



Wyoming Department of Education

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MEMORANDUM NO. 2014-145

TO: District Superintendents
School Principals

FROM: Bruce Hayes, Ed.S., School Safety Consultant
Standards and Accountability Division

DATE: December 22, 2014

SUBJECT: Persistently Dangerous Schools

UPDATED PERSISTENTLY DANGEROUS SCHOOL POLICIES

CHEYENNE - Enclosed are updated state policies for the Unsafe School Choice Option (regarding federally mandated reporting of Persistently Dangerous Schools, [20 U.S.C. § 7912](#)).

While the policies have been updated to reflect the newer form number used in the collection process, the core content has not been changed. Also, there is some added clarification in the timing of each year's data review.

As defined in the policies, there have been no persistently dangerous schools reported in Wyoming since collections began in 2003.

For more information, please contact Bruce Hayes at bruce.hayes@wyo.gov or 307-777-6198.

Attached: Policies for Unsafe School Choice Option

Policies for Unsafe School Choice Option



Revised December 15, 2014

**Cindy Hill
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Introduction

The state policies for Unsafe School Choice Option (USCO) were originally developed in 2003 and continue as an ongoing expectation of the U.S. Department of Education. These policies contain the definition of a Persistently Dangerous School (PDS), objective criteria for the identification of a PDS, safe school options, a corrective action plan, and a provision for the transfer of students who have been victims of a violent crime.

The eight (8) member Safe and Drug Free Schools and Communities (SDFSC) Advisory Board listed on this page constitutes a representative sample of local school districts in Wyoming with regard to enrollment, size, and demographic characteristics of school districts in the state.

The draft policies were taken to the March 2003 School Improvement Conference in Casper where a session on the USCO was held and input was received from attendees. Following that input, changes were made to the draft policies, which were approved again by the SDFSC State Advisory Board. They were then sent to the State Superintendent of Public Instruction for his final approval.

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A. Definition of a PDS

A Wyoming public school is considered to be persistently dangerous if the following condition exists:

In any two consecutive years, the school has experienced felony-related expulsions for drug, alcohol, weapons, or violence that exceed an expulsion rate of two percent per year of the student body or four students, whichever is higher, as figured from the most recent October 1st enrollment data.

For the purpose of this definition, a “violent criminal offense” shall mean a felony related to a homicide, rape, robbery, and/or aggravated assault (as defined by Wyoming Violent Index Offenses). *ESEA reference: Title IX, Part E – Uniform Provisions, Subpart 2, Section 9532 (specifically identified as the Unsafe School Choice Option) Public Law 107-110, Section 9531, 115 Stat. 1425, 1984-1985.*

B. Identification of a PDS

Data collection will be through the WDE Form 636 report submitted every July from the previous school year.

The PDS designation identifies *persistently* dangerous schools. This can only be seen over time; thus a single year that has an anomalously high expulsion rate will not qualify. However, once identified, the typical length of time that a school will carry the PDS identification, assuming no unexpected problems, will be one year.

The Wyoming Department of Education (WDE) will inform Local Education Agencies (LEAs) annually if they have *potentially* dangerous schools so that corrective actions can be initiated to avoid a PDS designation.

Annual WDE data collection efforts provide the Wyoming PDS status to the U.S. Department of Education (individual names of schools are not identified).

C. Providing a Safe School Choice Option

If the WDE notifies a district that one of its schools is identified as a PDS, it must:

1. Notify the parents of each student attending the school within ten (10) business days that the state has identified it as a PDS.
2. Offer all students the opportunity to voluntarily transfer to a non-PDS public school within the LEA. If there is not another school in the LEA, the LEA may (but is not required) explore other options such as an agreement with a neighboring LEA to accept transfer students.
3. Complete the transfer within thirty calendar (30) days, or as near to thirty (30) calendar days as practicality allows, for those students who accept the offer.
4. Develop a corrective action plan within thirty (30) calendar days.
5. Pursue timely implementation.

In the case of transfers:

1. LEAs should allow students to transfer to a school that is making adequate yearly progress and is not identified as being in need of school improvement, corrective action, or restructuring. (This provision is in the federal No Child Left Behind guidelines; however, the state is interpreting the word “should” as non-mandatory.) Guidelines for a transfer include:
 - a. Any in-district school of appropriate grade level that is within a practical distance.
 - b. A nearby out-of-district school at a practical distance if the receiving school agrees to take the student and pay the transportation costs. The potential out-of-district receiving school is not obligated for either.
2. Transfers may be temporary or permanent, but must be in effect, where possible, as long as the original school is identified as persistently dangerous.
3. The No Child Left Behind transfer policy, as it applies to a PDS, allows the student the administrative *option* of attending a safer school. It neither compels a student to transfer to another school nor compels a receiving school to pay for transportation costs. *The No Child Left Behind transfer option is not applicable when no practical options exist.*

D. Mandatory Reporting/Corrective Action Plan

Pursuant to W.S. 21-4-305, all expulsions for any student determined to possess, use, transfer, carry, or sell a deadly weapon as defined under W.S. 6-1-104 (a)(iv) must be promptly reported to the district attorney.

E. Students Who Have Been Victims of a Violent Criminal Offense

LEAs must provide safe school options, when possible, to a student who has been a victim of a violent criminal offense from another student, while in or on the grounds of the same public school that both students attend. This means:

1. The LEA should, within ten (10) business days, offer the student an opportunity to voluntarily transfer to a safe public school within the LEA.
2. When another school is not available within the LEA, it is encouraged, but not required, that the LEA seek other appropriate options. This includes, but is not limited to, an agreement with a neighboring LEA to accept the student.

The federal statute does not authorize resources specifically to help cover costs, such as transportation, to assist the transferring student. Under certain circumstances, other federal funds may be used. LEAs are also encouraged to work with local victim assistance programs to determine if they have services or funds available to help students in these circumstances.