

## **Persistently Dangerous Schools Frequently Asked Question for Parents and Guardians**

### **What is the Unsafe School Choice Option?**

The Unsafe School Choice Option requires states to establish and implement policies that would allow a student who is a victim of a violent criminal offense to transfer to a safe public school and would allow a student who attends a persistently dangerous school to transfer to a safe public school. Both transfer options occur within the school district and include available charter schools.

These policies are required under the federal No Child Left Behind Act of 2001 (NCLB), which ensures that all children have the opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging state achievement standards and academic assessments. NCLB provides grants to state education agencies and sub-grants to local education agencies to help implement these policies. To remain eligible for funding under the NCLB, state and School Districts must comply with the requirements of the NCLB.

### **How will Georgia meet the NCLB requirements?**

The Georgia Department of Education developed and adopted standards in 2003 that defined a persistently dangerous school and violent criminal offense and set regulations to identify such schools and incidents. After that identification takes place, school districts that have one or more persistently dangerous schools must provide each student who attends such a school the option to transfer to another school that is considered a safe public school. The School District or other identified LEA, in conjunction with the Department, also must develop a corrective action plan that addresses the conditions in each persistently dangerous school and offers possible solutions to ensure the safety of students.

### **What is a Persistently Dangerous School?**

The Georgia Department of Education (GDOE), as required by the Unsafe School Choice Option provision of the No Child Left Behind Act of 2001 (Section 9532), has adopted the following standards for identifying persistently dangerous schools:

A Persistently Dangerous School is any public school in which for each of three consecutive years on the property of the public schools, or at an event within the jurisdiction of a public school, or at a school sponsored event:

A. at least one student enrolled in that school is found by official action to have committed an offense in violation of a school rule that involvement one or more of the following criminal offenses: aggravated battery; aggravated child molestation; aggravated sexual battery; aggravated sodomy; armed robbery first degree arson, kidnapping, murder, rape, or voluntary manslaughter, or

B. Two percent or more of the student population or ten students, whichever is greater, are found by official action to have committed an offense in violation of a school rule that involved one or more of the following criminal offenses: non-felony drugs, felony drugs, felony weapons, terroristic threats, or

Any combination of A or B.

### **What does it mean if my child's school is designated a Persistently Dangerous School?**

School districts having one or more schools designated as "persistently dangerous" must notify the parents of each student attending these particular schools that the schools have been given this designation. School Districts must notify parents within 14 calendar days from the date that the school district receives final notice of the "persistently dangerous" designation from the GDOE.

### **What are the student's options under USCO?**

A student who attends a persistently dangerous school must be offered the opportunity to transfer to a safe public school within the district, including a charter school. Affected students may apply to transfer at any time while the school

maintains that designation. A school district should try to transfer students to a school that is making Adequate Yearly Progress and should also take into consideration individual needs of students and their parents/guardians.

**What is my school required to do if it has been designated as Persistently Dangerous?**

Within 14 calendar days from the date that the school district receives final notice of the “persistently dangerous” designation from the GDOE, the district must notify students attending the school and their parents of their opportunity to transfer. Upon receipt of an application to transfer, the district shall transfer the student within 30 calendar days. The district must also submit a corrective action plan to the Department within 30 calendar days of receiving notification that a school has been identified as persistently dangerous. The district must receive approval from the GDOE for its corrective action plan and shall implement all steps contained in its corrective action plan within the time periods specified in that plan.

**Is the transfer permanent or temporary?**

The transfer may be temporary or permanent, but it must be in effect as long as the student’s original school is identified as persistently dangerous. In determining whether the transfer should be temporary or permanent, your school 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. After the GDOE has notified a School District that a school is no longer identified as a persistently dangerous school, the district may require students who transferred to return to their original school.

**Will my school district provide transportation to the new school?**

A School District with one or more of its schools identified as persistently dangerous is required to provide the student transportation to a safe public school.

**Is my child required to transfer?**

The School District shall offer all students who attend the school the opportunity to transfer to a safe public school or charter school within the district. The notification and offer to transfer **does not require** that the student transfer to another school.

**Can I select which school?**

To the extent possible, the School District in consultation with the parents/guardians should allow the student to transfer to a school that is making adequate yearly progress, and one that is not identified as being in school improvement, corrective action, or restructuring. A charter school only has to accept a student who meets its admission criteria if space is available.

**What if there is no other school available?**

If there is not another available safe school within the district, the school district is encouraged, but not required, to establish an agreement with a neighboring district(s) to accept the transfer of students.

*For additional information, contact your Local School District*

*or*

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