

**Series 2003-04**

**Circular Letter: C – 12**

To: Superintendents of Schools

From: Theodore S. Sergi, Commissioner of Education

Date: August 27, 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 Board 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**

Applying the Board adopted criteria, using the suspension/evaluation data (ED-166) collected for the 1999-00, 2000-01 and 2001-02 school years, there are no Connecticut public schools that are "persistently dangerous" for the 2003-04 school year. In addition, there were no schools in "notification" or "warning" status. The analysis will be conducted annually each August and will always include the most current three years of suspension/evaluation data.

### **Data Collection**

Since the data collected to perform the Unsafe School Choice Option relies upon the data your district provides through the ED-166, Disciplinary Offense Record Data Collection, your assistance in ensuring the accurate and complete reporting of data is critical and greatly appreciated.

### **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 Abigail L. Hughes at (860) 713-6800 or via email at [abigail.hughes@po.state.ct.us](mailto:abigail.hughes@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](mailto:adrian.wood@po.state.ct.us). To clarify what specifically constitutes a violent criminal act, contact your Board attorney or Laura Anastasio at (860) 713-6520 or via email at [laura.anastasio@po.state.ct.us](mailto:laura.anastasio@po.state.ct.us).

**CONNECTICUT STATE BOARD OF EDUCATION  
Hartford**

**TO BE PROPOSED:**

**June 4, 2003**

**RESOLVED**, That the State Board of Education, pursuant to Section 9532 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.

Approved by a vote of \_\_\_\_\_ this fourth day of June, Two Thousand Three.

Signed: \_\_\_\_\_  
Theodore S. Sergi, Commissioner

**CONNECTICUT STATE BOARD OF EDUCATION  
Hartford**

TO: State Board of Education

FROM: Theodore S. Sergi  
Commissioner of Education

SUBJECT: Persistently Dangerous Schools

As part of the *No Child Left Behind (NCLB) Act of 2001*, each state is required to define a “persistently dangerous school” and a “violent criminal offense.”

If a school is identified as “persistently dangerous,” students in that school must be allowed to attend a safe public school within the district. If a student is a victim of a “violent criminal offense” while on the grounds of the public school he/she attends, that student must be allowed to attend a safe public school within the district.

Attached please find the *Proposal for Meeting the NCLB, Unsafe School Choice Option*, to be adopted at the June 4, 2003, meeting.

Prepared by: \_\_\_\_\_  
Abigail L. Hughes  
Associate Commissioner  
Division of Evaluation and Research

June 4, 2003

## **Proposal for Meeting the NCLB, Unsafe School Choice Option**

The No Child Left Behind Act of 2001 in Section 9532, Unsafe School Choice Option, requires that, *Each State receiving funds under this Act shall establish and implement a statewide policy requiring that a student attending a “persistently dangerous” public elementary school or secondary school, as determined by the state in consultation with a representative sample of local education agencies, or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary or secondary school within the local education agency, including a public charter school.* There are two components of the act that are left for the states to define: what constitutes a violent criminal offense against an individual and what is a “persistently dangerous” public school. This paper presents Connecticut’s proposal for identifying a “persistently dangerous” school and defining a violent criminal offense.

Connecticut has, for the last few years, been dealing with the issues of school violence, harassment and bullying and promoting character education, and responsible behavior. Driven by a Governor’s report on preventing school violence, school districts and statewide organizations have been working on improving school climate through a variety of programs, such as local discussion groups, State Department of Education’s training in school climate, and 2002 State legislation on anti-bullying. All of this sets a context for the implementation of the new NCLB requirement.

The Department proposes the following model for identifying “persistently dangerous schools” in Connecticut:

Schools that meet the conditions in two of the following three categories of offenses, in each of three consecutive years, would be declared “persistently dangerous”:

1. Two or more gun-free schools violations (possession of a firearm or explosive device that resulted in expulsion from school); or
2. One “Other Weapon” incident resulting in expulsion per 200 students with a minimum of three such incidents; or
3. One violent criminal offense<sup>1</sup> resulting in expulsion per 200 students with a minimum of three such incidents.

### **Notification**

Schools that meet two out of the three conditions above, for one year, will be officially notified. Within one month of identification and notification, the superintendent and principal must formulate a written plan which includes the specific types of programs, professional development, procedures and/or equipment that will be implemented to create a positive school climate. The plan must be approved by the local board of education, submitted to the Commissioner of Education, and implemented no more than 90 days following notification.

### **Warning Status**

Schools that meet two out of the three conditions above, for two consecutive years, will be put on warning status. A revised plan and progress report must be completed based on the implementation of their plan, approved by the local board of education and approved by the Commissioner of Education.

### **Persistently Dangerous Status**

Schools that meet two out of the three conditions above, for three consecutive years, will be identified as “persistently dangerous”. Prior to the next school year, the district must inform parents and offer them the opportunity to transfer their child(ren) to another public school within the district, which is not “persistently

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<sup>1</sup> **Violent Criminal Offense:**

A student or staff suffers bodily injury as a result of intentional, knowing, or reckless acts committed by another person; and  
the police have been notified and a police report has been taken describing the incident; and  
the factual underpinnings contained in the police report are sufficient to constitute a crime described in the penal code,  
Title 53a of the Connecticut General Statutes.

dangerous” and complete the transfer for parents accepting. An annual progress report must be completed based on the implementation of their plan, approved by the local board of education and the Commissioner of Education.

The data used to determine if these conditions are met will be based on the Disciplinary Offense Record Data Collection, ED166. Data collected in 1999-00 were used for the first year of analysis. Data collected in 2000-01 and 2001-02 were used for the second and third years. Therefore, in August 2003 and in July of succeeding years, schools could be identified as “persistently dangerous”, as well as the categories of *Notification* or *Warning Status*.

### **Victim of a Violent Criminal Offense as Determined by State Law. (Sec. 9543)**

Any student who is the victim of a violent criminal offense wherein:

1. A student suffers bodily injury as a result of intentional, knowing, or reckless acts committed by another person; and
2. the police have been notified and a police report has been taken describing the incident; and
3. the factual underpinnings contained in the police report are sufficient to constitute a crime described in the penal code, Title 53a of the Connecticut General Statutes.

NOTE:

4. It is not necessary for the perpetrator to be identified, arrested, or convicted as a condition of the victim being entitled to a school transfer.

Prepared by:

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Approved by:

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Reviewed by:

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