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TO: Chief School Administrators
Charter School and Renaissance School Project Leads

FROM: Susan Martz, Chief Learning Supports and Specialized Services Officer/
Assistant Commissioner
Division of Learning Supports and Specialized Services

SUBJECT: Unsafe School Choice Option Policy Revisions

The New Jersey Department of Education (NJDOE) is required to establish and implement an Unsafe School Choice Option (USCO) policy per the *Elementary and Secondary Education Act (ESEA)* of 1965, as reauthorized under the *Every Student Succeeds Act* of 2015. The USCO policy requires that students who attend a persistently dangerous public elementary or secondary school or become victims of a violent criminal offense while in or on the grounds of a public school that they attend, be allowed to attend a safe public school within the district.

From December 2015 through April 2016, an USCO working group consisting of a representative sample of school districts, NJDOE staff and members of the state Attorney General's Education and Law Enforcement Working Group met to review and discuss the USCO policy and identify areas needing revision. The USCO working group proposed new criteria for determining persistently dangerous schools following federal guidance that recommends the formula be an objective, valid and reliable measure of dangerousness in a school.

The [new USCO policy and formula](#) were adopted by the State Board of Education on December 7, 2016. The new formula will be applied to schools in stages starting with the 2016-17 school year. After meeting the persistently dangerous criteria for one year in 2016-17, the chief school administrator of the district will receive an informational early notification. In past years, school administrators have not been notified until a school has met persistently dangerous criteria for two consecutive years. This will give schools an earlier opportunity to improve school climate and safety.

While the data-reporting requirements for districts remain unchanged, it is important for school officials to be aware of the types of incidents that will lead to a "persistently dangerous" designation. A comparison of the former and current formulas and the timeline for implementation are included below.

Should you have any questions about the USCO policy, please contact the Office of Student Support Services at (609) 633-1752.

- c: Members, State Board of Education
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 Julie McAloon
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- Diane Shoener
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USCO POLICY CRITERIA FOR DETERMINING PERSISTENTLY DANGEROUS SCHOOLS

Former	New
7 or more Category A and/or Index of 1.0 or higher Category B (# of incidents / square root school enrollment) for 3 consecutive years	Either more than 3 incidents that meet at least 1 of the criteria <i>and</i> an incident rate of 1 incident for every 100 students (1%); OR 9 or more incidents for 3 consecutive years
Firearm offense (A)	Firearm offense (sale, distribution, possession, or use of handgun, rifle, air gun, or bomb)
Assault on school staff (A)	Assault on school staff with minor injury
Simple assault (B), assault with weapon, or assault with injury	Assault with major or serious bodily injury
Gang fight (B)	Fight with major or serious bodily injury
Robbery/extortion (B)	Robbery/extortion
Sex offense (B)	Sexual assault
Arson (B)	Arson with a victim
Possession or sale of a weapon (B)	Weapon use (handguns, rifles, knives, razor blades, clubs, chains, tear gas, etc.)
Criminal threat (B)	Criminal threat
Sale/distribution of drugs (B)	(Removed)
Harassment, intimidation, and bullying (B)	(Removed)
	Kidnapping

TIMELINE FOR USCO POLICY IMPLEMENTATION

	2016-17	2017-18	2018-19
Early Notification (1 year)	New criteria	New criteria	New criteria
Early Warning (2 years)	2015-16 Prior criteria 2016-17 New criteria	New criteria	New criteria
Persistently Dangerous (3 years)	2014-15 Prior criteria 2015-16 Prior criteria 2016-17 New criteria	2015-16 Prior criteria 2016-17 New criteria 2017-18 New criteria	New criteria