



State of New Jersey
DEPARTMENT OF EDUCATION
PO Box 500
TRENTON, NJ 08625-0500

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

DAVID C. HESPE
Commissioner

**Electronic Violence and Vandalism Reporting System (EVVRS) Primer:
Three Considerations on Reporting to the New Jersey Department of Education**
(See "EVVRS Incident Definitions" at <http://homeroom.state.nj.us/EVVRS.htm> for a complete list.)

Fight

*Mutual engagement in a physical confrontation that 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.***

The Role of Bias

Bias is an element that can play a role in any EVVRS defined incident. Since harassment, intimidation and bullying (HIB), by definition, includes an element of bias, "bias-related" is not checked in the Incident Header section of the VV-SA or in the EVVRS for incidents of HIB. For non-HIB incidents, "bias-related" is selected if determined appropriate once the definition is applied:

Bias-related means that an incident is reasonably perceived as motivated by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, a mental, physical, or sensory disability, or any other distinguishing characteristic. To determine whether bias played a role, consider:

- *an admission by the perpetrator of bias motivation;*
- *obvious signs of bias – such as the utterance of racial epithets or use of hate graffiti;*
- *the victim expressing that bias motives were involved; or*
- *a history of bias incidents among the involved students or groups of students.*

A bias incident is not a separate EVVRS-defined incident. The EVVRS considers bias in terms of the incident as a whole, not simply with regard to the offender's actions.

For example, if Student A makes a biased remark to Student B and then Student A is struck by Student B whom he or she insulted, then "Bias-Related" would be associated with this incident (for Student A) and "Assault" would be associated with this incident (for Student B) as a result of the

EVVRS-defined actions of both students. Both actions would be reported as one incident in EVVRS as “Bias-Related” and “Assault.” *The EVVRS does not distinguish who exhibits bias, only that bias is associated with the incident as a whole.*

Exception: Student A makes a biased remark and it is determined that his or her actions meet ALL of the applicable criteria for HIB as defined below and the decision is affirmed by the board of education/governing authority.

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 school property, at any school-sponsored function, on a school bus, 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.*

In this example, “HIB” would be associated with this incident (for Student A), rather than bias-related, and “Assault” would be associated with this incident (for Student B) as a result of the EVVRS-defined actions of both students. This would be reported as one incident in EVVRS as “HIB” and “Assault.”

Age and Cognitive Development Maturity Consideration

Some types of offenses, by definition, require that the offender fully understand that the behavior will have a specified result. For example, for an offense to be categorized as an assault, the offender must “purposely, knowingly, or recklessly” attempt to or cause bodily injury. For other types of offenses, the understanding of the result is inferred, but not specifically defined. For example, for an incident to be categorized as theft, the offender takes something without consent. In this case, the person reporting the incident must consider whether or not the offender knew that consent was needed.

To help to clarify the definitions that do not specifically describe the level of understanding or intention presumed, the definition indicates that the reporter should *consider age and developmentally appropriate behavior before using this category*. This age and cognitive development maturity consideration only applies to certain incident types: Fight; Theft; Threat; and Sex Offense. In deciding whether or not to report an incident as a fight, theft, threat or sex offense on the EVVRS, *one needs to consider age and developmentally appropriate behavior before using this category* and also needs to be sure that the offender is cognitively and developmentally mature enough to understand the potential consequences of his or her actions. For example, the offender should know that:

- A physical confrontation may result in bodily injury (Fight);
- Taking belongings or property without consent is not permitted (Theft);
- A threat can make a victim fearful (Threat); or
- His or her behavior is considered inappropriate (Sex Offense – when there is no victim).

The age and cognitive development consideration should be used only in the applicable offenses and the determination should only be made in exceptional cases. Age alone is not sufficient to exclude an incident from the EVVRS. For example, a primary grade student may know that taking \$20 from his/her teacher's desk is stealing." By talking with the student, the reporter will determine if the student understands the impact of his/her actions.

If a student commits an offense that could be defined as an EVVRS reportable offense, but the student is too young or immature to understand the impact of his/her actions, 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 in EVVRS as "Suspension of Students with Disabilities for Other Reasons" (Data Entry II button).*
- 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 should not be reported using the EVVRS.

*P.L. 108-446 requires that all schools, including approved private schools for students with disabilities, must report **ALL** disciplinary removals of students receiving special education and/or related services. **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, removal by school personnel to an interim alternative educational setting for drug or weapon offenses or serious bodily injury, and removal by a hearing officer for likely injury to self or others. All disciplinary removals for reasons other than VV-SA lasting at least one-half day for students receiving special education and or related services must be reported through the use of the Report of Suspension of Students with Disabilities section of the EVVRS by the school that the student attends. The data are reported annually to the USDE.