



NJDOE News

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State Board of Education Adopts Criteria for Unsafe School Choice Option; Guidelines are Required by the Federal No Child Left Behind Act

The State Board of Education today adopted criteria under the federal No Child Left Behind Act that gives children in New Jersey an Unsafe School Choice Option (USCO). The options fall into two categories: "Persistently Dangerous Schools" and "Victims of Violent Criminal Offenses." The guidelines will be implemented for the 2003-04 school year and each year thereafter.

The intent of the statute and the state Department of Education (DOE) policy is to provide safety and security for students and to prevent unnecessary or extended interruptions to student learning.

"The Department of Education asks all school districts to remain mindful each and every day that the safety of our children is the most important function any school can provide so that they can learn in the safest environment possible," Commissioner of Education William L. Librera said. "That is the intent of the federal Unsafe School Choice Option and the DOE will do its best to assist our schools in their efforts to address issues of violence and vandalism."

"While our most recent Violence and Vandalism report shows a decrease in incidents statewide, we agree in principle that schools should be held accountable for their students' safety," Librera said. "The No Child Left Behind Act requires all states to establish criteria that define schools considered unsafe. In New Jersey, the criteria were established as fairly as possible so as to not label schools, but rather identify them and provide as much assistance as possible so that problems can be corrected and solutions can be shared."

New Jersey's Unsafe School Choice Option policy was developed in consultation with an advisory panel comprised of a sampling of local school district staff members, the Attorney General's Education and Law Enforcement Working Group, the No Child Left Behind Act Advisory Council, and representatives from statewide educational organizations.

In adopting the policy Wednesday, the State Board recommended that the department exercise the option of using the extended timeline by the federal government, which originally was to notify districts of their status under the Unsafe School Choice Option by July 1. The State Board also reserved the right to revisit and amend the newly-adopted policy if necessary and should federal guidelines change.

PERSISTENTLY DANGEROUS SCHOOLS

The DOE, as established by the criteria for the USCO, will help schools identified as persistently dangerous with corrective action plans and an emphasis on community development, such as working with local law enforcement agencies and other entities.

The definition of what comprises a persistently dangerous school is based on the last three years of data from the Electronic Violence and Vandalism Reporting System (EVVRS) report. The criteria fall under two categories: schools that have seven or more "Category A" offenses; or schools that have a score of 1.0 or higher after dividing the number of "Category B" offenses by the square root of the school's enrollment.

"Category A" offenses are defined as follows:

- a firearms offense set forth by New Jersey statute in accordance with the federal Gun-Free Schools Act;
- an aggravated assault upon a student;
- an assault with a weapon upon a student; or
- " any assault upon a member of the school district staff.

"Category B" offenses are as follows:

- simple assault on a student;
- possession or sale of a weapon other than a firearm;
- gang fight;
- robbery or extortion;
- sex offense;
- terroristic threat (Note: Threats are currently reported through the EVVRS, but terroristic threats are not specifically designated. Until the data on terroristic threats is available, the data on threats will be used);
- arson;
- sale and distribution of drugs (excluding possession with intent); and
- harassment and bullying (Note: Data on this category is not currently available and will be added to the annual electronic violence and vandalism report).

When a school is identified as persistently dangerous by the NJDOE, local school districts - defined in the policy as Local Educational Agencies (LEAs) - will be notified in accordance with federal guidelines and department policy.

Under the USCO policy, 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, immediately following the notification, must offer an option for the students to be transferred to a safe public school within the district by the beginning of the school year.

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, according to the USCO as defined in Title IX, Part E, Section 9432 of the No Child Left Behind Act.

The persistently dangerous designation will be removed after one or more years - contingent upon the successful completion of the criteria for removal, as determined by and in accordance with guidance provided by the DOE. The state DOE will help monitor effective programs and corrective action plans.

VICTIMS OF VIOLENT CRIMINAL OFFENSES

The department's 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.

All local schools must offer within ten (10) calendar days an opportunity to transfer a student within a district who has become a victim of a violent criminal offense while on the grounds of the public school the student attends. While the students must be offered the opportunity to transfer, he or she may elect to remain at the school.

Supportive resources and initiatives provided by the DOE are found online in the Electronic Violence and Vandalism Report under the subhead, "Programmatic Response." The reports are found here:
<http://www.state.nj.us/njded/schools/vandv/>.

For more information about the criteria established today or the Unsafe School Choice Option, please contact the DOE Public Information Office at (609) 292-1126.