

PERSISTENTLY DANGEROUS SCHOOLS OR THE UNSAFE SCHOOL OPTION

The Every Student Succeeds Act (ESSA) requires each state that receives Title I funds to establish and implement a statewide policy which provides that a student who attends a persistently dangerous elementary or secondary school as determined by the state in consultation with a representative sample of local school districts, or who becomes a victim of a violent criminal offense, as determined by state law, while in school or on the school grounds, will be allowed to attend a safe public elementary or secondary school within the Jackson Public School District, if the parent so desires.

A persistently dangerous school is defined by the State Board of Education as follows:

- a) A “persistently dangerous school” is a public school other than a charter school in which the conditions during the past two school years continually exposed its students to injury from violent criminal offenses and it is:
 - i. an elementary, middle or secondary public school in which a total of 20 or more violent criminal offenses were committed per 1000 students (2.0 or more per 100 students) in two consecutive school years; or
 - ii. an elementary, middle or secondary public alternative school in which a total of 75 or more violent criminal offenses were committed per 1000 (7.5 or more 100 students) in two consecutive school years; and
- b) “Violent criminal offenses” are the following crimes reported in the Mississippi Student Information System:

Simple or Aggravated Assault as defined in Section 97-3-7 of the Mississippi Code Annotated 1972, as amended,

Homicide as defined in Section 97-3-19, 97-3-27, 97-3-29, 97-3-31, 97-3-35, 97-3-37, and 97-3-47 of the Mississippi Code Annotated 1972, as amended,

Kidnapping as defined in Section 97-3-53 of the Mississippi Code Annotated 1972, as amended,

Rape as defined in Sections 97-3-65 and 97-3-71 of the Mississippi Code Annotated 1972, as amended,

Robbery as defined in Sections 97-3-73, 97-3-77 and 7-379 of the Mississippi Code Annotated 1972, as amended,

Sexual Battery as defined in Section 97-3-98 of the Mississippi Code Annotated 1972, as amended,

Mayhem as defined in Section 9-3-59 of the Mississippi Code Annotated 1972, as amended,

Poisoning as defined in Section 97-3-61 of the Mississippi Code Annotated 1972, as amended,

Extortion as defined in Section 97-3-82 of the Mississippi Code Annotated 1972, as amended,

Stalking as defined in Section 97-3-107 of the Mississippi Code Annotated 1972, as amended

Seizure and Forfeiture of Firearms as defined in Section 97-3-110 of the Mississippi Code Annotated 1972, as amended.

Whenever the Mississippi Department of Education (MDE) has information that a school meets the criteria described above, MDE shall provide the local board of education the opportunity to report on conditions in the school. After consideration of that report and consultation with a representative sample of local educational agencies, the MDE shall determine whether the school is a persistently dangerous school. Once a school has been designated a persistently dangerous school, it retains that designation for at least one (1) school year.

In the event a school in this school district is identified by the MDE as persistently dangerous, the district will provide notification to parents of all students attending the school identified as persistently dangerous of this determination. The notice will:

1. be in writing, provided within ten (10) school days from the time of the district becoming aware that the school has been identified by MDE as persistently dangerous;
2. inform parents that there is no other school to transfer to in this school district which offers instruction at the student's grade level
3. indicate that a corrective plan will be developed and placed on file for public review;
4. indicate that the plan will be implemented in a timely manner.

As this school district cannot offer instruction at the student's grade level in any other school in the district, any student who is a victim of a violent criminal offense committed against him or her while he or she was in or on the grounds of the public school that he or she attends shall be allowed to request a transfer to attend a school in another district which is not designated a persistently dangerous school provided the student requests a transfer within thirty (30) days of the violent criminal offense. Any such transfers to meet the public school choice requirements of ESSA will be provided in accordance with established board policy and administrative regulation.

SOURCE: Jackson Public School District, Jackson, Mississippi; Mississippi School Boards Association

DATE: October 20, 2003
December 6, 2016

LEGAL SOURCE: 20 USCA 7912a