

Series 2002-03

Circular Letter: C-34

To: Superintendents of Schools

From: Theodore S. Sergi

Date: June 23, 2003

SUBJECT: The Unsafe School Choice Option of the No Child Left Behind Act of 2001

On June 4, 2003, the State Board of Education approved the following motion:

RESOLVED, That the State Board of Education, pursuant to Section 9352 of the *No Child Left Behind (NCLB) Act of 2001*, adopts the *Proposal for Meeting the No Child Left Behind (NCLB) Unsafe School Choice Option* and directs the Commissioner to take the necessary action. (The adopted proposal is attached).

The federal law upon which this resolution is based requires the offer of school choice to a) individual students who were victims of a violent criminal offense and b) students from schools that are persistently dangerous.

Victims of a violent criminal offense

Starting with the 2003-04 school year, students who are victims of a violent criminal offense on school grounds must be offered, in a timely manner, the opportunity to transfer to a safe public school within your district. The student may elect to remain at his/her original school. If no opportunity exists within your district, you may, but are not required, to seek alternatives for the student in a neighboring district, charter school or magnet school. An alternative must be provided that takes into account the needs and preferences of the affected students and parents. School districts are responsible for implementing this section of the federal statute using the state definition of a violent criminal offense.

Violent criminal offense

The state definition of a violent criminal offense has three components, each of which must be met. First, a student or staff suffers bodily injury as a result of intentional, knowing, or reckless acts committed by another person. Second, the police have been notified and a report taken. Third, the factual underpinnings in the police report are sufficient to constitute a crime described in the penal code, Title 53a of the Connecticut General Statutes.

Persistently dangerous schools

By August 2003, the Connecticut State Department of Education (CSDE) is required to identify persistently dangerous schools. The information that you have submitted on the 1999-00, 2000-01 and 2001-02 data collections of ED166, Disciplinary Offense Record Data Collection will be used for this analysis. While those data collections serve multiple purposes and include many lesser offenses that result in suspensions or expulsions, the identification of an unsafe school concentrates upon two types of serious offenses: weapons violations and violent acts.

Specifically, the serious offenses will be placed into one of three groups, each with a defined tolerance level. The first is the number of students who were expelled for possessing a firearm or an explosive on school property. Two or more such incidents would place a school outside of the level of tolerance.

The second group of offenses is the relative number of students expelled for possession of other weapons such as knives or other implements capable of causing harm. The key statistic is the number of expulsions per 200 students enrolled with a minimum tolerance of three such incidents. Thus, schools of 600 students or less would need three incidents or more to be outside of the level of tolerance. It takes more incidents to exceed the level in a larger school. A school of 1200 students would need six incidents to exceed the tolerance level. Note that this type of incident requires actions serious enough to warrant an expulsion.

The third group is the relative number of students expelled for violent criminal offenses – acts in which someone suffers bodily harm. Again, the key statistic is the number of expulsions per 200 students enrolled with a minimum tolerance of three such incidents. In 1999-00 and 2000-01, incidents classified as “violence” on the form that were reported to the police and resulted in an expulsion have been considered violent criminal offenses. (“Other” offenses that were reported to the police and resulted in an expulsion of 30 days or more are also included in this group.) The form in 2001-02 was revised to distinguish between mutual fights or fights that resulted in no injuries and more serious physical attacks.

The State Board has delineated three levels of identification with appropriate sanctions that depend on the number of years the conditions constituting a dangerous school have existed. Should a school equal or exceed the tolerances in two of the above three groups for a single year, they will be placed on notification status and must develop a written plan within 90 days to create a positive school climate. Should this happen for two consecutive years, the district will be placed on warning status and must revise the plan and prepare a progress report. Should this happen for three consecutive years, the school will be identified as persistently dangerous, all students must be offered the option of transferring to a school that has not been identified as persistently dangerous within the district.

Although the CSDE is required by the federal government to examine three years of past data to determine whether any schools are currently persistently dangerous, the requirements to develop school climate improvement plans will be based on the results of the 2001-02 and subsequent data collections.

Data verification

The CSDE will be contacting districts in July, asking you to provide critical missing elements or to correct inconsistent items on the 2001-02 ED166. Your assistance in ensuring a rapid turn-around to this data verification is critical and will be greatly appreciated.

In future years, the CSDE will make the preliminary determination sooner because of improvements in automation and the reduction in the reporting requirements on ED166 that started with the 2002-03 school year.

As with other provisions of NCLB, the CSDE will issue a preliminary finding and you will have the opportunity to verify the reliability of the data upon which the finding was made. The final determination of levels of identification will be made on or about August 1, 2003.

Assistance

There are several people on staff to assist you with the various components of the law. If you have questions about the unsafe school choice option of NCLB, contact Peter Prowda at (860) 713-7585 or via email at peter.prowda@po.state.ct.us. If you have questions about the ED166, contact Adrian Wood at (860) 713-6892 or via email at adrian.wood@po.state.ct.us. If you have questions about the written plan for a positive school climate contact Nancy Aleman at (860) 807-2044 or via email at nancy.aleman@po.state.ct.us. To clarify what specifically constitutes a violent criminal act, contact your Board attorney or Mark Stapleton at (860) 713-6520 or via email at mark.stapleton@po.state.ct.us.