appendix C

Reporting Samples – Special Education

It is recommended that this form be used along with a copy of the Incident and Discipline Report. These forms are posted at:

<http://www.doe.mass.edu/infoservices/data/schedule.html>

Incident Description	Incident Report		Discipline Report	
	Form ?	Information Reported	Form ?	Information Reported
Joe is a student who has emotional disabilities. He has an emotional outburst in class one day and reveals that he is carrying a knife in his backpack. The school personnel are fearful for the safety of other students. Because the law allows the school district to make unilateral removal decisions (for up to 45 school days) when weapons or drugs are involved and Joe's remaining in his current placement is substantially likely to result in injury to himself or others, the school district decides to remove Joe from his current education setting to an appropriate interim alternative educational setting in another district. The interim alternative educational setting must provide Joe with sufficient education services that he is able to continue to progress in the general curriculum and to meet the goals set out in the IEP. The district, the parent and relevant members of the IEP Team convene within 10 days of Joe's removal and makes a manifestation determination, conducts a functional behavioral assessment (if not already done) and reviews and revises, if appropriate, the existing behavioral intervention plan and program and placement.	Yes	<ul style="list-style-type: none"> • Line 14a = check off • Number of Offenders, Student = 1 	Yes	<ul style="list-style-type: none"> • Enter student SASID • Line 7a = 5th button • Line 7b = No • Line 8 – enter start date • Line 10 = date student eligible to return to school • Line 11 = 45 • Line 12 = Yes • Line 13 = 3rd button
Tammy is a student with speech and language impairments who is caught selling marijuana on school grounds. The school district is concerned that Tammy will continue to sell marijuana if she is able to return to the school and that is likely to result in injury to herself or other students. Because the law allows the school district to make unilateral removal decisions (for up to 45 school days) when weapons or drugs are involved, the school district decides to remove Tammy from her current education setting to an appropriate interim	Yes	<ul style="list-style-type: none"> • Line 1h = check off • Number of Offenders, Student = 1 	No	<ul style="list-style-type: none"> • Enter student SASID • Line 7a = 5th button • Line 7b = No • Line 8 – enter start date • Line 10 = date student eligible to return to school • Line 11 = 45 • Line 12 = Yes

<p>alternative educational setting in a private school. The interim alternative educational setting must provide Tammy with sufficient education services that she is able to continue to progress in the general curriculum and to meet the goals set out in her IEP. The district, the parent and relevant members of the IEP Team convene within 10 days of the removal and makes a manifestation determination, conducts a functional behavioral assessment (if not already done) and reviews the existing behavioral intervention plan and program and placement. Tammy’s MF team, the district, the parent and relevant members of the IEP Team, determine that selling marijuana is unrelated to her disability. Subsequent investigation indicates that Tammy has not sold marijuana or other drugs before and with additional rules at home, is unlikely to use or sell marijuana in the future. At the end of 45 school days in the alternative setting, Tammy returns to her school district with the same special education services and program.</p>				<ul style="list-style-type: none"> Line 13 = 4th button
<p>Four months later on a Thursday, Tammy, the same student mentioned in scenario #2, gets in a fight in the school hallway with two other girls (who are not special education students). During the fight, a display case in the hallway gets broken and cannot be repaired. All three girls are suspended immediately on Thursday and Friday and for the two full weeks following (a total of 12 school days). Tammy’s MF team, the district, the parent and relevant members of IEP Team meet during the first week of her suspension and conducts a manifestation determination . The Team determines that Tammy’s behavior is NOT a manifestation of her disability. Tammy’s suspension continues for the full 12 days. Tammy receives an at-home tutor for the final two days of suspension.</p>	<p>Yes</p>	<ul style="list-style-type: none"> Line 2 = check Line 10 = check <ul style="list-style-type: none"> Number of Offenders, Student = 3 	<p>Yes</p>	<ul style="list-style-type: none"> Enter SASID for Tammy Line 7a = 2nd button Line 7b = No Line 8 – enter start date Line 9 – enter return date Line 11 = 12 Line 12 = Yes Line 13 = 1st button Enter SASID for student #2 Line 7a = 2nd button Line 7b = No Line 8 – enter start date Line 9 – enter return date Line 11 = 12 Line 12 = No Line 14 = 4th button Enter SASID for student #3 complete same information as student #2

<p>Michael is a student with intellectual impairments. Michael gets angry and hits another student during gym class. School personnel want to remove him from his present educational setting because they are fearful he will hurt other students. The school district does not have the authority to unilaterally remove a student from the placement for safety reasons when no weapons or drugs are involved, so the school asks a Hearing Officer from the Bureau of Special Education Appeals to order Michael's removal. At hearing, the school district demonstrates by substantial evidence that maintaining the child's current placement would likely result in injury to Michael or to others. Consequently, the Hearing Officer decides to remove Michael from his current educational placement to an appropriate interim alternative educational setting for not more than 45 school days. The interim alternative educational setting must provide Michael with sufficient education services so that he is able to continue to progress in the general curriculum and to meet the goals set out in his IEP. The district, the parent and relevant members of the IEP Team convene within 10 days of Michael's removal and makes a manifestation determination, conducts a functional behavioral assessment (if not already done) and reviews and revises if appropriate the existing behavioral intervention plan and program and placement.</p>	Yes	<ul style="list-style-type: none"> • Line 4 = check • Number of Victims, Student = 1 • Number of Offenders, Student = 1 	Yes	<ul style="list-style-type: none"> • Enter student SASID • Line 7a = 4th button • Line 7b = No • Line 8 – enter start date • Line 10 = date student eligible to return to school • Line 11 = 45 • Line 12 = Yes • Line 13 = 2nd button
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