

A. W. BEATTIE CAREER CENTER

SECTION: PROGRAMS
 TITLE: STANDARDS FOR PERSISTENTLY DANGEROUS SCHOOLS
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143. STANDARDS FOR PERSISTENTLY DANGEROUS SCHOOLS

1. Purpose
Title 22
Sec. 403.6
20 U.S.C.
Sec. 7912

The Pennsylvania Department of Education, as required by the Unsafe School Choice Option provision of the No Child Left Behind Act (Section 9532). Hereby adopts the following standards for identifying persistently dangerous schools.

2. Definitions

As used in these standards, the following terms shall be defined as provided herein:

Dangerous incidents - shall include both weapons possession incidents resulting in arrest (guns, knives or other weapons) and violent incidents resulting in arrest (homicide, kidnapping, robbery, sexual offenses and assaults) as reported on the Violence and Weapons Possession Report (PDE-360).

Department - Shall mean the Pennsylvania Department of Education

Local Educational Agency or LEA - shall include a school district, an area vocational-technical school, an intermediate unit or a charter school.

Persistently dangerous school - shall mean any public elementary, secondary or charter school that meets any of the following criteria in the most recent school year and in one (1) additional year of the two (2) years prior to the most recent school year:

1. For a school whose enrollment is 250 or less - at least five (5) dangerous incidents.
2. For a school whose enrollment is between 251 to 1,000 - a number of dangerous incidents that represents at least two percent (2%) of the school's enrollment.
3. For a school whose enrollment is over 1,000 - twenty (20) or more dangerous incidents.

2. Within ten(10) school days of receiving notification by the Department, an LEA shall notify the parent or legal guardian of each student who attends the school that the Department has identified the school as persistently dangerous.
3. The LEA shall offer all students who attend the school the opportunity to transfer to a safe public school, including a charter school, within the LEA.
4. The notification and offer to transfer shall state that no student is required to transfer to another school.
5. Upon receipt of an application to transfer, the LEA shall transfer the student within thirty (30) calendar days.
6. When considering a student's request to transfer to another school, the LEA should take into account the particular needs of the student and the parent/guardian.
7. To the extent possible, the LEA should allow the student to transfer to a school that is making adequate yearly progress, and one that is not identified as being in school improvement, corrective action, or restructuring.
8. A charter school only has to accept a student who meets its admission criteria if space is available.
9. If there is not another safe school within the LEA to which students may transfer, the LEA is encouraged, but not required, to establish an agreement with a neighboring LEA to accept the transfer of students.
10. The LEA must submit a corrective action plan to the Department within thirty (30) calendar days of receiving notification that a school has been identified as persistently dangerous.
11. The LEA must receive approval from the Department for its corrective action plan and shall implement all steps contained in its corrective action plan within the time periods specified in that plan.
12. After the Department has notified an LEA that a school is no longer identified as a persistently dangerous school, the LEA is encouraged to permit students who transferred to complete their education at their new school. LEAs may not require students to return to their original school if the students are enrolled in a charter school.

References:

School Code - 24 P.S. Sec. 1303-A, 2603-B

State Board of Education Regulations - 22 PA Code Sec. 403.1, 403.2, 403.6

No Child Left Behind Act - 20 U.S. C. Sec., 7912