

# **Policy for Unsafe School Choice Option**



**Revised September 6, 2018**

**Jillian Balow  
State Superintendent of Public Instruction**

**Wyoming Department of Education  
122 West 25<sup>th</sup> Street, Suite E200  
Cheyenne, WY 82002**

## **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.

Greg Lasley, Principal  
Sweetwater County SD #1, Rock Springs

Wayne Beatty, Safe & Drug Free Schools Coordinator  
Natrona County SD #1, Casper

Kena Rose, Safe & Drug Free Schools Coordinator  
Campbell County SD #1, Gillette

Diana Seabeck, Safe & Drug Free Schools Coordinator  
Albany County SD #1, Laramie

Georgia Befus, Safe & Drug Free Schools Coordinator  
Laramie County SD #1, Cheyenne

Tracy Ragland, Assistant Principal  
Weston County SD #1, Newcastle

Margaret Puebla, Consultant  
Lander

Dr. Mary Alice Bruce, CARE Program Director  
University of Wyoming, Laramie

## **A. Definition of a Persistently Dangerous School (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). *Elementary and Secondary Education Act of 1965 reference: Title VIII, Part E – General Provisions, Subpart 2, Section 8532 (specifically identified as the Unsafe School Choice Option) Public Law 115-224.*

## **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.

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.

In the case of transfers:

1. LEAs should allow students to transfer to a safe public elementary school or secondary school within the local educational agency (logistics permitting) including a public charter school. 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. The potential out-of-district receiving school is not obligated to a transfer.
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 Every Student Succeeds Act (ESSA) 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 accept a transfer student or pay for transportation costs. *The ESSA 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.