

# How did the Colorado Department of Education develop the “Unsafe School Choice Option” state policy?

Janelle Krueger, Principal Consultant, Prevention Initiatives

Note: The federal No Child Left Behind Act (NCLB) of 2001 provides funding for state agencies and school districts for a variety of programs numbered by section “titles” of the law. NCLB is the reauthorization of the Elementary and Secondary Education Act. It’s Bill number was H.R. 1.

## Why must the State have a policy addressing “persistently dangerous” schools?

NCLB provides in Title IX (General Provisions), Part E, Subpart 2, Sec. 9532, the Unsafe School Choice Option, as follows:

“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 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.”

Although Colorado law already permits the transfers of students regardless of this policy, each State must enact the policy as a condition of accepting federal NCLB funds. An administrative mandate from the US Education Department required that all school districts abide by the state policy no later than the start of the 2003-04 school-year.

## Who was responsible for creating the policy in Colorado?

A “Safe Schools Committee” was established by the Department of Education’s H.R. 1 Hub Committee to work with other state-level education partners regarding the implementation of various components of the No Child Left Behind Act. These partners included the Colorado Association of School Executives (CASE), the Colorado Association of School Boards (CASB), the Colorado Education Association (CEA), the Colorado Congress of Parents and Teachers, the Governor’s Office, and representation from a Board of Cooperative Educational Services (BOCES) office. The program director for the NCLB Title IV, Part A “Safe and Drug-Free Schools and Communities” program, within “Prevention Initiatives” of CDE, was charged with chairing the Safe Schools Committee and overseeing the process for developing the policy.

## Safe Schools Committee members who worked on the policy included:

Local and State Representatives:			
Charlie	Bartlett	President	Buffalo Re4J School Board (CASB nominee)
Ted	Belteau	Student Services	Lewis-Palmer School Dist. (CASE nominee)
Phil	Fox	Deputy Exec. Dir. - Legislation	CASE
Chris	Ingram	Principal	Weld Opportunity High School (BOCES nominee)
Debb	Mumford	Counselor	South High School, Denver (CEA nominee)
Rachel	Nance	Education Policy Analyst	Governor’s Office/SDFSC
Vicki	Newell	Director of Public Policy	Colorado Congress of Parents and Teachers
Julie	Murphy Seavy	Legal Advisor	CASB
CDE Staff:			
Dave	Smith	Unit Director	Prevention Initiatives/SDFSC
Janelle	Krueger*	Principal Consultant	Prevention Initiatives/SDFSC
Cindy	Wakefield	Senior Consultant	Prevention Initiatives/SDFSC
Stan	Paprocki	Senior Consultant	Prevention Initiatives/SDFSC
Joyce	Washington	Program Assistant	Prevention Initiatives/SDFSC
Tracy	Sperry	Adm. Assistant	Prevention Initiatives/SDFSC
Gina	Salazar	Consultant	Office of Special Services/Title V of NCLB
Arti	Winston	Senior Consultant	Office of Special Services/Title I of NCLB

\* Committee Chairperson

## **How were various local perspectives considered to supplement state-level perspectives and how was input gathered to fashion the policy?**

As planned by the Committee, a “Safe Schools Forum” was conducted on October 4, 2002, of which 49 local representatives attended. The attendees were recruited from various school districts and communities in all geographic areas of the state and included parents, teachers, students, local school board members, school resource officers, and district “Safe and Drug-Free Schools and Communities” program coordinators. CDE staff intentionally chose to utilize facilitators that were not CDE staff to facilitate small group discussions. Facilitators were provided by the Colorado School Public Relations Association. CDE staff from other NCLB programs served as recorders. All input was recorded and typed up verbatim from the chart papers.

## **What information and resources were used to draft the policy and criteria for “persistently dangerous” schools?**

In addition to the outcomes of the Forum, the committee also examined CDE data collection methods already in existence and school safety-related data already mandated to be reported by schools to CDE per state statutes addressing school safety. The committee also reviewed policy drafts developed by other states and the Non-regulatory Guidance issued by the US Education Department.

## **What was some of the rationale for the Unsafe School Choice Option Policy draft?**

### **Rationale for Part One – Violent Crimes**

The Unsafe School Choice Option requires that victims of violent crimes be allowed to transfer out of the school where the victimization takes place. Victims in Colorado may already do this at their own choosing. Additionally, according to Colorado Revised Statutes 22-33-106 (4), Colorado holds the offender of such crimes or serious unsafe behaviors accountable by prohibiting the re-enrollment of the offender in the same school as his/her victim or a member of the victims’ family, provided the offender was expelled according to state statutes and processed through the juvenile justice system. If no other school is available to transfer to, then the offender’s schedule must be adjusted to avoid contact with the victim.

The inclusion of a reference to this state statute was based on a desire to align with current Colorado Revised Statutes that hold perpetrators of serious acts accountable for victimizing others, therefore assigning more responsibility to the offender instead of the victim for modifying his or her behavior. Model policy language from CASB was incorporated to further align the policy to commonly understood and existing circumstances.

### **Rationale for Part Two – Persistently Dangerous**

The proposed criteria for determining persistently dangerousness was based on:

- a value of trying to identify schools that are truly and persistently dangerous as opposed to schools where some unsafe behaviors occur, but overall are basically safe
- the need for the data to be objective
- the need for the indicators to be measurable and based on standardized definitions
- the need to use indicator data that is already collected by CDE in order to notify schools by the 2003/04 school year if they are potentially identifiable as persistently dangerous
- the desire to create a system that encourages more accurate reporting rather than dealing with disciplinary problems that don’t rise to the level of dangerousness
- the desire to direct more assistance toward schools in greatest need of addressing school safety issues, without exceeding CDE’s capacity to do so

The committee also worked from the premise of “the smaller the school the less incidents” and “the larger the school the more incidents” as long as the increments on the scale between incidents and ranges of student population were equal.