

160-4-8-.16 UNSAFE SCHOOL CHOICE OPTION (USCO).

(1) **DEFINITIONS.**

(a) **Corrective action plan** – a written plan developed by a local school system and adopted by the local board of education for a public school that is identified as a persistently dangerous school for the purpose of remedying the causes that result in this school being identified as persistently dangerous.

(b) **Jurisdiction of a public school** – events that are sponsored by a public school and that occur away from the property of a public school over which the public school has direct control or authority.

(c) **Official action** – an official tribunal held by the school system; a hearing conducted by a disciplinary hearing officer of the school system (O.C.G.A. § 20-2-752 through § 20-2-758); through a waiver process; through an action of the local board of education; or for non-felony drug offenses that result in placement in a drug intervention program.

(d) **Persistently dangerous school** – a public school in which for each of three consecutive years on the property of the public school, or at an event within the jurisdiction of a public school, or at a school sponsored event:

1. At least one student enrolled in that school is found by official action to have committed an offense in violation of a school rule that involved one or more of the following criminal offenses.

- (i) Aggravated battery (O.C.G.A. § 16-5-24)
- (ii) Aggravated child molestation (O.C.G.A. § 16-6-4)
- (iii) Aggravated sexual battery (O.C.G.A. § 16-6-22.2)
- (iv) Aggravated sodomy (O.C.G.A. § 16-6-2)
- (v) Armed robbery (O.C.G.A. § 16-8-41)
- (vi) Arson – first degree (O.C.G.A. § 16-7-60)
- (vii) Kidnapping (O.C.G.A. § 16-5-40)
- (viii) Murder (O.C.G.A. § 16-5-1)
- (ix) Rape (O.C.G.A. § 16-6-1)

(x) Voluntary manslaughter (O.C.G.A. § 16-5-2)

or

2. Two percent or more of the student population or ten students, whichever is greater, are found by official action to have committed an offense in violation of a school rule that involved one or more of the following offenses:

(i) Non-felony drugs (O.C.G.A. § 16-13-2)

(ii) Felony drugs (O.C.G.A. § 16-13-30; 16-13-31; 16-13-32.4)

(iii) Felony weapons (O.C.G.A. § 16-11-127.1)

(iv) Terroristic threats (O.C.G.A. § 16-11-37)

or

3. Any combination of paragraphs (1)(d)1 or (1)(d)2.

(e) **Property of a public school** – Any building, land, school bus, or other vehicular equipment owned or leased by the local school system.

(f) **Student population** – the unduplicated October full-time equivalent (FTE) count.

(g) **Unsafe School Choice Option (USCO)** – the process of allowing students who attend a persistently dangerous public school or students who become victims of a violent criminal offense while on the property of a public school in which they are enrolled to transfer to a safe public school.

(h) **Victim** – a person against whom a violent criminal offense has been committed and whose perpetrator has been found by official action to be in violation of a school rule related to the violent criminal offense.

(i) **Violent criminal offense** – for the purposes of this rule, the following felony transgressions of law as defined in state statute, including aggravated battery (O.C.G.A. § 16-5-24), aggravated child molestation (O.C.G.A. § 16-6-4), aggravated sexual battery (O.C.G.A. § 16-6-22.2), aggravated sodomy (O.C.G.A. § 16-6-2), armed robbery (O.C.G.A. § 16-8-41), first degree arson (O.C.G.A. § 16-7-60), felony weapons charge (O.C.G.A. § 16-11-127.1), kidnapping (O.C.G.A. § 16-5-40), murder (O.C.G.A. § 16-5-1), rape (O.C.G.A. § 16-6-1), voluntary manslaughter (O.C.G.A. § 16-5-2), or terroristic threats (O.C.G.A. § 16-11-37).

(2) REQUIREMENTS.

(a) Local school systems (LSSs) shall annually report to the Georgia Department of Education on a date and in a manner specified by the Department data regarding students found by official action to be in violation of a school rule related to a criminal offense as identified in paragraphs (1)(d)1 and (1)(d)2.

(b) The Georgia Department of Education shall identify by July 1 of each year persistently dangerous public schools using the criteria specified in paragraph (1)(d) and shall notify the LSS superintendent of such identification.

(c) The LSS shall within ten school days of notification by the Georgia Department of Education notify the parents/guardians of students enrolled in a school that has been classified as a persistently dangerous school. This parental notification shall be written in English and any other language prevalent in the student population of that school. This notification shall also specify the process adopted by the local board of education to be used for the transfer of a student to a safe public school, including a charter school, either within the school system or to one located in another school system with which the system has an agreement, upon the request of a parent/guardian or by a student if the student has reached the age of 18. Following student transfer guidelines consistent with the Elementary and Secondary Education Act (ESEA) as currently reauthorized, LSSs shall allow students to transfer to a school that is in compliance with current state and/or federal accountability. Student transfers to safe schools within the school system or to a safe school within another school system with which the school system has an agreement shall be completed within 30 school days of the request.

(d) Any student who is the victim of a violent criminal offense that occurs on the property of a public school in which the student is enrolled, while attending a school-sponsored event that occurs on the property of a public school, or while attending an event under the jurisdiction of a public school shall be permitted to attend a safe public school, including a charter school. Each local board of education shall adopt a policy that facilitates the transfer of students who are victims of violent criminal offenses. This policy shall provide that the transfer shall occur within ten school days of the commission of the violent criminal offense, and to the extent possible, shall allow victims to transfer to a school that is in compliance with current state and/or federal accountability requirements.

(e) A local board of education with one or more of its schools identified as persistently dangerous is not required to cover the cost of transportation to a safe public school beyond the levels identified by federal legislation.

(f) LSSs shall develop and local boards of education shall adopt a corrective action plan for each school identified by the Georgia Department of Education as a persistently dangerous school. The corrective action plan shall be based on an analysis of the problems faced by the school and address the issues that resulted in the

school being identified as persistently dangerous. The LSS shall submit to the Georgia Department of Education for approval the corrective action plan. This plan shall be submitted within 20 school days after the Georgia Department of Education notifies the local school system that a school has been classified as a persistently dangerous school.

1. Upon completion of its planned corrective action, a LSS may apply to the Georgia Department of Education to have the school removed from the list of persistently dangerous schools. After ensuring that all corrective action has been completed, the Georgia Department of Education shall reassess the school using the criteria for persistently dangerous schools as specified in paragraph (1)(d) of this rule.

Authority O.C.G.A. §§ 3-3-23; 16-5-1; 16-5-2; 16-5-24; 16-5-40; 16-6-1; 16-6-2; 16-6-4; 16-6-22.2; 16-7-60; 16-8-41; 16-11-37; 16-11-106; 16-11-127.1; 16-13-2; 16-13-30; 16-13-31; 16-13-32.4; 20-2-240; 20-2-752; 20-2-753; 20-2-754; 20-2-755; 20-2-756; 20-2-757; 20-2-758.

Adopted: July 20, 2017

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