

***Oklahoma's Definition and Criteria for the Requirement of
No Child Left Behind***

UNSAFE SCHOOL CHOICE OPTION

The No Child Left Behind Act of 2001 (ESEA) provides, in part:
Title IX, Part E. Subpart 2, Sec. 9532. Unsafe School Choice Option

"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."

In the context of this Act, an Oklahoma public elementary or secondary school site shall not be identified as a *"persistently dangerous school"* until such time as:

- 1) the site has a number of students and/or employees convicted of a violent criminal offense*
under Oklahoma Criminal Code,
- 2) the offense occurs at school or on a school bus in transit to or from school,
- 3) that number of such offenses exceeds two percent (2%) of the site's audited membership, and
- 4) that percentage is exceeded for three-consecutive fiscal school years.

For any school site meeting the above criteria in any given school year, the district may declare that school to be in greatest need for the purpose of using Safe and Drug-Free Schools program funds and services to identify the problems and implement a corrective action plan. This plan would be used to ensure a safe school environment for students, faculty, and other staff.

When any school site is designated as a *"persistently dangerous school,"* parents may then exercise their rights to have their child attend a safe public elementary school or secondary school within the local educational agency, including a public charter school. To the extent possible, the State Department of Education will collaborate with other

state and local agencies to provide support and technical assistance to the school and district.

Individual Student Option

Under the individual student option, any student who becomes a victim of a violent criminal offense, as defined by Oklahoma Statute, must to the extent feasible be allowed to transfer immediately to a different school within the district.

*For the purpose of this definition, a "*violent criminal offense*" shall mean those offenses listed as the exceptions to the term "*nonviolent offense*" as specified in Section 571 of Title 57 of the Oklahoma Statutes.

Oklahoma State Board approved April 17, 2003