

# EVVRS Frequently Asked Questions (FAQ)

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## I. EVVRS REPORTING BASICS

### A. System Requirements

**Q:** Are there any known bugs associated with districts using Macintosh computers?

**A:** Some Macintosh users lose the student information they enter, and thus the reports they generate on student offenders and student victims – which use these data – display no records. After you have entered offender and victim information for a few incidents, use the EVVRS Report function to generate the Offender Type Summary and Victim Type Summary reports. If the data you entered do not appear on these reports, you will need to use another computer to re-enter the offender and victim information. Email us ([EVVRS@doe.state.nj.us](mailto:EVVRS@doe.state.nj.us)) if the problem persists.

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### B. EVVRS User Accounts

**Q:** Should the principal and I (the data entry person) each have our own EVVRS account?

**A:** Yes. Each user should have his or her own personal user account even if one is used only for viewing and one is used for data entry.

**Q:** How can I establish an EVVRS account?

**A:** Your district's Web User Administrator (usually the business administrator) can establish an account for you by visiting the NJDOE Homeroom at <http://homeroom.state.nj.us/>.

**Q:** What is the difference between an EVVRS district-user account and an EVVRS school-user account?

**A:** School-users see only their school's data and district-users see data for all of the schools in the district. If you are a one-school district and have a school-user account but no district account, email us ([EVVRS@doe.state.nj.us](mailto:EVVRS@doe.state.nj.us)) to have your account converted to a district-user account. If your district has more than one school but you do not have a district account, you can: (1) establish a new district account; (2) add a district account to an existing user (providing a new User ID and password); or (3) convert one of your school accounts to a district account.

**Q:** What if I have trouble logging in to EVVRS?

**A:** Contact your Web User Administrator to verify that your account is active and that you are using current login information. If you still experience problems, email [evvrs@doe.state.nj.us](mailto:evvrs@doe.state.nj.us). Please include your district code in the email.

**Q:** We are transferring responsibility for entering incidents on the EVVRS to another staff member, and our district account has to be deleted. How do we do this?

**A:** Your district's Web User Administrator must delete the old account and establish a new one as quickly as possible by visiting the NJDOE Homeroom at <http://homeroom.state.nj.us/>.

**Q:** I am replacing an account user who has left the district. Do I need a new account? Or can I use hers?

- A:** Your district's Web User Administrator must delete the old account and establish a new one for you by visiting the NJDOE Homeroom at <http://homeroom.state.nj.us/>.

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***C. Recordkeeping***

***i. Paper EVVRS Incident Report Forms***

**Q:** Is it necessary to continue to complete the hard copy of the "Violence, Vandalism, and Substance Abuse Incident Report Form" and the "Report of Suspension/Removal of Students with Disabilities" now that we use the EVVRS? Or can we just enter our information directly into the system?

**A:** Schools must use the EVVRS paper reporting forms or the local equivalent to record data pertaining to an incident *before* entering that data on the EVVRS for three reasons: 1) to expedite entry (the data on the paper form should be complete before entering it on the EVVRS); 2) to confirm EVVRS incidents after Report Period 1 and to verify EVVRS incidents after Report Period 2 (the completed paper forms constitute the official record of incidents that occurred in the district); and 3) to track students (the EVVRS tracks incidents, not students, so schools cannot always tell "who did what to whom" from EVVRS-generated reports. The paper record of the incident can be helpful when looking for this kind of information).

**Q:** Is there a way to print a blank copy of the EVVRS Violence, Vandalism, Weapons, and Substance Abuse (VV-SA) Incident Report form?

**A:** The incident report form is available on the EVVRS Welcome Page in PDF format at <http://homeroom.state.nj.us/EVVRS.htm> under the heading *Reporting Forms*. You may open and print it using Adobe Acrobat Reader. If you need to download Acrobat Reader, you can click on the Adobe Acrobat hyperlink on the EVVRS Welcome Page under the heading *Other Tools*.

**Q:** Can the paper EVVRS Violence, Vandalism, Weapons, and Substance Abuse Incident Report form be completed on a computer?

**A:** You cannot directly enter data into the Incident Report Form provided on the EVVRS Page unless you have Adobe Acrobat Writer.

**Q:** I enter incidents and view reports at my school. Should I send a copy of the paper incident reports that we complete at our school to the district office?

**A:** The district-level EVVRS user needs the paper EVVRS forms to confirm that incidents entered into the EVVRS after Report Period 1 and to verify that incidents entered into the EVVRS after Report Period 2 are the same. Whether or not you should send the paper copies to the district office is a decision that is based on your district's procedures; however, it is recommended that all EVVRS forms for the district are store in one central location.

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***ii. Recordkeeping: District-Made Paper Incident-Report Forms***

**Q:** Is the district required to use the EVVRS Violence, Vandalism, and Substance Abuse Incident Report Form available on the EVVRS or can we use our own form?

- A:** We recommend districts use the EVVRS Violence, Vandalism, and Substance Abuse Incident Report Form, but districts *may* instead use their own form, so long as it contains the same information. Whether the district uses the EVVRS report form or their own local form, it *must be approved by the local board of education*. Whichever form you use, be sure to record the Incident Number generated by the EVVRS on your paper form when you enter the incident into the system.

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### ***iii. Recordkeeping: Filing and Storing Completed Paper Incident-Report Forms***

**Q:** How should I file the hard copies of our incident (and offender and victim) report forms?

- A:** It is recommended that you file them in the central office by school, grouping together all pages that pertain to a single incident (i.e., all incident, offender, and victim information for that incident). Then, for each school, place the forms in order by EVVRS Incident Number. At the end of the year, you or someone else in the district will have to refer to these hard copies to generate EVVRS reports (such as the Incident Listing report) and check the figures on the District Report of Violence and Vandalism. Because the detail in EVVRS-generated reports is grouped by school, filing the district's paper reports by school makes locating them later for confirmation after Report Period 1 and verification after Report Period 2 more convenient.

**Q:** How long should we keep the paper report forms we fill out?

- A:** According to the Department of Treasury, Division of Archives and Records Management (DARM) Records Series Number 0053-0004, agencies are required to retain original VV-SA Incident Reports in the Student Records for a period of 100 years.

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### ***D. Reporting Periods***

**Q:** When are EVVRS reports due to the NJDOE?

- A:** As required by the Anti-Bullying Bill of Rights Act, all public and charter schools are required to report EVVRS data to the NJDOE two times each school year between September 1 and December 31 and January 1 and June 30. For report period 1, you will be asked to confirm your data electronically. For report period 2, you will be confirming data submission as well as verifying your data for the entire school year. **You are required to complete the confirmation process after Report Period 1 and the verification process after Report Period 2 even if you have no (zero) incidents to report.**

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### ***E. What Should Be Entered in the EVVRS?***

**Q:** Is the decision to report an incident based on whether or not student behavior leads to disciplinary action?

- A:** Depending on the district board of education's code of student conduct, disciplinary action *might* result from a reportable incident. However, the *reporting of an incident on the EVVRS is independent of any consequences the district imposes*. The law states that any school employee who observes or has direct knowledge from a participant or victim of an act of violence or of the use, possession, or distribution of

drugs or alcohol on school grounds *must* file a report describing the incident to the school principal. Thus, the report is only a record that an incident occurred.

**Q:** How can school staff be expected to make judgments regarding victims or perpetrators in instances when school staff were not present when the incident started?

**A:** Witnessing an incident is not a requirement for reporting it. Reporting an EVVRS-defined incident is based on the facts that are available to the employee making the report—including his/her own observations, direct knowledge gained from an offender or victim of the incident or the findings of police investigations.

**Q:** If a behavior occurs that is directly related to a student’s disability, should the incident be reported?

**A:** The law states that *all* incidents involving violence, vandalism, weapons, or substance abuse—as defined by the EVVRS—must be reported, regardless of whether or not the student has an Individual Education Plan (IEP). That said, the Age and Cognitive Development Maturity Consideration allows for a possible exception. See “Electronic Violence and Vandalism Reporting System (EVVRS) Primer: Three Considerations on Reporting to the New Jersey Department of Education which may be accessed from <http://homeroom.state.nj.us/EVVRS.htm> under the heading *Training Materials*.

**Q:** Do school districts/charter schools need to report that there were no incidents on the EVVRS?

**A:** Yes, all agencies must indicate, through the data confirmation process (in Report Period 1) and the data confirmation/verification process (in Report Period 2) that there are no incidents to report. This electronic confirmation/verification process notifies the NJDOE that your agency has not entered any incidents and that you are confirming that your district has zero incidents to report.

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### ***F. Access to Information***

#### ***i. Access to Information: Student Records***

**Q:** Must a copy of the full incident report (of bullying, for example) be forwarded when a student’s disciplinary record is requested by the school to which he or she is transferring?

**A:** A copy of the incident report, i.e., the Incident Information Page and the page pertaining to the student, (either the Offender Information Page or the Victim Information Page), should be in the student’s file. Alternatively, if the report is kept with all other incident reports, then there must be a “tag” in the student’s file noting the existence and location of the incident record. An EVVRS incident report (as described above) is considered a part of a student’s educational record and therefore should be forwarded to the requesting school.

**Q:** Is the EVVRS incident report part of the student’s cumulative folder?

**A:** The district may decide if the incident report is considered part of the student’s cumulative folder.

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#### ***ii. Access to Information: The District Board of Education and the Public***



**Q:** Is there a particular time of year when incidents of violence and vandalism should be reported to the local board of education?

**A:** According to 18A: 17-46 of the *Anti-Bullying Bill of Rights Act* (ABR) (P.L. 2012, c. 122), “two times each school year, between September 1 and January 1 and between January 1 and June 30, at a public hearing, the superintendent of schools shall report to the district board of education all acts of violence, vandalism, and harassment, intimidation, or bullying which occurred during the previous reporting period.”

**Q:** What are districts required to report to their board of education?

**A:** The report shall include the number of reports of harassment, intimidation, or bullying (HIB), the status of all investigations, the nature of the bullying based on one of the protected categories identified in section 2 of P.L. 2002, c.83 (C. 18A: 37-14), the names of the investigators, the type and nature of any discipline imposed on any student engaged in HIB, and any other measures imposed, training conducted, or programs implemented, to reduce HIB.

**Q:** Which EVVRS report should be submitted to our board of education for their approval?

**A:** We advise using the District Report of Violence and Vandalism for the corresponding report period. You may also provide other reports – such as the Incident Category Summary and the Incident Summary by Location to give the board a more detailed picture. The report module also provides detailed HIB reports such as the District HIB Summary Report, which will serve to inform your agency’s governing body of HIB incidents per the *Anti-Bullying Bill of Rights Act* (ABR) (P.L. 2012, c. 122). All reports are located in the Report Module which may be accessed by clicking on the *EVVRS Report Module* button from the EVVRS Welcome Page at <http://homeroom.state.nj.us/EVVRS.htm>.

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### ***G. EVVRS Support***

#### ***i. EVVRS Support: Emails***

**Q:** My system was down and I may have missed EVVRS email notices. Can I retrieve them?

**A:** All memorandum and attachments to Chief School Administrators (CSAs), Charter School Lead Persons (CSLPs) and Administrators of Approved Private School for Students with Disabilities (APSSDs) are emailed to Web User Administrators are also posted on the EVVRS Welcome Page at <http://homeroom.state.nj.us/EVVRS.htm> under the heading *Notices*.

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#### ***ii. EVVRS Support: Training***

**Q:** Are there training materials or reference materials for the EVVRS?

**A:** A recorded training webinar will be posted on the EVVRS Welcome Page in January 2013, at <http://homeroom.state.nj.us/EVVRS.htm> under the heading *Training Materials*.

#### ***iii. EVVRS Support: User Manual***



**Q:** Where can I find step-by-step instructions on how to enter my data?

**A:** You can access the EVVRS User Manual on the EVVRS Welcome Page at <http://homeroom.state.nj.us/EVVRS.htm> under the heading *User Documents*.

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## II. EVVRS DATA ENTRY

### ***A. Violence, Vandalism and Substance Abuse (VV-SA), Weapons Offenses and Harassment, Intimidation and Bullying Incidents***

#### ***i. VV-SA Incidents: Incident Location***

**Q:** Should we report an incident that occurs “at the bus stop” – either before or after school?

**A:** A bus stop is not part of school grounds and the incident would not be reported on the EVVRS. However, if the investigation confirms that the incident was HIB-related; then it would be reportable. The Anti-Bullying Bill of Rights Act requires all incidents of HIB to be reported whether they occur on school grounds, or not. There is an option in the *Incident Location* section of the Incident Report Form that is specifically to be used when an HIB incident occurs off of school grounds.

**Q:** If a fight occurs after school on the playground, is it reported?

**A:** It would not be reported if the incident happened after school hours when students were not under school supervision. However, the school might invoke the code of student conduct for students involved; the exception being if the investigation confirms that the incident was HIB-related. Then the incident must be reported regardless of when it occurred as required by the Anti-Bullying Bill of Rights Act.

**Q:** If the incident occurs on the bus when a student is being transported between a sending and a receiving district, which school records the incident?

**A:** The school the student is traveling *to* reports the incident.

**Q:** Should incidents that occur on field trips be reported on the EVVRS, and do they fall under the definition of school grounds?

**A:** Yes, because they are school-sponsored events, which apply under the definition of *school grounds*.

**Q:** When should the “off-site” option be chosen under “Location”?

**A:** Off-site program is defined as a program that is part of a school in which the student is enrolled but that operates at another site and has NOT been assigned a school code by the Department of Education. The name and address of the off-site program should be entered in the incident description field.

**Q:** May districts report incidents for programs under a different code than the assigned school code?

**A:** No. Programs must report incidents under their assigned school code. However, by entering the program name in the incident description field, the NJDOE will be able to sort program data when reviewing data for schools identified as Early Warning or Persistently Dangerous.

[Back to FAQ Contents](#)***ii. VV-SA Incidents: Multiple Offenders***

**Q:** When reporting an incident that involves more than one student, should we report one incident and multiple offenders, or should we file a separate incident report for each offender?

**A:** An incident with multiple offenders – as well as multiple victims, if there are any, is submitted in one report.

**Q:** If I enter two offenders and one of the offenders is also a victim in an incident, how will I know who did what?

**A:** You may not always know who did what when checking an incident on an EVVRS report. The EVVRS tracks incidents, not students. In other words, what matters at the federal level is not “who did what to whom,” but, for example, “how many times did x occur” and “how many times was a student an offender or victim.” This is another reason why keeping the paper record of the incident and listing details in the Incident Description field can be helpful to the district.

[Back to FAQ Contents](#)***iii. VV-SA Incidents: One Student as Offender and Victim***

**Q:** Can a student be both an offender and a victim in the same incident?

**A:** Yes, in some cases – for example, when an Assault escalates into a Fight. If two students were involved in such an incident, you would report one student as an Offender only in connection with both the Assault and the Fight, while you would report the other student as a Victim of the Assault and as an Offender in connection with the Fight.

***iv. VV-SA Incidents: Days Suspended or Removed***

**Q:** If a student receives a half-day suspension for a VV-SA incident, how do I enter it into the system?

**A:** Enter 0.5 in the “Days Suspended or Removed” field of the Offender Information Page.

**Q:** What do I enter in the “Days Suspended or Removed” section when the student was on home instruction for several days *and* in an out-of-district placement for several days? Do I enter the cumulative total of days suspended?

**A:** Yes, but you must enter new offender information for each different type of suspension the student received. In this case, you would (1) click “Identify Offender” from the People Involved in Incident Page and enter the offender information, including only the first portion of the suspension (i.e., number of days of home instruction). Then, when you are back on the People Involved in Incident Page, you would (2) click “Identify Offender” again, this time entering the *same* offender information, but with the second portion of the suspension (i.e., number of days of out-of-district placement). Because the NJSMART ID number is the same for both offender entries, all of the offender information for this offender will be combined in the system.

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**Q: How do I report an HIB incident using the EVVRS?**

**A:** Select HIB from the Incident Detail section of the Incident Page and enter all the required data on this page. Once you click the “Submit Record” button, the HIB Information Page will appear. This page only appears if HIB is selected on the Incident Page. After completing the HIB Information Page, click the “Proceed” button and continue to enter the incident data on the People Involved in the Incident Page.

**vi. VV-SA Offender and Victim Information****Q: Is the NJSMART number the only student identifier that I should enter?**

**A:** Yes, the NJSMART number is required and is the only student identifier number entered. The individual responsible for data entry must verify that the NJSMART number is entered exactly as it appears in your district’s student information system.

**Q: What should I do if I discover that an NJSMART number has been entered incorrectly?**

**A:** If an NJSMART number is entered incorrectly, anytime that number is used in the future, it will be associated with the wrong student. If an NJSMART number is entered in error, you must contact the NJDOE immediately by emailing [evvrs@doe.state.nj.us](mailto:evvrs@doe.state.nj.us). Please be sure to include your district code in the email.

**Q: If an in-district program (e.g., a district-wide alternative school) without an assigned school code receives students from more than one high school within its district, what code should be used to report EVVRS incidents?**

**A:** The school code that matches where the student(s) involved in the incident has his/her attendance reported should be used to report an EVVRS incident.

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**A:** What you describe would be reported as a suspension with the appropriate option selected in the *Program/Services Provided Upon Disciplinary Action* section on the Report of Suspension of Students with Disabilities Report Form or EVVRS form if the incident meets the criteria for an EVVRS-defined offense, in which case it would be reported using the VV-SA Incident Report Form.

[Back to FAQ Contents](#)**ii. Report of Suspension of Students with Disabilities for Reasons Other than VV-SA: State vs. Federal Disability Categories****Q: The list of student disability categories includes “Intellectual Disability.” Shouldn’t this be “cognitively impaired” (mild, moderate, severe)?**

- A:** The NJDOE Office of Special Education confirms that the designation of “intellectual disability” is correct for purposes of the EVVRS. The discrepancy lies in the slight differences between state and federal reporting categories. See the *Crosswalk of State and Federal Special Education Eligibility Categories Table*, on the EVVRS Welcome Page at <http://homeroom.state.nj.us/EVVRS.htm> under the heading *Training Materials*, which shows how state definitions “translate” to federal definitions. Because the EVVRS collects data for the federal government, we use the federal categories.

### ***C. Summer and After School Hours Incidents***

- Q:** Do we enter EVVRS incidents that occur during the summer – such as vandalism that occurs when no one is around or a threat that occurs at band camp?

- A:** Incidents that occur between July 1 and August 31 should not be reported in EVVRS. However, districts should maintain their own records of incidents and actions taken.

- Q:** Should we report vandalism that occurs after school hours or over the weekend?

- A:** Yes. Arson, Damage to Property and Theft can all occur when school is closed. Such EVVRS-defined incidents are always reported according to district policy and the Memorandum of Agreement, when applicable—even when the offenders are unknown. However, only report these incidents in EVVRS when they occur between September 1 and June 30.

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### ***D. Definition of School Grounds***

- Q:** What is the definition of “school grounds?”

- A:** As defined in N.J.A.C. 6A:16-1.3, “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 district, and structures that support these buildings, such as 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 as defined in N.J.A.C. 6A:26-1.2, playgrounds, and recreational places owned by local municipalities, private entities and other individuals during those times when the district has exclusive use of a portion of such land.

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## **III. EDITING PREVIOUSLY ENTERED EVVRS INCIDENT DATA**

### ***A. Finding the Incident Report You Want to Change***

- Q:** Can we search for all incidents in a district or must we always select a school?

- A:** All registered EVVRS users – whether they are district- or school-level users – must locate and modify previously entered data by school.

- Q:** When I searched for a report by Incident Number, it appeared twice on the Search Result Page. Please reassure me that only one incident will be recorded in the EVVRS.

**A:** Each row of the table on the Search Result Page represents the record of a single offender or victim associated with a particular incident. Thus, for each incident with multiple offenders and/or victims, the Incident Number displays several times. Because it appears twice, you are seeing one incident with information for each of the two participants in the incident displayed.

### ***B. Editing Student ID Numbers***

**Q:** What happens if I enter the wrong NJSMART number for a student offender or victim?

**A:** Once an NJSMART number is entered for a particular student offender or victim, it cannot be changed. If an NJSMART number is entered incorrectly, anytime that number is used in the future, it will be associated with the wrong student. **If you have entered an NJSMART number in error, you must contact the NJDOE immediately by emailing [evvrs@doe.state.nj.us](mailto:evvrs@doe.state.nj.us).** Please be sure to include your district code in the email.

**Q:** Can I access EVVRS to make edits, additions or deletions following final data verification for Report Period 2?

**A:** No. EVVRS is locked and no further changes can be made following final verification.

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## **IV. APPROVED PRIVATE SCHOOLS FOR STUDENTS WITH DISABILITIES**

### ***A. Reporting Requirements***

**Q:** Why are private schools for the disabled required to use the EVVRS? We have always completed the incident forms and sent them to the home school of the offending student for reporting. Why isn't that sufficient? Additionally, since we must return paper records of all disciplinary actions to the district when the student returns to his other school, what is the point of *our* using this system?

**A:** The NJDOE is interested in identifying private schools for the disabled that may require technical assistance in the area of school safety. In addition, private schools for the disabled are included under the scope of Chapter 16 of the Administrative Code; subchapter six specifies EVVRS reporting responsibilities.

**Q:** We are small schools that serve troubled students, many of whom have severe behavior problems. Their home schools could not handle them. Due to our small size and the type of students we serve, we will almost certainly meet the Category B persistently dangerous criteria. Will we be labeled as "persistently dangerous?"

**A:** No, private schools for the disabled are not included under the Unsafe School Choice Option Policy.

**Q:** Do Approved Private Schools for Students with Disabilities that have programs located within a public school need to enter their data separately from the public school?

- A:** Yes, public and private school data are reported on separately and therefore must be entered independently of each other even if they share the same location.

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### ***B. Removal to Crisis Room***

**Q:** Students who are misbehaving in class may be sent to a crisis room where they receive instruction and assistance from a staff member. If I count this as an in-school suspension, it will increase tremendously the burden of entering data.

- A:** Removal to a crisis room for classroom misbehavior would be considered an “In-School Suspension” *if and only if* the removal/suspension is for one half day or more. Such an incident is reportable on the EVVRS through the “Suspension of Students with a Disability for Other Reasons” button unless the incident meets the criteria for an EVVRS-defined offense, in which case it would be reported using the VV-SA Incident Data button.

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### ***C. Incidents on School Buses***

**Q:** If one of our students gets in a fight on the bus, should I report it in the EVVRS?

- A:** Yes. If the bus is traveling to or from a receiving school (for example, from a regular high school to a vocational school), the school reporting the incident is the school *toward* which the bus is headed at the time of the incident.

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### ***D. The Role of a Student’s Disability***

**Q:** What if a student with a disability commits an offense due to her disability – e.g., an impulsive act directly related to a classification of emotional disturbance?

- A:** If the student has the mental capacity to understand both what he or she is doing and the probable effect of his or her actions, then the incident must be reported on the EVVRS. The classification *per se* does not influence the decision to report. Even if the Child Study Team asserts that there is a relationship between the classification and the action, the incident must still be reported. In some instances, the Age and Cognitive Development Maturity Consideration allows for a possible exception. See “Electronic Violence and Vandalism Reporting System (EVVRS) Primer: Three Considerations on Reporting to the New Jersey Department of Education which may be accessed at <http://homeroom.state.nj.us/EVVRS.htm> under the heading *Training Materials*.

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## V. THE UNSAFE-SCHOOL CHOICE OPTION (USCO)

### A. Definitions

#### i. Definitions: School

**Q:** For the purposes of the Unsafe School Choice Option (USCO) policy, what is the definition of a “school?”

**A:** For the purposes of USCO, the definition of a New Jersey school falls within the definitions of a “school facility” and “other facilities,” pursuant to N.J.A.C. 6A:26-1.2. “School facility” means and includes (1) any structure, building, or facility used wholly or in part for educational purposes by a district and (2) facilities that physically support such structures, buildings, and facilities, such as district wastewater treatment facilities, power generating facilities, steam generating facilities, and other central service facilities, including central kitchens and maintenance shops. “Other facilities” means athletic stadiums, grandstands, greenhouses, garages, facilities used for non-instructional or non-educational purposes, and any structure, building, or facility used solely for school administration.

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#### ii. Definitions: School Grounds

**Q:** What is the definition of “school grounds?”

**A:** As defined in N.J.A.C. 6A:16-1.3, “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 district, and structures that support these buildings, such as 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 as defined in N.J.A.C. 6A:26-1.2, playgrounds, and recreational places owned by local municipalities, private entities and other individuals during those times when the district has exclusive use of a portion of such land.

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#### iii. Definitions: Age and Sexual Assault

**Q:** In regard to sexual assault, do different criteria apply at different ages?

**A:** Yes. The criteria are quite detailed and can be found in Provision II of the USCO Policy, Victims of Violent Criminal Offenses: *Category A & Category B Offenses* at <http://www.state.nj.us/education/grants/nclb/policy/unsafe.htm>.

**Q:** Does the USCO still distinguish between Category A and Category B offenses? If so, where is the information that gives the distinction between the two?

**A:** Yes. Category A offenses include firearm offenses, aggravated assault on a student (major injury), assault with a weapon, and any assault on a district staff member. Category B offenses include simple assault on a student (minor injury), possession/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), and HIB or



threat. For more details, please see the Persistently Dangerous Schools section in Provision I of the USCO Policy at <http://www.state.nj.us/education/grants/nclb/policy/unsafe.htm>.

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## ***B. The Transfer Option***

### ***i. The Transfer Option: Incident Location***

**Q:** Must a school district/charter school make a transfer accommodation for a violent incident that occurs on school grounds during an activity sponsored by another group or organization?

**A:** No, a school district/charter school is only required to make student transfers for incidents that occur on school grounds *when they are used for the provision of academic or extracurricular programs by the school district/charter school*. For definitions of school grounds and schools, visit: <http://www.state.nj.us/education/code/current> and see the rules under N.J.A.C. 6A:16-1.3 and N.J.A.C. 6A:26-1.2.

**Q:** Is the school responsible for providing the transfer option for a violent incident that occurs on school grounds when school is not in session?

**A:** No. School districts and charter schools must provide the transfer option only when the incident occurs on school grounds *when the grounds are used for the provision of academic or extracurricular programs sponsored by the school district/charter school*, regardless of the time of day. If school is not in session, and the incident occurs at a time when no academic or extracurricular program sponsored by the school district/charter school is taking place, the incident does not meet this definition and it would not be reported. On the other hand, if school is not in session, but the incident occurs during an after school academic or extracurricular program sponsored by the school district/charter school, the incident *does* meet this definition and you are required to report it.

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### ***ii. The Transfer Option: No School Available***

**Q:** Under the USCO policy, the victim of a violent criminal offense may request a transfer to another school in the district. What must schools do when there is only one school for the victim's grade level (e.g., one high school)?

**A:** In this case, the student is not entitled to a school transfer and the district is not required to offer the transfer option. However, school districts/charter schools that receive funds under any of the titles under the NCLB are encouraged, but not required, to explore other appropriate options, such as an agreement with a neighboring school districts/charter schools to accept transfer students. To learn more about Public School Choice Options, go to <http://www.state.nj.us/education/choice/choice.htm>.

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### ***iii. The Transfer Option: Class Full***

**Q:** What if a student has been a victim of a violent criminal offense, but an appropriate class in another school is at capacity; does the district have a defense not to provide transfers?

**A:** No. School districts/charter schools are required to transfer students to another safe school within the school district/charter school to be eligible to receive funds under any and all titles under the NCLB. Being “full” is not a justifiable reason to withhold the transfer option. Appropriate and equitable accommodations must be made in another school within the school district/charter school to provide educational services to the transferring students.

### ***iv. The Transfer Option: Desegregation Plan***

**Q:** Is the school required to give the transfer option if it will conflict with the school’s approved desegregation plan?

**A:** Pursuant to 68 FR 16789, school districts/charter schools must complete the transfers by the start of each school year. Interference with an approved desegregation plan is not a justifiable reason to withhold the transfer option. If the transfers are not completed by the start of the school year, school districts/charter schools are in violation of federal statute and jeopardize all of their NCLB funding.

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### ***v. The Transfer Option: Transfer of Perpetrators***

**Q:** Is there any option for transferring perpetrators?

**A:** There is no provision in the federal USCO statute or in the NJDOE’s USCO Policy that requires school districts/charter schools to adopt responses with regard to perpetrators as a condition for receiving NCLB funds. The statute and the policy only require school districts/charter schools to provide the transfer option to students enrolled in persistently dangerous schools and to victims of violent criminal offenses. However, neither the statute nor the policy is intended as a solution for all student violence and conduct problems. Schools are encouraged to develop and implement appropriate strategies for addressing the circumstances that contribute to or support victimization, as well as to use locally determined policies and procedures to consistently and proactively manage individuals who have victimized students. Pursuant to N.J.A.C. 6A:16-7.1, all school districts/charter schools are required to have a code of student conduct that sets forth, in part, conduct sanctions and due process. In addition, school districts/charter schools receiving Title IV-A funds are reminded that, pursuant to Section 4114(d) of Title IV-A (NCLB), CSAs have assured the NJDOE, as a condition for receiving NCLB funds under districts’ NCLB Consolidated Formula Subgrant Applications, that they have “appropriate and effective school discipline policies” and “a code of student conduct policy that ... has consequences that are fair and developmentally appropriate ... and ... considers the student and the circumstances of the situation.”

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### ***vi. The Transfer Option: Unsafe School Choice Option Policy***

**Q:** If a student elects to transfer to a safe public school under USCO policy, is the transfer permanent or temporary?

**A:** The transfers may be either permanent or temporary, but the student must be allowed to remain in his or her new school for as long as the student's original school is identified as persistently dangerous. In making the determination of whether the transfer should be permanent or temporary, school districts/charter schools should consider the educational needs of the student, as well as other factors affecting the student's ability to succeed if returned to the transferring school. For example, school districts/charter schools may want to consider allowing a student to complete his or her education through the highest grade level at the receiving school.

**Q:** What if the transfers from persistently dangerous schools cannot be completed by the beginning of the school year?

**A:** Pursuant to 68 FR 16789, school districts/charter schools that receive funds under any of the titles under the NCLB *must* complete the transfers by the start of each school year. If the transfers are not completed by the start of the school year, school districts/charter schools are in violation of federal statute and jeopardize all of their NCLB funding.

**Q:** Can a parent of a student enrolled in a “persistently dangerous school” exercise the transfer option at a later date – that is, after the school year begins?

**A:** For schools identified as “persistently dangerous” under USCO Policy Provision I, transfers *must* be completed by the start of the school year. However, in the event that a student *enrolls* in the school *after* the start of the school year, the parent must be notified of the school's designation at the time of enrollment and must be immediately offered the transfer option.

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## ***C. Unsafe School-Choice Option Policy***

### ***i. Unsafe School-Choice Option Policy: Early Warning***

**Q:** What types of corrective actions must be taken if a school is designated as “persistently dangerous” or if it receives an “early warning” for being persistently dangerous?

**A:** Schools designated as PDS or EWS under the USCO policy are required to develop and submit corrective action plans or school safety plans, respectively, by September 30th of the same year, in accordance with the guidance and formats provided by the NJDOE. Corrective actions should be based on an analysis of the problems faced by the school and should address the issues that resulted in the school being identified as persistently dangerous. Some examples of corrective actions include:

- hiring additional staff to supervise students in common areas;
- increasing instructional activities in areas such as conflict resolution;
- working with law enforcement officials to identify and eliminate gang-related activities;
- providing in-service training for teachers and administrators in such areas as consistent enforcement of school discipline policies and preventing and defusing tensions and hostilities;
- conducting and addressing the findings of school climate assessments;
- limiting access to campuses, or;
- hiring security personnel or purchasing security equipment.

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## ***ii. Unsafe School-Choice Option Policy: State/Federal Aid***

**Q:** Is there additional state money to support USCO policy requirements for things like increased security?

**A:** While there is no categorical federal or state appropriation supporting the federal requirement, schools may use their state aid and other funds, as appropriate, to address safety and security needs.

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## ***D. Persistently Dangerous Schools***

### ***i. Persistently Dangerous Schools: Legal Appeals***

**Q:** Is there an appeal process when a school is classified as a persistently dangerous school?

**A:** Pursuant to N.J.A.C. 6A:3-1.1 *et seq.*, a district board of education may file a Petition of Appeal with the Commissioner of Education if it has evidence that the department's determination was not made in accordance with its published policy.

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### ***ii. Persistently Dangerous Schools: Number of Special Education Students***

**Q:** Does the NJDOE consider the number of special education students in a school when applying the criteria for “persistently dangerous schools?”

**A:** No. The formula for determining “persistently dangerous schools” is based on the relative degree of safety and security in schools, as determined by school-reported EVVRS data, regardless of the educational classification of students. Whether special education or general education students commit a larger portion of the reported offenses, the result is the same – unsafe schools.

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## ***E. Victims of Violent Criminal Offenses***

### ***i. Victims of Violent Criminal Offenses: 30-Day Limit for Transfer Option***

**Q:** What happens when a student is determined to be the victim of a violent criminal offense?

**A:** When a school district/charter school that receives any NCLB funds determines that a student is a “victim of a violent criminal offense,” according to criteria for determining the victim of a violent criminal offense in the USCO policy, they must – within 14 calendar days of the determination – offer the parents of the child the opportunity to transfer the child to a safe school, and they must also inform the parents that the transfer must occur within 30 days of the determination.

**Q:** Do the provisions for victims of violent criminal offenses (USCO Policy Provision II) apply to incidents from previous school years?

**A:** If a school district/charter school determined that a student or students met the standard for being a “victim of violent criminal offense” in the previous school year – but the determination was made 30 days or fewer

before the end of the school year – they must allow these victims to exercise the option at the start of the new school year.

**Q:** Can a student identified as a “victim of a violent criminal offense” exercise the transfer option after the 30-day period?

**A:** Other than the special case described above, schools are not *obligated* to provide the transfer *after* the 30-day period has lapsed, but schools are encouraged to take into consideration subsequent circumstances regarding the victimization and the student’s school performance, and to provide appropriate accommodations for the student. These accommodations may include school transfers and other measures that provide the victimized student with a safe and successful school experience.

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## ***ii. Victims of Violent Criminal Offenses: Legal Challenge***

**Q:** Can a parent challenge a district’s decision that a student was *not* the victim of a violent criminal offense?

**A:** Parents may directly challenge any school district decision by voicing their concern to local school administrators, local school boards of education, and the county superintendent, and by providing evidence that the school did not act in accordance with the Criteria for Determining Victims of Violent Criminal Offenses, as set forth in USCO Policy Provision II.

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## ***F. Charter Schools***

**Q:** How does the USCO apply to charter schools?

**A:** While the statute permits affected students to be afforded the opportunity to attend a public charter school, in addition to a safe public elementary school or secondary school within the local educational agency, the application of this provision is limited in New Jersey in two ways. In summary, transfers under the policy could only occur as a part of the charter school’s “equal opportunity” selection process and among charter schools administered under the same managing authority.

Since, pursuant to *N.J.S.A. 18A:36A-3*, charter schools are considered public school districts that are operated independently of local boards of education, transfers may only take place among multiple charter schools operated under the same approved charter. That is, charter school students are permitted to transfer to another charter school that is administered under the same managing authority, but are not permitted to transfer to a school in the local public school district administered by a local board of education.

Pursuant to *N.J.S.A. 18A:36A-7*, a charter school must be open to all students on a space available basis and may not discriminate in its admission policies or practices, although it may establish reasonable criteria to evaluate prospective students. Also, in accordance with *N.J.S.A. 18A:36A-8*, if there are more applications to enroll in the charter school than there are spaces available, the charter school must select students to attend using a random selection process (e.g., lottery) for enrollment.

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## ***G. Students Enrolled in Special Education Programs***

**Q:** How does the persistently dangerous schools designation (USCO Policy Provision I) and the victims of violent criminal offenses option (USCO Policy Provision II) apply to students determined to be in need of special education programs and services and who attend school in school districts/charter schools that receive NCLB funds?

**A:** For *all* students who attend public schools identified by the NJDOE as persistently dangerous, or who become victims of violent criminal offenses, their parents must be notified in accordance with the USCO policy and informed that they may exercise the option of transferring their children to a safe school. School districts/charter schools are required to provide transferred special education students with the program required by the student's Individualized Education Program (IEP).

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## **VI. EVVRS INCIDENT DEFINITIONS**

### ***A. EVVRS Homeroom***

**Q:** How can I download the latest EVVRS incident definitions?

**A:** You can go to the EVVRS Welcome Page under the heading *Training Materials* at <http://homeroom.state.nj.us/EVVRS.htm> and print or download the incident definitions.

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## **VII. DATA CONFIRMATION AND VERIFICATION**

### ***A. Data Confirmation***

**Q:** What is the Report Period 1 confirmation?

**A:** This is when the CSA or CSLP confirms that all EVVRS reportable incidents occurring between September 1 and December 31 have been entered accurately and without omission into EVVRS through the EVVRS Confirmation button.

**Q:** Am I able to make edits, additions or deletions after the Report Period 1 confirmation?

**A:** Yes, the system remains open and revisions are permitted until the system closes on the last school day before July 16.

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### ***B. Data Verification***

**Q:** What is the Report Period 2 data verification?



**A:** This is when the CSA or CSLP confirms that all EVVRS reportable incidents occurring between January 1 and June 30 have been entered accurately and without omission **and** that all EVVRS data for the entire school year (September 1 – June 30) is accurate and complete.

**Q:** Am I able to make edits, additions or deletions after the Report Period 2 verification?

**A:** No, the system will be closed after the Report Period 2 verification deadline.

**Q:** Can I request an extension to verify data beyond the final verification deadline?

**A:** No, the NJDOE must create district and statewide reports immediately after the deadline to meet federal and state reporting requirements.

**Q:** Where can I find guidance on how to ensure accurate and consistent reporting?

**A:** The NJDOE has prepared a document titled “Electronic Violence and Vandalism Reporting System (EVVRS) Recommendations for Data Confirmation and Verification” to assist you. This document can be accessed from the EVVRS Homeroom Page at <http://homeroom.state.nj.us/EVVRS.htm> under the heading *Training Materials*.

### ***C. Data Certification***

**Q:** If our CSA/CSLP confirms or verifies the EVVRS data, do we still have to submit the semi-annual HIB-ITP Certification?

**A:** Yes, the EVVRS and HIB-ITP are two separate data collection systems. Confirming/verifying for the EVVRS does not fulfill the agency’s requirement to certify for the HIB-ITP. Conversely, certifying for the HIB-ITP does not fulfill the agency’s requirement to confirm/verify for the EVVRS. Each data collection system has its own confirmation/verification (EVVRS) and certification (HIB-ITP) guidelines and requirements.

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