











## Multiple Offenses, One Incident

A single incident can consist of multiple incident types. For example, a student might make a criminal threat toward another student while holding a knife. This would be entered into the SSDS as a single incident of criminal threat and weapon use.

## Incident Type Definitions

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All incidents that meet the following criteria, that are committed against or by a student, and that occur on school grounds (except where noted) must be reported to the Student Safety Data System.

### Arson

[Purposely](#) or [knowingly](#) starting a fire or causing an explosion in or on the grounds of a school, thereby placing the victim or group of victims in danger of death or bodily injury; or purposely starting a fire or causing an explosion that destroys or damages the victim's or school's property/grounds. Arson does not include the act of lighting a match.

### Assault

A person attempts to cause – or [Purposely](#), [knowingly](#), or [recklessly](#) causes – bodily injury to another.

### Computer Trespass

Intentionally and without authorization changing, removing, altering, or otherwise interfering or causing disruption or malfunction to any school district computer, computer system, computer network, computer program, or data.

### Damage to Property

[Purposely](#), [knowingly](#), or [recklessly](#) destroying or defacing school, contracted, or personal property, thereby causing an economic loss due to repair or replacement. Serious incidental damage to property that occurs during an act of violence should be reported.

### False Public Alarm

Initiating or circulating a report or warning of an impending fire, explosion, bombing, crime, catastrophe or emergency, knowing that the report or warning is false or baseless and that it is likely to cause evacuation of a school building, school bus, or other place of assembly on school grounds. This includes [knowingly](#) setting off a fire alarm when no fire exists.

### Fight

Mutual engagement in a physical confrontation in which the offenders understood that the confrontation may result in bodily injury to either party. Does not include a verbal confrontation or a minor confrontation, such as a shoving match. Each participant must be classified as an offender.

### Harassment, Intimidation, or Bullying (HIB)

HIB means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry,

national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place **on or off school grounds** as provided for in section 16 of P.L. 2010, c.122 (C. 18A:37-15.3), that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:

- A reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property;
- Has the effect of insulting or demeaning any student or group of students; or
- Creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.

#### HIB Alleged

An allegation of HIB that was investigated by the school, and: 1) was found to be HIB but the Board of Education rejected the determination and did not confirm as HIB, or 2) was not found to be HIB and the Board of Education affirmed that the offense was not HIB.

#### HIB Confirmed

An allegation of HIB that was investigated by the school, found to be HIB and affirmed by the Board of Education as a confirmed HIB offense.

#### Kidnapping

Unlawful removal of a student from school grounds or a substantial distance from where he or she is found in or on school grounds; or confinement of the victim for the purpose of holding the victim for ransom or reward as a shield or hostage; or confinement for a substantial period of time to facilitate commission of a crime or flight thereafter; or to inflict bodily injury on or terrorize the victim.

#### Robbery/Extortion

Attempting to obtain or obtaining money or any material thing (regardless of value) from another by means of violence, threat of immediate violence, or stated or implied threat of future violence.

#### Sexual Assault

Sexual assault occurs if one of the following takes place:

- An offender commits an act of *sexual penetration* with another person and
  - Uses physical force or coercion;
  - The victim is at least 16 years old but less than 18 years old, and the offender has supervisory or disciplinary power over the victim; or
  - The victim is at least 13 years old but less than 16 years old, and the offender is at least four years older than the victim.

- An offender commits an act of *sexual contact* with a victim who is less than 13 years old, and he/she is at least four years older than the victim.

### Sexual Contact

Intentional touching by the offender, either directly or through clothing, of the victim's or offender's intimate body parts, that degrades or humiliates the victim; or sexually arousing or sexually gratifying himself or herself in view of the victim whom the offender knows to be present. If sexual contact occurs with a victim less than 13 years old and an offender at least four years older than the victim, this should be reported as a *sexual assault*.

### Substance Offense

Report offenses related to the following substance types:

- Alcohol
- Anabolic steroids
- Cocaine/Crack
- Designer/Synthetic drugs
- Heroin
- Marijuana
- Unauthorized prescription drugs
- Unauthorized over-the-counter substances
- Drug paraphernalia: any equipment, product, or material that is modified for making, using, or concealing illicit drugs

*Substance types not reportable as substance offenses:*

- Medicine as stated in the student's individualized healthcare plan
- Tobacco

### Substance Possession

A student is found with one of the reportable substance types in his or her locker or vehicle, or on his or her person. A substance found on school grounds with no identified offender should not be reported.

### Substance Sale/Distribution

A student sells, buys, or gives one of the reportable substance types to others, employs others to do the same, or is in possession of substances in such quantities or under such circumstances that it may be inferred that the student intended to distribute to others.

### Substance Use Confirmed

A student is suspected of being under the influence of one of the reportable substance types and use is confirmed by medical examination per *N.J.S.A.18A:40A-12*.

### Substance Suspected, Refused Exam

A student is suspected of being under the influence of one of the reportable substance types and medical examination was refused.



## Theft

The taking of the school district's or a person's belongings or property without consent, when the offender knew that consent was needed. Report only incidents where the value of the article taken is \$10 or more. A theft must be reported even if the item was later returned.

## Threat, Criminal

Expressing – either physically or verbally – the intent to commit one of the following [violent criminal offenses](#):

- Homicide,
- Aggravated assault,
- Sexual assault,
- Kidnapping, or
- Arson.

The threat must be made for the purpose of placing another in imminent fear of one of these violent acts, under circumstances that would reasonably cause the victim(s) to believe the immediacy of the threat and the likelihood that it will be carried out.

## Threat, Simple

Attempting by physical menace (e.g., verbal threats) to put another in fear of bodily injury. The offender knew that the threat could make the victim fearful.

## Trespass

Entry onto school property or into a school building without permission when the individual knows that he/she is not privileged to be on the property.

## Weapon Offense

A weapon is any instrument readily capable of lethal use or of inflicting [serious bodily injury](#). Components that can be readily assembled into a weapon are reported in this category. This category includes, but is not limited to:

- Bomb: an explosive device designed to injure or kill people or to damage or destroy property (includes grenade);
- Handgun;
- Rifle (includes shotgun);
- Air gun: includes bb gun, pellet gun, or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person;
- Knife/blade (includes razor blade and box cutter); and
- Spray: a device that projects, releases, or emits tear gas or any other substance such as pepper spray that is intended to produce temporary discomfort or permanent injury through being vaporized or otherwise dispensed in the air.

### Weapon Possession

Having on one's person, in one's locker or vehicle one or more of the listed weapon types. A weapon found on school grounds with no identified student offender should not be reported.

### Weapon Sale/Distribution

Selling, giving, or having one or more of the listed weapon types in one's possession, with the intent to distribute or sell.

### Weapon Use

Using a weapon in the commission of an offense reported in another incident category, such as assault, criminal threat, robbery/extortion.

### Other Incident Leading to Removal

Any incident, *other than those types listed above*, that takes place **on or off school grounds** that results in a disciplinary removal for at least one-half day must be reported. Disciplinary removals are defined as any instance in which a child is removed from his/her educational placement for disciplinary purposes, including [in-school suspension](#), [out-of-school suspension](#), [expulsion](#), and [removal to another educational setting](#).

## Glossary of Terms

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### Alternative Education Program

A comprehensive educational program designed to address the individual learning, behavior, and health needs of students who are not succeeding in the general education program or have been mandated for removal from general education, pursuant to *N.J.A.C. 6A:16-5.5, 5.6 and, as appropriate, 5.7*. The alternative education program shall provide a variety of approaches to meet the State-adopted standards, such as through nontraditional programs, services, and methodologies to ensure curriculum and instruction are delivered in a way that enables students to demonstrate the knowledge and skills specified for all students in *N.J.A.C. 6A:8*.

### Arrest

An arrest of a student for any incident on school grounds or due to a referral by any school official. All school-related arrests are considered incidents that were [reported to police](#).

### Bias-Intimidation

An incident that was confirmed by a law enforcement official to be bias-intimidation.

### Bias-Related

Bias-related means that an incident is directed at a person, group of persons, private property, or public property that is motivated in whole or in part by racial, gender, disability, religious, sexual orientation, or ethnic prejudice. A bias-related incident need not involve conduct that constitutes a criminal offense.

## Educational Services

Upon removal, a student receives “educational services” if they receive both academic instruction that addresses the Core Curriculum Content Standards, and educational support services (e.g., assessment, counseling, referral).

## Expulsion

Indicates that the district discontinued all educational services<sup>31</sup> or discontinued payment for all educational services for the student, which means that the student was not placed or recommended for placement in a program or service provided by the district or other agency (per *N.J.A.C. 6A:16-1.3*).

## Firearm

Per 18 U.S.C. §921, a firearm includes any weapon that may expel a projectile by the action of an explosive. This includes weapon types of bombs, handguns, and rifles. Per *N.J.S.A. 2C: 39-1(f)*, the firearm definition in New Jersey also includes air guns (the federal definition does not).

## Formal Charge

A formal allegation made by a law enforcement official asserting that somebody has committed a crime. A stationhouse adjustment would not be considered a formal charge. (A stationhouse adjustment is an alternative method that law enforcement agencies may use to provide for immediate consequences, such as community service or restitution and a prompt and convenient resolution for the victim, while at the same time avoiding a formal juvenile delinquency record.)

## Gender and/or gender identity and expression

HIB on the basis of gender and or gender identify and expression includes sexual harassment and gender-based harassment when the incident is determined to fit the definition of HIB per *N.J.S.A. 18A:37-14*.

## Gun-Free Schools Act

Per *ESSA Sec. 8561*, known as the *Gun-Free Schools Act* (20 U.S.C. §7961), New Jersey must have a state law requiring local education agencies to remove from school for at least one year a students who has brought a firearm (as defined by 18 U.S.C. §921) to a school or possessed a firearm at a school, with modification on a case-by-case basis by the chief administering officer of the school district. The New Jersey law under the *Gun Free Schools Act* is the *New Jersey Zero Tolerance for Guns Act* (*N.J.S.A. 18A:37-8*). Per *N.J.S.A. 18A:37-8*, a student knowingly in possession of a firearm (as defined by *N.J.S.A. 2C: 39-1(f)* and 18 U.S.C. §921) on [school grounds](#), or who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm, must be immediately removed from the school’s regular education program pending a hearing before the local board of education to remove the pupil from the regular education program for a period of not less than one calendar year subject to modification on a

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<sup>31</sup> New Jersey definition is distinct from the federal definition of expulsion, which allows for continuance of educational services: *An action taken by the LEA removing a child from his/her regular school for disciplinary purposes for the remainder of the school year or longer in accordance with local educational agency policy.*

case-by-case basis by the chief school administrator. Any pupil that is removed from the regular education program pursuant to this section shall be placed in an alternative education program. If placement in an alternative education program is not available, the pupil shall be provided home instruction or other suitable facilities and programs until placement is available.

## Injury

### Minor Injury

Injury such as a cut, abrasion, burn or bruise where the individual was seen by the school nurse and received treatment, e.g., an ice pack, topical preparation, or bandaging; or the individual was referred to a medical practice or facility for observation and/or treatment, and the injury was not considered a major or serious bodily injury as defined below.

### Major Injury

Injury which requires professional medical attention. Examples include stab or bullet wounds, concussions, fractured or broken bones, or cuts requiring stitches.

### Serious Bodily Injury

Injury which 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.

## Intervention and Referral Services

See [N.J.A.C. 6A:16-8](#).

## Knowingly

The offender was aware, or practically certain, that his/her conduct would cause a particular result.

## Location

An incident occurs "In school building" when it occurs in the building where a student's classes typically take place. "Outside of school building" includes incidents occurring in any location outside the school building that can still be considered on [school grounds](#), such as a school bus or school-sponsored function. Select "At school entrance" when an incident occurs upon entrance to the school (for example, a bag inspection at the school entrance resulting in discovery of a weapon or substance). "Off school grounds" incidents are only reported for HIB incidents. Location is not reported for an "Other Incident Leading to Removal."

## Non-student

As an offender, a non-student refers to a staff member, parent, or any other offender who is not a student at the reporting school or another school, but is an offender in an incident involving a student at the reporting school. As a victim, a member of the school staff would be reported a "Staff member" victim rather than a "non-student" victim.

## Purposely

The offender's conscious objective was to engage in conduct to cause a particular result.

### Recklessly

The offender consciously disregarded a substantial and unjustifiable risk that his/her conduct would result in harm. The risk must be of such a degree that the disregard is a gross deviation from the standard of conduct that a reasonable person would observe in the situation.

### Reported to police

An action by which a student is reported to any law enforcement agency or official, including a school police unit, for an incident that occurs on school grounds, regardless of whether official action is taken. Citations, tickets, court referrals, and school-related arrests are considered reports to law enforcement.

### 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 maintaining the child's current placement is substantially likely to result in injury to the child or others.

### Removal to another school/to alternative school/to other

Removing a student from his/her regular school for disciplinary purposes for the remainder of the school year or longer, and placing student in another regular school, an alternative education program or alternative school, or another placement where the student continues to receive educational services.

### Restorative Practices

Approach to remediation involving consideration of the impact of an action on the others involved and a focus on restoring the environment and social relationships in the school (e.g., restorative discipline practices).

### School Grounds

Means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider. School grounds also includes school buses, school-sponsored functions, structures that support the buildings, such as school district wastewater treatment facilities, generating facilities, and other central service facilities including, but not limited to, kitchens and maintenance shops. School grounds also includes other facilities; generating facilities; and other central service facilities including, but not limited to, kitchens and maintenance shops. School grounds also includes other facilities as defined in as defined in *N.J.A.C. 6A:26-1.2*, playgrounds, and recreational places owned by municipalities, private entities or other individuals during times when the school district has exclusive use of a portion of the land.

## Suspension

### In-School Suspension

Indicates that the student was temporarily removed from his or her regular classroom(s) for at least half a day for disciplinary purposes, but remains under the direct supervision of school personnel.

### Out-of-School Suspension

Indicates that the student was temporarily removed from his or her regular classroom(s) for at least half a day for disciplinary purposes to another setting (e.g. home).

### Unilateral Removals

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

### Violent Criminal Offense

A violent criminal offense refers to the [Unsafe School Choice Option Policy](#), including completed offenses, as well as threats and attempts to commit the offenses on school grounds against a specific victim or group of specified victims. Offenses include homicide, assault, sexual assault, bias intimidation, terroristic threat, robbery, kidnapping, and arson, as defined by *N.J.S.A. 2C*. A student is considered a victim of a violent criminal offense when:

- Law enforcement officials have been notified due to suspicion that one of the above offenses has occurred, and
- One or more of the following applies:
  - Law enforcement officials have filed [formal charges](#) against the offender for the commission of the violent crime;
  - The offender has received sanctions in accordance with the district board of education's code of student conduct;
  - It is clear that the victim is the victim of a violent criminal offense based on objective indicators; and/or
  - The pre-existence of a restraining order against the offender.

## Incident Scenarios

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The incident types included in these scenarios are those that are difficult to discern from one another and sometimes cause confusion for SSDS decision-makers. The scenarios are meant to clarify how incidents should be reported to SSDS, but do not address other reporting requirements per the school/district code of conduct and Memorandum of Agreement between Education and Law Enforcement. The scenarios illustrate how the incident types selected may vary based on the specific details uncovered about each situation including what behavior was observed, the intent of the offender, and the harm to the victim. Read each scenario in its

entirety. Refer to [Incident Type Definitions](#) for a complete list of incident types and their definitions.

## 1. Assault or Fight?

### Scenario 1.1: “The Cafeteria”

Stacey verbally taunted Rebecca with derogatory comments while they were eating lunch in the cafeteria. Then, Stacey forcefully pushed Rebecca’s chair over backward and Rebecca fell to the ground. Rebecca got up and hit Stacey. Stacey hit her back. The girls wrestled and punched each other until a lunch aide separated them.

#### Analysis of the Scenario

Stacey clearly instigated the fight by attempting to injure Rebecca. However, the students mutually engaged in a physical confrontation that could result in bodily injury to either party. Report the incident as a [Fight](#). Report both Rebecca and Stacey as offenders.

#### How the situation may differ

Rebecca did not strike Stacy after Stacy pushed Rebecca’s chair over, but walked away from the situation. Do not report this as a fight. Report it as an [Assault](#). There was no mutual engagement; rather Stacey was the offender and Rebecca the victim.

### Scenario 1.2: “The Stick”

Max and Ricky, both kindergarten students, were chasing and tackling each other during recess. While they were playing, Ricky picked up an eight-inch stick and swung it around, hitting Max on the arm and causing a small scratch. An aide witnessed the situation and stopped any further contact between the boys. The aide asked Ricky why he hit Max. Ricky explained that he was just pretending to be a helicopter and did not mean to hurt Max.

#### Analysis of the Scenario

Ricky did not did not purposely, knowingly, or recklessly cause an injury to Max. The injury was accidental. Do not report the incident, unless Ricky received a disciplinary removal for more than half a day for this incident. In this case it would be reported as [Other Incident Leading to Removal](#). NOTE: Because Ricky is in kindergarten, only an in-school suspension would be permitted, per N.J.S.A.18A:37-2a.

#### How the situation may differ

Max was bleeding and had to be seen by the nurse to treat the injury. Ricky said he meant to hurt Max, saying, “He was mean to me. I don’t like him.” Report this incident as an [Assault](#). Because a small stick cannot readily be used to cause lethal or serious bodily injury, do not report it as an assault with weapon use.

### Scenario 1.3: “The Ruler”

Carlos, a sixth grader who has had a pattern of conduct problems, made unsolicited loud comments and continued to get out of his chair without permission throughout the morning, which frequently disrupted classroom activities. The teacher reprimanded him several times, but each time, the behavior started again minutes later. Then, Carlos started banging progressively























Field	FEDERAL					STATE						
	UNSAFE SCHOOL CHOICE OPTION	GUN FREE SCHOOL ACT	SCHOOL REPORT CARD	ED FACTS (IDEA)	CIVIL RIGHTS DATA	ANTI-BULLYING BILL OF RIGHTS	VIOLENCE AND VANDALISM	ASSAULT	SUBSTANCE	EDUCATION SERVICES & REMOVAL	REQUIRED REPORTING TO LAW ENFORCE AND STATE	REQUIRED REPORTING TO STATE
Incident Description												X
Location						X						
Reported to Police			X		X						X	
Bias Related											X	
Bias Intimidation	X											
Victim Type	X							X			X	X
Victim of Violent Criminal Offense	X											
Offender Type		X		X	X			X		X		X
Offender Caused Injury	X			X								
Offender Arrested			X		X							
Offender NJSMART				X	X					X		
In-School Suspension			X	X	X	X		X		X	X	
Out-of-School Suspension			X	X	X	X		X		X	X	
Other Removal		X	X	X	X	X				X	X	
Days Removed		X		X	X	X				X	X	
Educational Services Provided										X		
Other Discipline						X						
How Gun Free School Act followed		X		X							X	

Field	FEDERAL					STATE						
	UNSAFE SCHOOL CHOICE OPTION	GUN FREE SCHOOL ACT	SCHOOL REPORT CARD	ED FACTS (IDEA)	CIVIL RIGHTS DATA	ANTI-BULLYING BILL OF RIGHTS	VIOLENCE AND VANDALISM	ASSAULT	SUBSTANCE	EDUCATION SERVICES & REMOVAL	REQUIRED REPORTING TO LAW ENFORCE AND STATE	REQUIRED REPORTING TO STATE
HIB in 10 days						X						
HIB Investigator						X						
HIB Nature					X	X						
HIB Effect						X						
HIB Mode						X						
HIB Offender Remedial Action(s)						X						
HIB Victim Remedial Actions(s)						X						
HIB Victim Gender					X							
HIB Victim Race					X							
HIB Victim LEP					X							
HIB Victim Disability					X							
HIB Trainings						X						
HIB Programs						X						