



Frequently Asked Questions on Unsafe School Choice Option (USCO)

Definition of Persistently Dangerous Schools

1. What is USCO, and how will it affect our schools?

USCO stands for Unsafe School Choice Option. Under the federal No Child Left Behind Act, states must develop a definition of “persistently dangerous” schools and allow public school choice for students who have been victims of a violent criminal offense or who attend a school that meets the definition. "Unsafe School Choice Option" is available when a school meets the criteria for three consecutive years, but the victim of a violent crime at school can transfer within ten school days.

To lead the nation in improving student achievement, we have to ensure that all of our schools provide safe, nurturing environments where students can learn and are valued and respected, and to do that we have to maintain stringent standards. The focus of the rule is not to label schools as unsafe, but to work with local education agencies (local school systems, herein referred to as LEAs) proactively to identify those schools at risk of being labeled persistently dangerous and provide them with the professional development and technical assistance they need to improve.

2. How will schools be designated as "Persistently Dangerous?" Georgia’s definition of a persistently dangerous school is one in **which for three consecutive years:**

- 1) At least one student is found by official action to have violated a school rule related to a violent criminal offense (including aggravated battery, aggravated child molestation, aggravated sexual battery, aggravated sodomy, armed robbery, arson, kidnapping, murder, rape, & voluntary manslaughter) either on campus or at a school-sanctioned event; or
- 2) At least 2% or more of the student population or ten students, whichever is greater, have been found by official action to have violated school rules related to other identified criminal offenses, including non-felony drugs, felony drugs, felony weapons, terroristic threats; or

Any combination during the three consecutive years of 1) and 2).

Official action is defined by the rule as an official tribunal held by the school system; a hearing conducted by a disciplinary hearing officer of the school system (O.C.G.A. § 20-2-752 through § 20-2-758); through a waiver process; through an action of the local board of education; or for non-felony drug offenses that result in placement in a drug intervention program.

Transfers will be offered after the third consecutive year, but the victim of a violent crime at school can transfer within ten school days of the commission of the violent criminal offense. Though a school must meet these criteria for three consecutive years

in order to be labeled “persistently dangerous,” local and state officials will work with school administrators, parents, educators, and others to address the problem after just one year.

3. If students commit violent criminal offenses outside the jurisdiction of the school, will these incidents be counted toward the identification of the school as persistently dangerous?

No. Offenses must occur on school property during school hours, while at an event on school property at a school sponsored event, or while attending an event under the jurisdiction of the school, including sports events at the school owned properties.

4. Is the definition too soft? Too harsh? Is it fair to declare a school persistently dangerous based on a single incident committed by a single student per year for three consecutive years?

To label a school persistently dangerous is a very drastic step, and should be reserved only for those schools that have demonstrated a consistent pattern of serious, violent offenses. During the arduous process through which the rule was developed—one which took months and involved the collaboration of GaDOE employees, superintendents, system-based representatives, secondary principals, administrators, parents, and community members—the benchmarks for the identification of a persistently dangerous school were continuously refined. The priority was to ensure that the definition was balanced and equitable, neither too lenient nor too harsh--and that no school would be unfairly labeled as persistently dangerous because of the criteria.

Under the USCO rule, just one violation of school rules related to a violent criminal offense for three consecutive years may be enough to define a school as persistently dangerous. There were some arguments that this standard was too harsh and would lead to a school being unfairly labeled by the actions of one student. Ultimately it was determined, however, that stringent standards must be maintained in order to ensure that our schools provide safe, nurturing environments where students can learn. Accordingly, a school where a violent offense has occurred for three consecutive years has established a pattern of serious, violent offenses, and must improve for student learning to thrive.

The intent of the rule, however, is not to label such schools as being unsafe, but to provide them with the assistance they need to improve. Toward that end, GaDOE will offer workshops, staff development, and limited assistance for all persistently dangerous schools, and LEAs will work with local law enforcement and community agencies to address the issues that put a school on the list. These workshops and staff development opportunities will prove helpful to schools that have met the unsafe school criteria for one year in order to help them improve and avoid being placed on the list.

5. What is the reason for setting the minimum threshold for lesser criminal offenses at 2% of the student body or ten students, whichever is greater, under the second criterion of the rule?

Using 2% as our threshold without a minimum number would cause some small schools to be labeled unfairly because the school would be determined to be unsafe based on the offenses of as few as two or three students. As such, for schools of 500 or smaller the 10 student minimum applies.

6. Is the “terroristic threat” category too vague, leading to less serious threats being labeled “terroristic” and thus causing a school to be unfairly labeled persistently dangerous?

Terroristic threats range from verbal threats to bomb threats. Though a principal may label an offense a terroristic threat, the offense must go before a tribunal. Thus, the final assessment of whether the offense fits the “terroristic threat” definition will not be the arbitrary determination of an individual, but the judgment of a legal body according to state rules.

7. Are alternative schools held to the same standards in being labeled “persistently dangerous”? Isn’t that unfair to alternative schools, which are more likely to have more of such incidents? Are students at alternative schools labeled “persistently dangerous” given the school choice option?

No. Alternative schools that have an identified school code number will be exempt from the designation of being classified as a persistently dangerous school. For alternative schools that do not stand as individual entities with an identified code number, the count applies toward the home school

8. What data does Georgia use to determine the list of persistently dangerous schools? Is this the same data that LEAs submit under state law?

To make persistently dangerous school determinations under USCO, the Georgia Department of Education uses records submitted by LEAs covering three years of data on official tribunals held by the LEA, hearings conducted by a disciplinary hearing officer of the LEA, and official actions of the local board of education.

The collection of data used for USCO determinations will become part of the annual data collection process for each system, but will remain separate from the student discipline data collection mandated by the General Assembly. Under OCGA 20-2-740, every local board of education collects and reports to the Georgia Department of Education information on disciplinary and placement actions taken each school year. These student discipline reports list 26 discipline incident categories, including alcohol, arson, battery, breaking and entering/burglary, computer trespass, disorderly conduct, drugs, fighting,

homicide, kidnapping, larceny/theft, motor vehicle theft, robbery, sexual battery, sexual harassment, sex offenses, threat/intimidation, tobacco, trespassing, vandalism, weapons/firearm, weapons/knife, weapons/other. USCO, however, does not focus on any and every discipline event, but on only the most serious of violent crimes. The intent of the rule is to provide safe, nurturing environments where students can learn and to use very specific data on violent and lesser criminal offenses to identify schools that are at risk or need improvement. As such, the use of tribunal data, which covers the most serious of student offenses, is more appropriate and reliable for making USCO determinations. Tribunals follow strict procedures and guidelines established by state law, and tribunal data are maintained at county offices, not individual schools.

9. When will the Georgia Department of Education notify LEAs as to whether any of their schools have been designated as "Persistently Dangerous?"

July 1.

10. What are the procedures that LEAs must follow when one or more of its schools have been identified as persistently dangerous?

At a minimum, and in a timely manner, the LEA must:

Notify parents of each student attending the school that the state has identified the school as persistently dangerous. (Parent notification shall be written in English and any other language prevalent in the student population of that school.)

Offer students the opportunity to transfer to a safe public school, including a safe public charter school, within the LEA. (Parental notification regarding the status of the school and the offer to transfer students may be made simultaneously.) Complete the transfer for those students who accept the offer. Develop a corrective action plan and implement that plan in a timely manner.

11. How does a LEA develop a correction action plan?

Corrective action plans should be based on an analysis of the problems faced by the school and address. These plans should address the issues that resulted in the school being identified as persistently dangerous. Some examples of corrective action include:

- Increasing instructional activities in areas such as conflict resolution;
- Working with law enforcement officials to identify and eliminate criminal activity;
- Training of teachers and administrators concerning consistent enforcement of school discipline policies;
- Limiting access to campuses;

- Hiring additional personnel to supervise students in common areas
- Purchasing security equipment.

12. Once designated as "Persistently Dangerous," how long will a school remain identified?

LEAs must develop and implement a school improvement plan for a school labeled persistently dangerous, and the school must go through one school year below the persistently dangerous threshold before the LEA can reapply to GaDOE. GaDOE officials will conduct on-site visits during the school year to review the progress of the corrective action plan and to conduct a comprehensive School Safety Audit. After ensuring that all corrective action has been completed, GDOE shall reassess the school using the criteria for persistently dangerous schools as specified in the rule.

13. How do LEAs fund these corrective action plans?

Federal Safe and Drug-Free Schools and Communities funds may be used to implement planned corrective actions. LEAs may also consider using the flexibility provided under Section 6123(b) of the ESEA, which provides for the transfer, under certain circumstances, of funds from one ESEA program to another. Detailed information concerning the permissible uses of transferred funds will soon be available in non-regulatory guidance that will be released by the U.S. Department of Education this summer.

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14. How long does the LEA have to notify parents or guardians after it learns that the school has been identified as persistently dangerous?

Timely notification to parents/guardians is within ten school days from the time that the LEA learns that the school has been identified as persistently dangerous. Timely development of a corrective action plan and the offer to students of the opportunity to transfer is within 20 school days from the time that the LEA learns that the school has been identified as persistently dangerous. The actual transfer of students should occur within 30 school days.

15. Are there any other guidelines that LEAs must follow in allowing students to transfer from one school to another?

To the extent possible, LEAs should allow transferring students to transfer to a school that is making adequate yearly progress and has not been identified as being in school improvement, corrective action, or restructuring. The LEA is encouraged to take into account the needs and preferences of the affected students and parents.

16. What if there is not another school in the LEA for the transferring student(s)?

LEAs are encouraged, but not required, to explore other appropriate options, such as an agreement with a neighboring LEA to accept transfer students.

17. What should an LEA do when a student has become a victim of a violent criminal offense?

Consistent with Georgia's USCO policy, within ten school days a LEA should offer an opportunity to transfer to a safe public school (including public charter schools) within the LEA to any student who has become the victim of a violent criminal offense while in or on the grounds of a public school that the student attends.

18. Is a student who has become the victim of a violent criminal offense required to transfer to another school in the LEA?

No. The student must be offered the opportunity to transfer; however, the student may choose to remain at the school.

19. Are LEAs responsible for covering the cost of transportation for students who elect to transfer to a safe school?

No. LEAs are not required to cover the cost of transportation for students who choose to transfer to a safe school. Transportation will be provided only up to the limit of funds already provided by the federal government for transportation.

For example, Title IV, Part A funds may be used to establish safe zones of passage to and from school to ensure that students travel safely on their way to school and on their way home [section 4115(b)(2)(E)(v)]. In addition, Title V, Part A funds may be used to help cover the costs such as tuition or transportation related to USCG or expansion of public school choice [sections 5121(8) and 5131(12) and (25)]. LEAs are also encouraged to work with local victim's assistance units to determine if they have funds available for this purpose.

20. If a student is found in violation of a non-felony drug offense and assigned to a drug intervention program in lieu of going to a disciplinary tribunal hearing, are they included in the annual report to the Georgia Department of Education?

Yes. Several systems give parents and students the option to attend a drug intervention program instead of going to a disciplinary tribunal hearing for non-felony drug offenses. The definition of *official action* includes students in this category.

For more information on USCO & No Child Left Behind, parents should contact the Georgia Department of Education Help Desk at 404.656.2800 or 1.800.311.3627.