

Operational Services

Administrative Procedure - Unsafe School Choice Option

Illinois public school districts must comply with the following two statutes: (1) 105 ILCS 5/2-3.134 requires ISBE to maintain data and publish a list of persistently dangerous schools, and (2) 105 ILCS 5/10-21.3a requires each school board to adopt a policy governing the transfer of students within the district from a persistently dangerous school to another public school in the district. Board policy 4:170, Safety, fulfills this requirement with its section on **Unsafe School Choice Option**.

This procedure implements the policy. It incorporates guidance issued by the U.S. Department of Education (DOE), *Unsafe School Choice Option, Non-Regulatory Guidance*, www2.ed.gov/policy/elsec/guid/unsafeschoolchoice.pdf, when NCLB was in effect. NCLB was repealed. A new law took its place called the Every Student Succeeds Act (ESSA), which amended ESEA on December 10, 2015. ESEA, as amended by ESSA, still requires states to implement an unsafe school choice option; however, the DOE has not updated its guidance to be consistent with this new law. This procedure incorporates DOE guidance to the extent that it is consistent with the new law. Frequent ESSA implementation guidance is expected as states implement the new law.

Unsafe School Choice Option for Students in Persistently Dangerous Schools

| Actor | Action |
|--------------------------------|---|
| ISBE | Identifies each Illinois school that is a <i>persistently dangerous school</i> as defined in 105 ILCS 5/10-21.3a(b) (attached). <i>As of May 2014, ISBE has not identified a <i>persistently dangerous school</i>.</i> |
| Building Principal or designee | Within ten calendar days of identification, or longer time if necessary, notifies by U.S. mail, the parents/guardians of students attending a <i>persistently dangerous school</i> , of that school's status as <i>persistently dangerous</i> . |
| Superintendent | Keeps the Board informed as appropriate. Determines which, if any, schools will receive students assigned to a <i>persistently dangerous school</i> . The recipient school may be a public charter school. If a recipient school is not available in the District, the Superintendent will explore other appropriate options, e.g., intergovernmental agreements with another district to accept transfer students. The needs and preferences of affected students and parents/guardians will be considered. Develops and implements a corrective action plan. |
| Building Principal or designee | Within 20 calendar days of identification, or longer time if necessary, informs parents/guardians of the following: 1. The status of the corrective action plan; and 2. The identities of any available school or public charter school into which students may transfer. |
| Parents/guardians | As soon as possible after being informed of the unsafe school choice |

| Actor | Action |
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| | option, confers with the Building Principal concerning whether to exercise the transfer option. |
| Building Principal or designee | Executes any requested transfers as soon as possible. Transfers will be in effect at least while the original school is identified as <i>persistently dangerous</i> . When determining the transfer length, the Principal considers the student’s educational needs as well as other factors affecting the student’s ability to succeed if returned to the transferring school. |
| Superintendent or designee | Upon corrective action plan’s completion, requests that ISBE remove the school from the list of <i>persistently dangerous schools</i> . |

Unsafe School Choice Option for Any Student Who Is a Victim of a Violent Criminal Offense Occurring on School Grounds During Regular School Hours or During a School-Sponsored Event

| Actor | Action |
|--------------------------------|---|
| Building Principal or designee | Notifies the Superintendent that a student was a victim of a violent crime, as defined by 725 ILCS 120/3 (attached), occurring on school grounds during regular school hours or during a school-sponsored event. |
| Superintendent | <p>As soon as possible, determines which, if any, schools are available recipients for a student who was a victim of a violent crime while in school or on school grounds.</p> <p>The recipient school may be a public charter school.</p> <p>If a recipient school is not available in the District, the Superintendent will explore other appropriate options, e.g., an agreement with a neighboring district to accept the student.</p> <p>The needs and preferences of the affected student and his or her parents/guardians shall be considered.</p> <p>Keeps the Board informed as appropriate.</p> |
| Building Principal or designee | As soon as possible, notifies the student’s parents/guardians that the student may transfer to another school, provided another school is available. |
| Parents/guardians | As soon as possible after being informed of the unsafe school choice option, confers with the Building Principal concerning whether to exercise the transfer option. |
| Building Principal or designee | Executes any requested transfer as soon as possible. When determining the transfer length, considers the student’s educational needs as well as other factors affecting the student’s ability to succeed if returned to the transferring school. |

Definitions for “Persistently Dangerous School”
105 ILCS 5/10-21.3a

§10-21.3a(b). In order to be considered a persistently dangerous school, the school must meet all of the following criteria for 2 consecutive years:

1. Have greater than 3% of the students enrolled in the school expelled for violence-related conduct;
2. Have one or more students expelled for bringing a firearm to school as defined in 18 U.S.C. 921;
3. Have at least 3% of students enrolled in the school exercise the individual option to transfer schools pursuant to subsection (c) of this section. [105 ILCS 5/10-21.3a(c), see the second section of this procedure]

Definitions for “Crime Victim” and “Violent Crime”

725 ILCS 120/3 (current as of October 2016)

§ 3. The terms used in this Act, unless the context clearly requires otherwise, shall have the following meanings:

(a) "**Crime victim**" and "**victim**" mean (1) a person physically injured in this State as a result of a violent crime perpetrated or attempted against that person or (2) a person who suffers injury to or loss of property as a result of a violent crime perpetrated or attempted against that person or (3) a single representative who may be the spouse, parent, child or sibling of a person killed as a result of a violent crime perpetrated against the person killed or the spouse, parent, child or sibling of any person granted rights under this Act who is physically or mentally incapable of exercising such rights, except where the spouse, parent, child or sibling is also the defendant or prisoner or (4) any person against whom a violent crime has been committed (5) any person who has suffered personal injury as a result of a violation of Section 11-501 of the Illinois Vehicle Code, or of a similar provision of a local ordinance, or of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 or (6) in proceedings under the Juvenile Court Act of 1987, both parents, legal guardians, foster parents, or a single adult representative of a minor or person with a disability who is a crime victim.

(c) "**Violent Crime**" means any felony in which force or threat of force was used against the victim, or any offense involving sexual exploitation, sexual conduct or sexual penetration, or a violation of Section 11-20.1, 11-20.1B, or 11-20.3 of the Criminal Code of 1961 or the Criminal Code of 2012, domestic battery, violation of an order of protection, stalking, or any misdemeanor which results in death or great bodily harm to the victim or any violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, or Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, if the violation resulted in personal injury or death, and includes any action committed by a juvenile that would be a violent crime if committed by an adult. For the purposes of this paragraph, "personal injury" shall include any Type A injury as indicated on the traffic accident report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or medical facility. A Type A injury shall include severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.