



NJDOE News

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For Release: July 31, 2003

New Jersey Notifies Schools of Unsafe Status Under Federal No Child Left Behind Act

- ▶ [Schools Identified as "Persistently Dangerous" under the No Child Left Behind Act](#)
- ▶ [Unsafe School Choice Option Questions and Answers](#)

The Department of Education (DOE) today released a list of seven "persistently dangerous" schools as called for by the federal government under the *No Child Left Behind Act*. The list is based on criteria adopted by the DOE's [Unsafe School Choice Option](#) policy, which was adopted in June.

In addition to identifying schools as "persistently dangerous," New Jersey's Unsafe School Choice Option policy also meets federal requirements to provide options for families of students who have become victims of violent criminal offenses while in or on the grounds of public schools that the students attend.

The DOE notified the schools identified as "persistently dangerous" this month and, in doing so, provided the schools with a toolkit of materials regarding the new requirement and encouraged the schools to work within their communities and with DOE resources to further address the issue of school safety.

"We share the frustration that some schools feel with the federal label of 'persistently dangerous,'" Commissioner of Education William L. Librera said. "However, it is important for everyone involved to understand that we have carried out this federal mandate with only the best intentions so that we can continue to ensure the safety of all children in our schools. This is the most important factor of the Unsafe School Choice Option initiative. We continue to remain vigilant about student safety — we must. Our children deserve it."

The schools, identified in an attached list, were notified of their status under a process outlined in the state's new Unsafe School Choice Option Policy. In accordance with the *No Child Left Behind Act*, all states are responding this summer to federal requirements to identify "persistently dangerous" schools.

An advisory committee for the DOE recommended that three consecutive years of data be used in determining "persistently dangerous" schools. To meet this policy requirement, the DOE used data from 2000, 2001 and 2002 in determining the list.

"For more than 25 years, New Jersey has collected data on violence and vandalism in the schools and has worked with state and local educators and law enforcement officials to develop programs to keep schools safe," Commissioner Librera said. "As a result of the new federal mandate, we are required to identify schools that show a pattern of offenses."

"While we are not surprised that only seven schools out of 2,362 eligible public schools in the state are placed in the 'persistently dangerous' category, we expect these schools to enlist the support of the entire community in responding to the challenge they have in improving school safety," Librera said.

"We expect all schools throughout New Jersey to implement programs and strategies to promote school safety," the Commissioner said. "With the continued efforts of the identified schools and their communities, we are confident that future data will show a decline in incidents regarding school violence."

PERSISTENTLY DANGEROUS SCHOOLS

Schools identified as "persistently dangerous" are required to notify parents of students of the school's designation and to describe options available for students who wish to transfer to other safe schools in the district prior to the beginning of the 2003-04 school year. Parents must be notified within 15 calendar days of the notice from the state Department of Education.

The "persistently dangerous" designation will be removed after one or more years contingent upon successful

fulfillment of the criteria for removal, as determined by and in accordance with guidance provided by the Department of Education.

If a local Board of Education believes the data on which the Department relied in making its determination to designate one or more of the Board's schools as "persistently dangerous" were inaccurate or that the Department's determination was not made in accordance with its published policy, the Board may file a Petition of Appeal with the Commissioner of Education, pursuant to *N.J.A.C. 6A:3-1.1 et seq.*

New Jersey's Unsafe School Choice Option Policy is designed to provide safety and security for students and to prevent unnecessary or extended interruptions to student learning. Criteria for identifying "persistently dangerous" schools were developed by a representative sample of local education agencies that served on an advisory panel to the Department of Education.

The panel agreed that the state's Electronic Violence and Vandalism Reporting System (EVVRS), which has been in place since 2000-01, be used as the source for data.

New Jersey defines a "persistently dangerous" school as a public elementary or secondary school building that meets the following criteria in each of three consecutive years:

- The school has seven or more offenses of the following types:
 - a firearms offense described in state law in accordance with the federal Gun-Free Schools Act;
 - an aggravated assault upon a student;
 - an assault with a weapon upon a student; or
 - any assault upon a member of the school district staff.
- The school has a score of 1.0 or greater on an index defined as the result of dividing the number of the following types of offenses by the square root of the school's enrollment:
 - simple assault on a student;
 - possession or sale of a weapon other than a firearm;
 - gang fight;
 - robbery or extortion;
 - sex offense;
 - terroristic threat;
 - arson;
 - sale and distribution of drugs; or
 - harassment and bullying.

Effective in 2004, schools that meet the criteria described above for two consecutive years will receive early warning notices and will be required to develop corrective action plans to reduce the number of incidents of violence and improve overall school safety.

The plans must describe how schools will reduce the number of incidents of violence as determined by the EVVRS. The Department of Education will provide schools with guidance for their corrective action plans, as well as monitor their completion of the plans.

VICTIMS OF VIOLENT CRIMINAL OFFENSES

A key component of the Unsafe School Choice Option is the Victims of Violent Criminal Offenses provision. The department's policy includes a section designed to guide all school districts and charter schools in providing relief to students who have been victims of violent criminal offenses, while providing schools with a practical means for making determinations on incidents of victimization that are within their authority.

The policy describes the types of violent criminal offenses that would apply and the procedures that local schools must follow to comply with the federal law.

All local schools must offer within ten (10) calendar days an opportunity to transfer a student within a district who has become a victim of a violent criminal offense while on the grounds of the public school the student attends. While a student must be offered the opportunity to transfer, he or she may elect to remain at the school.

"The section of NCLB that pertains to victims of violent criminal offenses is expected to provide new opportunities for students to continue their education without disruption," Commissioner Librera said. "Beginning this year, students who are so victimized must be given the opportunity to transfer to a different public school in the same district."

"We encourage schools to consider addressing this aspect of the law through local policies they must have in place under the state's Anti-Bullying Act, which requires each school district to adopt a policy prohibiting

harassment, intimidation and bullying," Librera said. "Schools should consider using the school choice option as one response to incidents of victimization, as well as more closely monitor the individuals who have victimized students."

Supportive resources and initiatives provided by the DOE are found online in the [Electronic Violence and Vandalism Report](#) under the subhead, "Programmatic Response."

DOE RESOURCES

Since New Jersey began to require local districts to report incidents of violence, vandalism and substance abuse in the public schools, the state has used data collected to determine program and training needs at the state and local levels to keep schools safe and drug-free.

Currently, New Jersey offers its schools assistance through more than three dozen programs. These are described in greater detail in the latest report on Violence, Vandalism and Substance Abuse in New Jersey Schools, which was released in June 2003. That report showed an across-the-board decline in reported incidents of violence, vandalism and substance abuse in the 2001-02 school year.

The Web link to the report is found online here:

<http://www.nj.gov/njded/schools/vandv/0102/>

Since the inception of the annual reports, the state has continued to refine the method of collecting and reporting data. The most recent method, the Electronic Violence and Vandalism Reporting System, is beginning its fourth year. It is considered to be a more sophisticated and easier to use reporting system than systems that preceded it. Schools must file incident reports electronically. School officials who falsify reports will be subject to penalties in accordance with recently adopted state regulations.

The data collected through the EVVRS have been used by the Department of Education to assess statewide needs when applying for federal grant funds and to report on program impact. Beginning in 2003-04, the reports will be used to develop staff training.

Attached are the full Unsafe School Choice Option Policy and a list of frequently asked questions.

For more information, please contact the Department of Education's Public Information Office at (609) 292-1126.