



Horizon Montessori Public Schools
Providing a Safe Public School Choice Option to Students Attending
Persistently Dangerous Public Schools
Effective Date: August 10, 2017

1. General Requirements

The federal No Child Left Behind Act of 2001 establishes specific school choice options for students who attend “persistently dangerous schools.” The specific language of this law is as follows:

SEC. 9532. UNSAFE SCHOOL CHOICE OPTION.

- a. **UNSAFE SCHOOL CHOICE POLICY**—Each State receiving funds under this Act shall establish and implement a statewide policy requiring that a student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of 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.
- b. **CERTIFICATION**—As a condition of receiving funds under this Act, a State shall certify in writing to the Secretary that the State is in compliance with this section.

2. Definition of Terms

For the purposes, the following definitions apply:

- a. **School** shall mean a location at which a school district provides regularly scheduled instruction to students by one or more certificated employees of the school district.
- b. **Reporting year** shall mean the period of time from August 1 through July 31.
- c. **Expulsion** shall mean the denial of attendance for an indefinite period of time, as implemented by local district policy in compliance with State Board of Education rules governing expulsions and emergency actions.
- d. **Gun-Free Schools Act** shall mean section 4141 of the federal No Child Left Behind Act of 2001.

- e. Enrolled student, for the purposes of calculating school size, shall mean a student reported to the State Education Agency as part of the October student headcount.
- f. Violent criminal offense shall be determined by local district policy but should include at least the following violent offenses as defined by the State of Texas Criminal Code:
 - i. Homicide (includes all forms of murder and manslaughter).
 - ii. Assault
 - iii. Malicious harassment
 - iv. Kidnapping
 - v. Rape/Robbery
- g. Victim of a violent criminal offense shall mean a student has been the victim of a violent offense punishable by expulsion according to local school district disciplinary policy, or has been the victim of at least one of the six violent offenses listed above, as defined by the State of Texas Criminal Code and as verified by a local law enforcement or judicial official.

3. Definition of a Persistently Dangerous School

- a. A school will be considered “persistently dangerous” if it meets **both** of the following **criteria** for **three consecutive reporting years**:
 - i. Expulsions for federal Gun-Free Schools Act violations:

School Size	Minimum Number of Expulsions
Up to 1000 enrolled students	2 per reporting year
1001 to 1500 enrolled students	3 per reporting year
1501 to 2000 enrolled students	4 per reporting year
2001 to 2500 enrolled students	5 per reporting year
2501 to 3000 enrolled students	6 per reporting year
3001 to 3500 enrolled students	7 per reporting year
More than 3500 students	8 per reporting year

- ii. Expulsions for other violent criminal offenses:
 - 1. For schools with 300 or less enrolled students: three expulsions per reporting year.
 - 2. For larger schools, one expulsion for every 100 enrolled students, or a fraction thereof, per reporting year.
- b. The identification of persistently dangerous schools will occur on an annual basis only, by August 1 of each year. A school will be identified as persistently dangerous for the full duration of time the school meets the criteria defining it as persistently dangerous.
- c. Once a school is determined by the state to be persistently dangerous according to the definition above, the school district must, at least 14 calendar days before the start of the subsequent school year:
 - i. Notify parents of each student attending the school that the school has been identified as persistently dangerous, and
 - ii. Offer students the opportunity to transfer to a public school within the school district that is not persistently dangerous.

- d. By the start of the subsequent school year, the school district must complete the transfer for those students who accept the offer.
- e. The school district must allow the transfer to remain in effect as long as the student's original school is identified as persistently dangerous.
- f. Data necessary to identify persistently dangerous schools will be collected each June as part of the Office of Superintendent of Public Instruction's Weapons in Schools data collection effort.

4. Providing a Safe Public School Choice Option to Students Who Have Been Victims of a Violent Criminal Offense

- a. A student who has been the victim of a violent criminal offense while in or on the grounds of the public school he or she attends shall be offered the opportunity to transfer to another public school within the school district that is not identified as persistently dangerous.
- b. This offer shall be made by the school district within ten school business days of the determination that the student has been the victim of such an offense.