

# SSID

## Fact Sheet

### No Child Left Behind Act and School Violence

#### **Background**

The No Child Left Behind Act (NCLB) of 2001 is the most recent revision of the Elementary and Secondary Education Act (ESEA) originally signed into law by President Lyndon B. Johnson in 1965. The NCLB was passed by the 107<sup>th</sup> Congress, signed by President George W. Bush on January 8, 2002, and became Public Law 107-110.

The Elementary and Secondary Education Act (ESEA) undergoes revision every 5 to 7 years and is often renamed during the process. The ESEA is the federal government's largest investment in Kindergarten through 12<sup>th</sup> grade education. This legislation consists of several sections or "Titles" and authorizes funding for over 40 education related programs and activities, such as improving teacher quality, student literacy, school technology, and school safety.<sup>1, 2</sup>

The most well known portion of this legislation is Title I, Improving the Academic Achievement of the Disadvantaged. The purpose of Title I is "to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging State academic achievement standards and state academic assessments."<sup>3</sup> Title I provides in excess of \$12 billion each year to more than 90% of school districts nationwide for improving the education of millions of children at risk of educational failure.<sup>4</sup>

The reauthorization of ESEA through NCLB builds upon the standards driven reform established in the 1994 reauthorization under the Improving America's Schools Act (IASA).<sup>5</sup> The No Child Left Behind legislation adds accountability provisions to Title I of the ESEA and establishes a framework for progress in raising overall student achievement and in increasing parent involvement.<sup>6</sup> The NCLB is based on four principles set forth by President Bush: stronger accountability for results, expanded flexibility and local control, expanded options for parents, and emphasis on teaching methods proven to work.<sup>7</sup>

#### **NCLB and school violence**

Programs addressing the prevention and/or elimination of violence in schools became part of the Elementary and Secondary Education Act with the reauthorization of the Drug Free Schools and Communities Act (DFSCA) in 1994. This law was originally enacted by congress in 1986 to expand and strengthen drug and alcohol abuse education and prevention programs in communities throughout the nation. The reauthorization of the

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DFSCA became known as the Safe and Drug-Free Schools and Communities Act (SDFSCA) of 1994 (Public law 103-382) included in the Improving America's Schools Act.<sup>8</sup>

Funds under the Safe and Drug-Free Schools and Communities Act provided grants to state and local programs to “encourage and support broad-based cooperation among schools, communities, parents, and governmental agencies to bring the nation significantly closer to the goal of a drug-free generation and society.”<sup>9</sup>

In 2001 the No Child Left Behind Act reauthorized funding for the Safe and Drug-Free Schools and Communities Act (Title IV, Part A) with several additions. Two of these changes add accountability and reporting requirements. States receiving grant monies under this program are now required to demonstrate that the programs funded are effective. This effectiveness must be shown through conducting a needs assessment, using research-based activities, and establishing performance measures.<sup>10</sup> In addition to demonstrating programs are effective, states must establish a uniform management and reporting system to collect information on school safety and drug use among young people. The data compiled will be publicly reported so citizens are informed as to the status of drug use and violence in their local schools.

### ***Persistently Dangerous Schools***

A provision in the No Child Left Behind Act, not included under the Safe and Drug-Free Schools, is the unsafe school choice option. Title IX, General Provisions, Part E Section 9532, states “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.”

Under this section, states must certify in writing to the Secretary of Education that they have complied with this requirement to provide a safe school option. Each state must define what constitutes a “persistently dangerous” school and establish and implement a statewide policy requiring students who attend a persistently dangerous school or who are a victim of violent crime be allowed to attend a safe school within the same district. ESEA funding was contingent upon compliance with having an unsafe schools choice option policy developed no later than July 1, 2003.

Each state's department of education along with a representative sample of local education agencies established the definitions used to determine if a school is persistently dangerous. The criteria states use varies widely from state to state. Many definitions require that a combination of factors be met before the persistently dangerous designation is applied. These factors usually include a time frame within which incidents occur, a number of offenses per student population, a percentage of offenses per student population, and/or

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action taken by school administrators, such as expulsion, in response to the offenses/incidents.

The policy lists the offenses/incidents to be included for the persistently dangerous designation and also lists to whom it applies: students, faculty, and/or staff. Some state policies will designate the locations of the applicability of the policy, such as school grounds and/or school-sponsored events.

In August 2003 the Education Commission of the States reported an analysis of the proposed or adopted policies for 43 states. The findings from this analysis by Gloria Zradicka show that:

More than half the states consider offenses or incidents occurring during a three-year period; one-quarter of the states consider a two-year period; and one-fifth of the states consider a combination of two and three years.

Almost half the states determine the threshold of offenses/incidents by using a combination of a percentage of the student enrollment for some offenses and a specific number for other offenses. Slightly more than one-third of the states use a specific number of offenses to determine the threshold and less than one-fifth of the states use a percentage of the student population. The policies use percentage rates ranging from one-half percent to 5%. Eleven states differentiate offense/incident thresholds according to school size.

States' definitions of offenses/incidents vary from considering Gun-Free School Act violations (i.e., a state law mandating the expulsion from school for a period of at least one calendar year any student who is determined to have brought a weapon to school) to detailed lists of offenses. Almost one-fifth of the policies use the generic terms of weapon or violent offenses to determine thresholds for identifying persistently dangerous schools.

To view the complete article entitled *Persistently Dangerous School Criteria* see <http://www.ecs.org/clearinghouse/47/00/4700.htm>

The school choice option is available to children attending a school that receives Title I funding and the school has been designated persistently dangerous by state definition. Parents are notified by the school district if their child is eligible for school choice.

The federal entity tasked with administering the SDFSCA is the Office of Safe and Drug-Free Schools. Title IX General Provisions, unsafe schools choice option also falls under this office's responsibility.

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## **State Results - Persistently Dangerous Schools**

Two years after the enactment of the No Child Left Behind Act states have reported on numerous changes they have made to meet the requirements of the law. One of the reporting requirements is the number of schools falling under the category of “persistently dangerous” as defined by each state. The No Child Left Behind Act gives parents the option of transferring their children to a “safe” school within the school district upon being notified that the school currently attended by their child has been designated persistently dangerous. In a review of state data conducted by *Education Week* during the summer and fall of 2003, only four states reported any schools designated as persistently dangerous. New Jersey reported 7, New York 2, Oregon 1, and Pennsylvania 28 for a total of 38 schools.<sup>11</sup> Forty-six states and the District of Columbia had no schools designated as persistently dangerous.

## **Reactions to Persistently Dangerous Schools Report**

The release of the report containing the number of schools determined to be persistently dangerous resulted in a debate concerning this provision in the No Child Left Behind legislation. For some, the reporting requirement is viewed as a way to improve data collection of offenses and incidents in schools. If the data collected is accurately representing the overall picture of the school’s crime and safety, then this information can be utilized to assist schools in “maintaining, strengthening, and implementing better school safety and prevention efforts”. Mr. Bill Modzeleski, School Safety Director for the US Department of Education, stated that a dangerous environment not just unacceptable behavior is the target of the provision.<sup>12</sup>

On the other hand some believe the state definitions have set the level of violent or criminal incidents so high that their schools will never receive the persistently dangerous label. Many state definitions use the violent crimes of murder, rape, robbery, and weapons violations but do not include incidents of bullying and harassment. Some critics believe the assessment serves no purpose as it can mislead parents into thinking their schools are safe when in fact they are not, or unsafe when in reality they are.

A survey conducted by the National Association of School Resource Officers (August 2003) found that 61% of the school resource officers responding to the survey believe that school administrators faced with their schools possibly being labeled as “persistently dangerous” will result in decreased school crime reporting. These same respondents (87%) reported that the numbers of crimes that occur on school campuses nationwide are underreported to police.

Debate will persist on the usefulness and accuracy of the data collected to meet the requirements of the NCLB unsafe schools choice option. With few states reporting persistently dangerous schools it is unknown at this time if states have met the congressional intent for this requirement. Continued implementation over time will provide additional information for analysis of the unsafe schools choice option.

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**For additional information: Internet sites of interest:**

**U.S. Government Sources**

US Department of Education, No Child Left Behind website  
<http://www.ed.gov/nclb/landing.jhtml>

No Child Left Behind Desktop Reference

<http://www.ed.gov/admins/lead/account/nclbreference/index.html?src=mr>  
Provides links to individual sections of NCLB legislation.

Office of Safe and Drug Free Schools

<http://www.ed.gov/about/offices/list/osdfs/index.html>

National Center for Education Statistics

<http://nces.ed.gov/nationsreportcard/>  
Provides information on state assessments.

<http://nces.ed.gov/programs/crime/>  
Provides information on crime and safety in schools.

**Non-governmental Sources**

Education Commission of the States

<http://nclb.ecs.org/nclb/>  
Provides day-to-day status of how states match up to the NCLB requirements.

Education Week Online (may require registration to access reports)

[http://www.edweek.org/sreports/qc04/state\\_compare.cfm](http://www.edweek.org/sreports/qc04/state_compare.cfm)  
Provides state data comparisons from policy data survey conducted by Education Week.  
<http://www.edweek.org/context/topics/issueschartpage.cfm?id=39>  
Provides map of states reporting persistently dangerous schools

The Center for Education Reform

<http://www.edreform.com/index.cfm?fuseAction=section&pSectionID=15&cSectionID=43>  
Offers links to state-by-state resources and data on schools.

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## Sources:

<sup>1</sup> National Education Association, The Basics (n.d.). Retrieved February 5, 2004 from <http://www.nea.org/esea/eseabasics.html>

<sup>2</sup> Education Minnesota, NCLB FAQs Overview (n.d.). Retrieved from [http://www.educationminnesota.org/index.cfm?PAGE\\_ID=6134](http://www.educationminnesota.org/index.cfm?PAGE_ID=6134)

<sup>3</sup> <http://www.ed.gov/policy/elsec/leg/esea02/107-110.pdf>

<sup>4</sup> National PTA, Title I of the Elementary and Secondary Education Act (n.d.). Retrieved February 10, 2004 from <http://www.pta.org/ptawashington/issues/titleone.asp>

<sup>5</sup> Ibid.

<sup>6</sup> The Education Trust, Elementary and Secondary Education Act (ESEA) (n.d.). Retrieved January 30, 2004, from <http://www2.edtrust.org/edtrust/ESEA>

<sup>7</sup> US Department of Education, Fact Sheet on the Major Provisions of the Conference Report to H.R. 1, the No Child Left Behind Act (n.d.). Retrieved December 17, 2003 from <http://www.ed.gov/nclb/overview/intro/factsheet.html>

<sup>8</sup> US Department of Education (2002). *Characteristics of SDFSCA, SEA and Governors, Programs Volume 1* (Chap. 1). Retrieved from <http://www.ed.gov/admins/lead/safety/9900staterreport/report.pdf>

<sup>9</sup> Ibid.

<sup>10</sup> US Department of Education, Questions and Answers on No Child Left Behind (n.d.). Retrieved February 2, 2004 from <http://www.ed.gov/nclb/freedom/safety/creating.html>

<sup>11</sup> Education Week. (2004, January 8). State of the States. In *Quality Counts 2004: Count Me In: Special Education in an Era of Standards*. Retrieved from <http://www.edweek.org/sreports/qc04/reports/climate-t1c.cfm>

<sup>12</sup> Nealis, Libby (November 2003). "Persistently Dangerous Schools" and Other Problematic NCLB Provisions, National Association of School Psychologists Communique, Vol. 32, #3. Retrieved December 17, 2003 from <http://www.nasponline.org/publications/cq323nclbnealis.html>