



Frequently Asked Questions



1. What is the Pennsylvania Unsafe School Choice Option (USCO) Policy?

The Pennsylvania Unsafe School Choice Option policy was designed to ensure all students have a safe school environment in which to learn. To accomplish this, the policy allows any student attending a persistently dangerous school or who becomes a victim of a violent criminal offense while at school to transfer to a safe public school within the district. This policy was developed as part of the Federal No Child Left Behind regulations.

2. What is a persistently dangerous school?

Pennsylvania guidelines determine that a school is considered persistently dangerous if it exceeds a certain number of dangerous incidents in the most recent school year and in one additional year of the two years prior to the most recent school year:

1. For a school whose enrollment is 250 or less, at least 5 dangerous incidents;
2. For a school whose enrollment is 251 to 1000, a number of dangerous incidents that represents at least 2% of the school's enrollment; or
3. For a school whose enrollment is over 1000, 20 or more dangerous incidents.

A dangerous incident has been defined as either a weapons possession incidents resulting in arrest (guns, knives, or other weapons) or a violent incident resulting in arrest (homicide, kidnapping, robbery, sexual offenses, and assaults). The Pennsylvania Department of Education will evaluate schools annually based on data received in the Violence and Weapons Possession Report (PDE-360).

3. What is considered a violent criminal offense?

As determined by Title 18 of the Pennsylvania Consolidated Statutes, any of the following offenses may be considered a violent criminal offense:

- Kidnapping
- Robbery
- Aggravated Assault (on the student)
- Rape
- Involuntary Deviate Sexual Intercourse

- Sexual Assault
- Aggravated Indecent Assault
- Indecent Assault

A student victim of such an offense is the student against whom a violent criminal offense has been perpetrated while the student was in or on the grounds of the public elementary or secondary school that he or she attends.

4. Arrests for violence or weapons possession incidents, as reported on the Violence and Weapons Possession Report (PDE-360), form the basis for determining whether a school is persistently dangerous. Will schools be given the opportunity to correct inaccurate reports prior to receiving this designation?

The Department makes every effort to validate reports that are submitted by school entities. However, once a report is submitted in final form, it cannot be changed.

5. Must the school inform the public when it is designated as persistently dangerous?

If a school is designated as persistently dangerous, it must notify all parents of students in the school of the students' right to attend another school, including a charter school, within the district. This notice must be given within ten (10) days of being notified by the Department of this designation.

6. Must Pennsylvania report the names of schools identified as persistently dangerous to the United States Department of Education?

No. States are required to provide the U.S. DOE with information about the number of schools identified as persistently dangerous, they do not need to include information about the names of such schools.

7. What must an LEA do when one or more of its schools have been identified as persistently dangerous?

An LEA that has one or more schools identified as persistently dangerous must, in a timely manner:

- (1) Notify parents of each student attending the school that the state has identified the school as persistently dangerous;
- (2) Offer students the opportunity to transfer to a safe public school, including a safe public charter school, within the LEA and complete the transfer for those students who accept the offer;
- (3) Develop a corrective action plan, and implement that plan in a timely manner.

Parental notification regarding the status of the school and the offer to transfer students may be made simultaneously.

8. How long does an LEA have to take these steps?

Although "timely implementation" depends on the specific circumstances within the LEA,

generally, parents and guardians should be notified of the designation within 10 school days from the time that the LEA learns that the school has been identified as persistently dangerous. The offer to transfer and the development of a corrective action plan should also take place in that time period. Transfer of students must occur within 30 days of receipt of the parent/guardian's request to transfer.

9. Are students at persistently dangerous schools required to transfer to another school in the LEA?

No. Students are not required to transfer, but must be offered the opportunity to do so.

10. If a student attending a persistently dangerous school does decide to transfer, who decides which school that student will attend?

To the extent possible, LEAs should allow transferring students to transfer to a school that is making adequate yearly progress and has not been identified as being in school improvement, corrective action, or restructuring. The LEA is encouraged to take into account the needs and preferences of the affected students and parents.

11. Are these transfers permanent or temporary?

The transfers may be temporary or permanent, but must be in effect as long as the student's original school is identified as persistently dangerous. In making the determination of whether the transfer should be temporary or permanent, LEAs 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.

Once a school is no longer considered persistently dangerous, students who transferred under the Unsafe School Choice Option may either continue in their present school or return to the original school. School districts may require students to return to the old school once the designation has been removed.

12. What if there is not another school in the LEA for the transferring student(s)?

LEAs are encouraged, but not required, to explore other appropriate options, such as an agreement with a neighboring LEA to accept transfer students.

13. What does a school have to do to remove the designation of persistently dangerous?

The school must develop and implement a corrective action plan to remedy the problem. The plan must be submitted to the Department of Education, who will then monitor the implementation of that plan and provide technical assistance where necessary.

14. What types of corrective action may be taken?

Corrective action plans are individualized based on the problems faced by the school. Some examples of corrective action include hiring additional personnel to supervise students in common areas, increased instructional activities in areas such as conflict resolution, working

with law enforcement officials to identify and eliminate gang-related activities, in-service training of teachers and administrators concerning consistent enforcement of school discipline policies, limiting access to campuses, and hiring of security personnel or purchase of security equipment.

15. What resources are available to help schools implement corrective action?

Consistent with applicable requirements such as those contained in the *Safe and Drug-Free Schools and Communities Act* "Principles of Effectiveness," Safe and Drug-Free Schools and Communities Act State Grant program funds may be used to implement planned corrective actions [section 4115]. LEAs may also consider using the flexibility provided under Section 6123(b) of the ESEA, which provides for the transfer, under certain circumstances, of funds from one ESEA program to another. State and local resources may also be used to help schools implement corrective action.

16. What does the LEA do when corrective action has been completed?

Upon completion of its planned corrective action, an LEA can apply to the Department of Education to have the school removed from the list of persistently dangerous schools. After ensuring that all corrective action has been completed, the Department will reassess the school using the criteria for the identification of persistently dangerous schools.

17. What should an LEA do if a student has become a victim of a violent criminal offense at school?

Consistent with USCO policy and Pennsylvania Standards, an LEA must offer that student, generally within 10 calendar days, an opportunity to transfer to a safe public school (including public charter schools) within the LEA. If the student does choose to change schools, the LEA then has an additional 10 days to implement that transfer. Student victims are not required to transfer but must be offered the opportunity to do so.

18. If a student who has been the victim of a violent crime elects to transfer to a safe public school, how is the school selected?

As with a school that has been designated as persistently dangerous, LEAs should make every effort to allow affected students to transfer to a school that is making adequate yearly progress and has not been identified as being in school improvement, corrective action, or restructuring. The LEA is encouraged to take into account the needs and preferences of the affected students and parents.

19. What if there is not another safe school in the LEA for the transferring student?

LEAs are encouraged, but not required, to explore other appropriate options such as an agreement with a neighboring LEA to accept transfer students.

20. Can the siblings of a victim of a violent crime also transfer to another school?

Currently, neither the federal law nor the state's standards require schools to transfer the

siblings of a victim of a violent crime.

21. Do the provisions of the Unsafe School Choice Option apply to a student victim who is visiting another building within the school district but outside of his or her regular school?

No, the policy only applies to the student who is a victim of a violent crime at the school that he or she attends.

22. Why doesn't a charter school have to accept the transfer of a student under this policy unless "space is available" but the same provision is not applicable to other public schools?

Federal rules and regulations governing charter schools make it clear that these schools have lottery rules that place limitations on the number of students they can enroll.

23. Are students who attend another school under one of the provisions of Pennsylvania's Unsafe School Choice Option entitled to transportation?

An LEA with one or more of its schools identified as persistently dangerous is required to provide for a student's transportation to a safe public school. Similarly, the LEA is responsible for providing transportation for student victims of violent criminal offenses to a safe public school.