

Section 3

S.A.V.E.

Safe Schools Against Violence
in Education

Content of the Safe Schools of Legislation

At the close of the 2000 legislative session, a bill was introduced and passed in New York State. This bill is known as SAVE/ Safe Schools Against Violence in Education. SAVE addresses many important issues that affect education. For most components of SAVE, the full date compliance is July 1, 2001. Included in the SAVE legislation are:

- Procedures for parental information
- Committee to review actions relating to the code
- Procedures regarding Person In Need of Supervision (PINS) petitions and juvenile delinquency provisions
- Procedures for referral to human services agencies
- Minimum suspension periods for students who are repeatedly and substantially disruptive
- Minimum suspension periods for acts that qualify a student as violent

District-wide School Safety Plans, Building Level Emergency Response Plans, and Codes of Conduct, are subject to a public hearing, reviewed and updated annually, and filed with the commissioner of education no later than 30 days after adoption.

1. District-wide School Safety Plans

The board of education of every school district must appoint a team to develop a comprehensive safety plan to include:

- Responding to threats
- Responding to acts of violence
- Appropriate prevention/intervention strategies, such as:
 - Training for security personnel
 - Conflict resolution
 - Peer mediation
 - Youth courts
 - Extended day programs
 - Contacting law enforcement
 - Contacting parents and/or guardians

- School building security
- Dissemination of informative materials regarding early detection of potentially violent behaviors
- Annual school safety training for staff and students
- Protocol for responding to bomb threats, hostage takings, intrusion, and kidnappings
- Developing strategies to improve communication among students and between students and staff.
- Description of duties of hall monitors and other school safety personnel

This team must include a representative of the board of education, students, teachers, administrators, parent organizations, and other school safety personnel. Representatives must be appointed by the board of education.

2. Building Level Emergency Plans

This team is appointed by the principal under guidelines established by the board of education. Membership shall include teachers, administrators, parent organizations, school safety personnel, community members, law enforcement and local ambulance or other emergency response agencies. This plan needs to be submitted to local law enforcement agencies and the New York State Police.

The plan must include:

- Policies and procedures for safe evacuation, to include evacuation routes, shelter sites, procedures for addressing medical needs, transportation, and emergency notification to parents
- Designation of an emergency response team
- Access to floor plans, blueprints, schematics of school interior, grounds, and road maps of surrounding area
- Internal and external communication system
- Implementation of Incident Command System (ICS)
- Coordination with Statewide Disaster Mental Health Plan (New York State Office of Mental Health 1997)

- Procedures to review and conduct drills and exercises to test components of the plan
- Policies and procedures for securing and restricting access to crime scene

3. Codes of Conduct

The legislation requires schools to adopt codes of conduct for the maintenance of order on the school grounds and to file such codes with the New York State Education Department. The code applies to teachers, students, personnel, and visitors.

The minimum elements that must be included:

- Appropriate dress and language
- Security issues
- Removal from classroom
- Disciplinary procedures for violators
- Policies and procedures for detention, suspension, and removal of disruptive pupil
- Procedures for reporting code violations and imposing penalties
- Provisions to insure compliance with state and federal laws in relationship to students with disabilities
- Provisions for notifying law enforcement of violations (e.g. violent crimes)

4. Teacher Authority/ Principal Authority

- Allows teachers to remove disruptive or violent pupils from the classroom, consistent with district codes of conduct, with appropriate procedural safeguards for affected students.
- Adds principals to those empowered to suspend pupils from school entirely, without specific board delegation of that authority.
- Requires districts to include, in their codes of conduct, minimum periods of suspension for violent or repeatedly disruptive pupils.

A disruptive pupil is defined as one who is substantially disruptive of the educational process or interferes with the teacher's authority over the classroom.

A violent pupil is defined as one who:

- Commits an act of violence on a teacher, other school district employee, or fellow student;
- Possesses, displays, or threatens to use a gun, knife, or other dangerous weapon;
- Knowingly and intentionally damages or destroys the personal property of a teacher or other school district employee;
- Knowingly and intentionally damages or destroys the personal property of a teacher or other school district employees.

5. Removal Procedures

- Teachers report and refer violent pupil to administration for minimum suspension period.
- Administration has authority to suspend for up to five days without delegation from board of education.
- District shall implement policies and procedures to provide for continued educational programming for removed pupil.
- Student must be informed of reason for removal by teacher.
- Principal must be informed of reason for student removal by teacher.
- Sets time lines for negotiations of removal to student and parent.
- Requires notification of charges and an explanation for suspension with timelines as required by legislation.

6. Uniform Violent Incident Reporting

Established by the New York State Education Department and the New York State Department Criminal Justice Services.

Schools shall report annually to the commissioner of education:

Number and types of violent incidents

- Number of suspensions and other forms of discipline
- Location where the incident occurred
- Whether the incident involved a weapon
- Actions taken by the school
- Ages and grades of disciplined pupils
- The nature of the victim and victim's age when appropriate

This includes an annual report to the governor and the legislature regarding the prevalence of violent incidents on school grounds and at school-sponsored functions and inclusion of such information on school report cards.

7. Instruction in Civility, Citizenship, and Character Education

Requires districts to include a civility, citizenship, and character education component in the K-12 course of instruction concerning the principles of:

- Honesty
- Tolerance
- Personal responsibility
- Respect for others
- Observance of laws and rules
- Courtesy
- Dignity

and other positive traits.

8. Health Curriculum

- Requires the Board of Regents to review the current health curriculum requirements to ensure that students have sufficient time and instruction to develop skills to address issues of violence prevention and mental health.

9. Interpersonal Violence Prevention Education

- Commissioner shall develop and distribute an interpersonal violence prevention package to schools for use in health and related areas.

10. School Violence Prevention Training

- Must be included in Superintendent's Conference Days annually.
- All individuals seeking certification as of February 2001 must have completed a two-hour course in violence prevention.
- Must address violence prevention training for current staff in the yearly professional development plan.

11. Whistle Blower Protection

- Protection for those employees who report violent incidents, whereby an employee may not be disciplined or fired for reporting these incidents and is protected from any civil liability.

12. Fingerprinting

- Requires prospective school district employees and applicants for certification to be fingerprinted for a criminal history background check in order to be cleared for employment.
- Does not apply to volunteers.
- Does not apply to current employees of a school district. However, if a current employee terminates employment and seeks employment in a different school district, the individual must undergo the fingerprinting process. This law will also apply if a currently certified individual applies for additional certification, such as a teacher applying for an administrator's certificate.

13. Assaults on Teachers

- Increases assaults on teachers from Class A misdemeanor to a Class D felony.

14. Child Abuse Reporting

The S.A.V.E. legislation

- Defines child abuse in an educational setting.
- Requires the immediate reporting of allegations of child abuse in an educational setting to school authorities, parents, and law enforcement.
- Defines mandatory reporters.
- Requires a written report of allegations transmitted to school administrator.
- Establishes the principal that the local administrator determines whether there is a reasonable suspicion, notifies parents if determination is made, and forwards report to law enforcement.
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- Establishes the principal that the local administrator determines whether there is a reasonable suspicion, notifies parents if determination is made, and forwards report to law enforcement.
- Requires the District Attorney to notify the superintendent of the filing of an indictment, conviction, suspension, or determination of a criminal investigation.
- Requires the district Attorney to notify the commissioner of conviction of a certified individual.

15. Prohibiting Silent Resignations

The S.A.V.E. legislation:

- Ends the practice of allowing any person to resign rather than disclose allegations of child abuse.
- Makes it a Class E felony (punishable by up to four years in prison, civil penalty not to exceed \$20,000.00) for superintendents to allow an employee to resign under these circumstances.
- Entitles individuals to immunity from any civil or criminal liability that might otherwise result from such actions if they comply in good faith with the reporting requirements of the law.

16. Teacher Discipline

- Provides for a range of discipline measures. In addition to revocation of a teaching certificate, discipline will now include suspension, continuing education, limitation on certificates and monetary fines.

17. Court Notification

- Requires family and criminal courts to notify schools about juvenile delinquency adjudications.
- Increases coordination between the juvenile justice system and schools.
- Requires school to appoint a Designated Educational Official (DEO) to receive records and coordinate student's participation in programs.
- Cannot be made part of the permanent record.
- Information can only be used in the execution of student's educational plan.