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## NJDOE News

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### Department of Education Announces Draft Policy on Unsafe School Choice Options as Required by Federal Law

#### ▶ [USCO POLICY QUESTIONS AND ANSWERS](#)

New Jersey is developing a policy to provide safety and security for students who attend schools that are deemed to be unsafe. A draft of the policy was presented today to the State Board of Education during the board's monthly work session. No board action is required for the policy, which will be in place by the beginning of the 2003-04 school year.

"The federal No Child Left Behind Act requires the states to develop policies that will allow students who attend persistently dangerous schools or who are victims of violent crimes in their schools or on school property, to attend a safe school within the same school district," said Commissioner of Education William L. Librera. "The result of our efforts will meet the requirement of the law to provide school choice, but will emphasize the identification and correction of safety issues in our schools. This will give students a greater sense of security and a renewed emphasis on learning."

New Jersey's draft policy of the Unsafe School Choice Option (USCO) was developed with input from an advisory panel representing local school district staff, the Attorney General's Education and Law Enforcement Working Group, the No Child Left Behind Advisory Council, and representatives from statewide educational organizations. The policy describes how New Jersey will identify persistently dangerous schools as well as identify violent criminal offenses under state law that will apply to the victims' options to attend a safe school.

The Department of Education will use data reported from the Electronic Violence and Vandalism Reporting System (EVVRS) to determine which schools meet the criteria for a persistently dangerous school for three consecutive years.

Criteria are based on the number of violent incidents reported at the schools in two categories, as described below:

- **CATEGORY A** -- The school has seven or more offenses each year for three years for the following offenses: a firearms offense in state law in accordance with the federal Gun-Free Schools Act; an aggravated assault on a student; an assault with a weapon on a student; and any assault on a member of the school district staff; or
- **CATEGORY B** -- The school has a score of 1.0 for three consecutive years on an index determined by dividing the total number of incidents by the square root of the school's enrollment for the following offenses: simple assault on a student; possession or sale of a weapon other than a firearm; gang fight; robbery or extortion; sex offense; terrorist threat (data now reported under "threats" will be used until specific data on terrorist threats are collected); arson; sale and distribution of drugs (excluding possession with intent); and harassment and bullying (not currently available but will be added to the EVVRS).

The state intends to use incidents reported by school districts in fiscal years 2000, 2001 and 2002 to determine which schools meet the criteria for persistently dangerous schools. Data are still under review and no designations for individual schools can be determined until the policy is finalized and the review is complete. School districts and charter schools will be notified by July 1 each year if they have any schools designated as persistently dangerous. Schools that meet the eligibility criteria for fewer than three years will trigger notification to school districts and charter schools that they are at-risk of having persistently dangerous schools. Schools designated at-risk will be required to develop and submit to the state corrective action plans that will contain their strategies and activities designed to reduce the number of incidents.

If a school district or charter school is notified that one or more of its schools meets the criteria for persistently dangerous schools, it must within 15 days notify parents of all enrolled students of the designation and offer an option for the students to be transferred to a safe public school within the district by the beginning of the school year that immediately follows the notification. Students are not required to transfer. Wherever possible, local school districts should allow students to transfer to a school that is making adequate yearly progress and has not been identified as being in need of school improvement, corrective action or restructuring.

Schools identified as persistently dangerous also are required to submit annually a corrective action plan until the number of incidents falls below the criteria for determining persistently dangerous schools for three consecutive years.

The policy also includes a section designed to guide all school districts and charter schools in providing relief to students who have been victims of violent criminal offenses, while providing schools with a practical means for making determinations on incidents of victimization that are within their authority. The policy describes the types of violent criminal offenses that would apply and the procedures that local schools must follow to comply with the federal law.

New Jersey's policy will now be finalized and school districts and charter schools will receive notices of their designations by July 1, 2003.

The Department of Education will offer assistance to schools as they respond to this new requirement under the No Child Left Behind Act.