

Kansas State Board of Education
POLICY ON
Unsafe School Choice Option

In compliance with Sec. 9532 of the No Child Left Behind Act of 2001, the Kansas State Board of Education hereby establishes this statewide policy requiring that a student attending a school identified by the State Board as a persistently dangerous public elementary school or secondary school, 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 school or secondary school within the local educational agency, including a public charter school.

Adopted December 10, 2002

No Child Left Behind Act of 2001
Title IX, Part E, Subpart 2, Sec. 9532

Kansas Unsafe School Choice Option Definitions and Operational Procedures

Definitions

Whole School Option

A school must meet all of the following criteria for three consecutive school years before being declared a persistently dangerous school as contemplated under section 9532 of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001. Numbers and rates in the criteria are related to and derived from September 20 enrollment data and are calculated annually.

1. Have one or more students expelled as a result of a federal gun-free schools violation; **and**
2. Have at least two percent or 5 students, whichever is greater, of the student enrollment exercising the individual option outlined below; **and**
3. Have a violence-related expulsion rate of at least two percent or 5 students, whichever is greater, of the student enrollment for having been convicted of or adjudicated for any of the following offenses: crimes against persons which constitute the commission of a felony, including murder, aggravated assault, battery, criminal threat, hazing, kidnapping, robbery, burglary, and stalking; **or** sex crimes such as rape, aggravated indecent liberties with a child, indecent solicitation of a child, sexual battery, sexual exploitation of a child, and sodomy; **or** child abuse **or** terroristic threat.

Individual Student Option

Any individual student who becomes a victim of a felony criminal offense which was committed within the school or on the grounds of the school the student attends during regular school hours or during school-sponsored events and which resulted in a conviction or adjudication, must be eligible to exercise the unsafe school choice option and be allowed to transfer immediately to a different school within the district.

A crime victim is defined as a person who is a victim of a felony criminal offense as defined in the Whole School Option subcriteria 3, above.

Operational Procedures

Both the local district and a school having met the whole school option criteria for a single year will be notified in writing by the Kansas State Department of Education.

Both the local district and a school having met the whole school option criteria for two consecutive years will be notified in writing by the Kansas State Department of Education. The school will be required to incorporate a school safety goal into its school improvement plan and to submit the school safety goal to the Kansas State Department of Education by September 30 of the school year following the one during which the school met the whole school option criteria.

Both the local district and a school having met the whole school option criteria for three consecutive years will be notified in writing by the Kansas State Department of Education that it has been identified as a persistently dangerous school. The local district and school will be required to:

- 1) Within ten working dates of receiving notice, advise parents of each student attending the school that the state has identified the school as persistently dangerous;
- 2) Within twenty working days of receiving notice, offer students the opportunity to transfer to a safe public school, including a safe public charter school, within the local district; and
- 3) Within thirty working days of receiving a request for transfer, complete the student transfer.

In addition, the local district and school will be required to:

- 4) Develop a corrective action plan regarding school safety and submit it to the Kansas State Department of Education, and
- 5) Implement the corrective action plan in a timely manner.

Schools will no longer be identified as persistently dangerous once data show that the school does not meet the criteria to be so identified. Local districts and their schools removed from persistently dangerous status will be notified in writing by the Kansas State Department of Education.

Adopted December 10, 2002