

SCHOOL SAFETY UNDER NCLB'S UNSAFE SCHOOL CHOICE OPTION

Bill Gastic and Josephine Ann Gasiewski

Abstract:

Despite its flaws, the USCO created the conditions for an unprecedented national statement on school safety. This study asks: How do states conceptualize school safety? While critics have denounced the dizzying assortment of states' persistently dangerous criteria, we argue that these differences have been grossly exaggerated. We contend that states' shared orientations toward school safety can be described using a risk assessment perspective. This article introduces a framework that distills school violence in terms of severity and likelihood. Using this framework, we show how all states define school safety in terms of risk – specifically, as the maximum level of risk that is acceptable at a school that can still be considered safe.

School Safety under NCLB's Unsafe School Choice Option

Schools can be dangerous places for students. The latest national statistics on school violence and discipline show that school violence is a national problem that affects urban, suburban and rural schools alike (Dinkes, Cataldi, & Lin-Kelly, 2007). Eighty-six percent of public schools reported at least one violent crime, theft or other type of crime in the 2005-06 school year. This represents 2.2 million crimes on school property.

School violence is not confined to urban public schools. Comparable percentages of public schools reported campus crimes, regardless of urbanicity (i.e., urban, urban fringe, town, rural). Between 72 and 82 percent of public schools reported at least one violent crime while between 44 and 48 percent of public schools reported theft. Other crimes, specifically those that involved weapons, vandalism or alcohol or illegal drugs, were reported by 62 to 73 percent of schools, depending on location.

School safety is integral to efforts to improve school quality. As such, it is inherently an educational issue (Furlong & Morrison, 1994; Morrison & Furlong, 1994; Verdugo & Schneider, 1999). There is evidence of the link between school violence and student achievement (or failure) (Barton, Coley, & Wenglicky, 1998; Bowen & Bowen, 1999; Scott, Nelson, & Liaupsin, 2001; Verdugo & Schneider, 1999). School violence has also been shown to be associated with other school-based outcomes such as problem behavior, school truancy and avoidance due to fear of getting hurt (Bowen & Bowen, 1999; DeVoe & Kaffenberger, 2005; Dinkes, Cataldi, & Lin-Kelly, 2007; Flannery, Wester, & Singer, 2004; Schreck & Miller, 2003).

School violence has garnered the attention of the Federal government for generations. This interest prompted the first national survey on the state of school violence, which was released in 1978, and has only increased since then (Anderson, 1998; Verdugo, 1999). The ongoing national concern about school safety is evidenced in part by the considerable array of Federal programs, legislation and annual surveys that are aimed at understanding and reducing school violence (Barrios et al., 2000). The No Child Left Behind Act of 2001 (NCLB) is the most recent Federal educational legislation to directly address issues of school safety. Specifically, it does so via Section 9532, the Unsafe School Choice Option (USCO).

The USCO mandates that a school transfer option be available to those students who have been victims of violent crime at school or who attend persistently dangerous schools. To comply with the USCO, states and other jurisdictions that receive funds under the Elementary and Secondary Education Act of 1965 (ESEA), which was amended by NCLB, must define what constitutes a "persistently dangerous" public school (U.S. Department of Education, 2004). Given the language of the USCO, public schools that are not deemed persistently dangerous are considered to be safe. As a result, states have indirectly defined the parameters of school safety by establishing their persistently dangerous criteria. What is meant by "persistently dangerous" and "safe" varies widely from state to state.

States had to determine which of their schools were persistently dangerous for the first time before the start of the 2003-04 school year. Since then, critiques of the USCO have been plentiful (Education Commission of the States, 2004; Gastic, 2007; Hoff, 2006; Khashu & Salsich, 2005; Office of Inspector General, 2007; Safe and Drug-Free Schools and Communities Advisory Committee, 2006; Zradicka, 2004). Many point to the paltry number of public schools that have ever been labeled as persistently dangerous as the defining failure of the USCO. In the first five years of the USCO, the "persistently dangerous" label has only been used 199 times by nine states (and Puerto Rico). They are: Georgia (2); Maryland (12); New Jersey (27); New York (41); Oregon (2); Pennsylvania (69); Puerto Rico (36); South Dakota (4); and Texas (6) (Office of Inspector General, 2007). While the

label has been used 199 times, it has been applied to a smaller number of schools. This is because many public schools have been classified as persistently dangerous in more than one year.

Despite its flaws, the USCO is singularly responsible for creating the conditions for an unprecedented national statement on school safety. Never before have states had to define what they mean by “school safety”. This study seizes this unique opportunity to ask: How do states conceptualize school safety? While critics have denounced the dizzying assortment of states’ persistently dangerous criteria, we argue that these differences have been grossly exaggerated. The idiosyncrasies and extraordinary variation of the forms taken by states’ persistently dangerous criteria belie their shared function. We contend that states’ orientations toward school safety can be described using a risk assessment perspective. In this article, we introduce a framework that distills school violence in terms of severity and likelihood. We show how states define school safety in terms of risk – specifically, as the maximum level of risk that is acceptable at a school that can still be considered safe.

Our study moves the discussion of the USCO forward. The absence, until now, of such a unifying framework has made it difficult to recognize that states’ persistently dangerous criteria are anchored by a common core of safety principles. As such, efforts to reform the USCO as part of NCLB’s pending reauthorization have been stymied. Equipped with an understanding of the underlying school safety principles that inform states’ persistently dangerous criteria, attention can turn to what these principles say about the value that we as a society put on the safety of our public schools.

Defining School Safety

School violence and school safety are not neutral concepts; their definitions are bounded by social and historical contexts (Michalowski, 1996; Watts & Erevelles, 2004). Despite unanimous agreement on the importance of school safety, there is little consensus around what “safe” actually means. Divergent views of school violence and safety can be obstacles to research and reform. The success of safe school initiatives depends in large part on members of the community having a shared understanding of what school violence is (Hernández & Seem, 2004). Many researchers have addressed the challenges inherent to not having a universal or singular definition of school violence or safety. These researchers have called for a more inclusive and nuanced definition of school violence that incorporates the perspectives of diverse groups of stakeholders as well as the use of more diverse set of measurements and methods used to describe school violence (Adams, 2000; Furlong, Morrison, & Cornell, 2004; Henry, 2000; Scott, Nelson, & Liaupsin, 2001).

School safety is most commonly described in terms of self-reported perceptions, such as one’s own fear of victimization or sense of safety at school (e.g., Boxer, Edwards-Lepper, Goldstein, Musher-Eizenman, & Dubow, 2003; Heydenberk, Heydenberk, & Tzenova, 2006; Hilarski, 2004; Miller, Gibson, Ventura, & Schreck, 2005). Safety is also described in terms of the absence or reduction of violence or other safety threats (e.g., Anderson, 1998; Astor, Meyer, & Pitner, 2001; Jimerson & Furlong, 2006; Peterson, Larson, & Skiba, 2001). Safety threats that target minority groups within the larger school community (such as violence against sexual minority youth) are also recognized as compromising school safety for everyone (Szalacha, 2003). Additionally, school safety is conceptualized in broader terms of socio-emotional well-being (Nairn & Smith, 2003). Safe schools are those where students feel like they have a place to go for support, comfort and guidance. They are where students feel like there are people that they can trust, where they feel safe to ask teachers and other school adults for help, and where students feel like there are adults who care about them (e.g., Haynes, 1996; Newman, 2003; Nichols, 1999; Pepinsky, 2000).

On the other hand, school safety as conceived by states’ under the USCO is distinct from these prevailing definitions. Under the USCO, states’ definitions of school safety are the indirect results of the process by which they developed criteria for persistently dangerous schools. States were advised to use “objective” data or that which is “not influenced by emotion, surmise, or personal bias” (U.S. Department of Education, 2004, p. 7). Consequently, states rely on annual incident data to measure the risk that schools pose to students. Using these data, states determined the level of risk that constitutes a persistently dangerous school. As such, “safe” describes schools that are at or below the maximum level of risk that their state considers acceptable (read: not persistently dangerous). Like all other complex enterprises, the operation of schools involves a certain level of unavoidable risk. The USCO has required states to make the difficult decision to specify a maximum level of risk as acceptable, or befitting a safe learning environment. States do not describe school safety as the absence of risk; instead, they define it in a way that treats risk, or the possibility of harm or loss in schools, as certain.

Data and Methods

This study is an ethnographic content analysis that follows Altheide’s (1987, 1996) sequence of concept development, sampling, data collection, data coding, data analysis and interpretation. The persistently dangerous criteria of the 50 states and the District

of Columbia serve as our unit of analysis. Zradicka's (2004) compilation of states' USCO policies is the source of these data. We updated the states' policies where appropriate, such as in the case of New York which changed its persistently dangerous criteria for use beginning in the 2006-07 school year. (To provide readers with a better sense of the varying nature of states' persistently dangerous criteria, detailed descriptions of the criteria for the states with the ten largest school districts [Garofano & Sable, 2008] are provided in Appendix 1. For the complete set of states' USCO policies, please see Zradicka [2004].)

Informed by the work of Gastic (2007), we began with an inductive process of open coding of states' persistently dangerous criteria. We reviewed each state's criteria separately and developed categories to describe their structural and compositional elements (Glaser & Strauss, 1967; Charmaz, 2006; Strauss & Corbin, 1997). Next, we engaged in an iterative stage of constant comparison where we compared states' criteria to one another. This enabled us to organize our codes into a hierarchical coding schema in which the dimensions of school safety risk are further elaborated by the mode of measurement employed by the states.

We identified two dimensions of school safety risk: severity and likelihood. Severity describes the nature of the consequences of school safety threats. Likelihood refers to the probability that a school safety threat will occur. The risk represented by a school safety threat is a function of both likelihood and severity. For example, a high risk may be posed by a low likelihood-high severity event (e.g., school shooting), as well as by a more common and comparably less severe event such as a fist-fight among students. Each dimension of school safety risk has two modes of measurement. Severity is measured in terms of scope and response. Scope describes what types of incidents states identify as being potential threats to school safety. Response refers to the practice of considering whether or not an incident yielded a formal disciplinary response before recognizing it as a safety threat. States operationalize the second dimension of school safety risk, likelihood, in two ways. First, states measure the extent to which students have been exposed to school safety threats. Second, states assess whether the degree of the school safety threat has been sustained over a specified duration.

Dimensions of School Safety Risk

In this section, we describe the modes of measurement that correspond to both dimensions of school safety risk – severity and likelihood. We also discuss the ways in which states have operationalized scope, response, exposure and duration (Figure 1).

Figure 1.

How States Conceptualize School Safety under the USCO

Dimensions of School Safety Risk		
	Mode of Measurement	Examples
Severity	Scope	Incidents against a person Incidents against property Incidents involving alcohol, tobacco or other drugs Incidents involving weapons Incidents against society
	Response	Simple occurrence Suspension Expulsion Criminal conviction or arrest

	Exposure	Incident counts Incident-to-student ratios
Likelihood	Duration	Length of reporting period Consecutive or multiple years

Severity

States assess the severity of school safety threats in two ways. First, they identify the subset of objectionable and “risky” incidents that will be eligible for consideration as school safety threats. Second, states decide whether they will count the occurrence of such incidents as safety threats or require that an additional level of scrutiny (i.e., disciplinary response) be met. For example, states decide either to treat all physical assaults of students as school safety threats or to count only those for which students were suspended or expelled. Thirty-one percent (n = 16) of states find simple occurrence sufficient while 69 percent (n = 35) require that such incidents yield an official disciplinary response before being considered a threat to school safety.

Scope. What constitutes a school safety threat differs substantially from state to state. However, all potential school safety threats belong to at least one of the following categories: incidents against a person, incidents against property, incidents involving alcohol, tobacco or other drugs or weapons, and incidents against society.

Incidents against a person include murder, manslaughter, kidnapping, reckless endangerment of a child, physical assaults of students or staff, sexual offenses, fighting, bullying, intimidation and robbery or theft. Within this category, states either list specific safety threats, such as physical assault or sexual battery, or refer to incidents in more general terms. For example, Alaska refers to “violence against a person”, while Louisiana cites “immoral or vicious practices” and Wisconsin describes safety threats as “endangering behavior”. Sixty-one percent of states (n = 31) explicitly mention sexual offenses as threats to school safety. Only four states include hazing, bullying and harassment as safety threats: Kansas, Nevada, New Jersey and Washington.

Incidents against property are burglary, vandalism and arson. Incidents involving alcohol, tobacco or other drugs describe those incidents in which students were found to be using, selling, in possession of or under the influence of a controlled substance. Sixteen states (31 percent) recognize such incidents as school safety threats. Actions involving weapons describe the use or possession of a weapon, such as, but not limited to, firearms and knives. Thirty-nine states (76 percent) view gun-related incidents as school safety threats. For two states – Arizona and Nebraska – gun-related incidents are the sole school safety threats that are recognized. Ten states require a Gun Free Schools Act (GFSA) violation before other, additional incident criteria are considered. Examples of actions against society are bomb threats, terroristic threats and rioting.

Response. Sixty-nine percent (n = 35) of states require that the types of incidents in the previous section yield formal disciplinary responses before they can be considered school safety threats. Forms of disciplinary response include suspension (either of specified length or not), expulsion and criminal conviction. Six states rely on criminal convictions, citations or arrests. These are Arkansas, Idaho, Indiana, Nevada, Oklahoma and Pennsylvania. Thirty-two states (63 percent) require that school safety threats be those incidents that end in either suspension or expulsion. (This does not include states which count GFSA violations, which should yield automatic expulsions.) Some states have much more specific requirements. In Iowa and Maryland, for example, only those violent incidents for which students were suspended for at least 10 days qualify as safety threats; in Michigan, the disciplinary response must be ten consecutive days.

Likelihood

States conceive of the likelihood of school safety risk in two ways. First, they use a measure of exposure to estimate the extent to which students have been exposed to safety threats. Second, since states differ in the number of years of data upon which they base their school safety assessments, the second measure of risk probability is duration.

Exposure. States measure students’ exposure to safety threats in varied ways. Twenty-two states (43 percent) factor in school size by calculating an incident-to-student ratio that represents the maximum level of acceptable risk; schools are safe as long as their score remains equal to or below this level. Three states – Arizona, Nebraska and New Hampshire – rely on raw incident counts rather than ratios. (Recall that Arizona and Nebraska are also the only two states to name gun-related incidents

exclusively as safety threats.) Twenty-six states (51 percent) have adopted approaches that combine both modes of measurement. Of these, 15 states (58 percent) specify a high severity incident, such as a GFSA violation, as a limiting factor. In these states, schools must have experienced at least a minimum number of a particular incident type before other risk criteria are to be considered. For example, in California, persistently dangerous schools are those that have had at least one GFSA violation and an expulsion rate above one percent related to specified violent criminal offenses. This must be true in each of three consecutive years. This last aspect of California's criteria relates to duration.

Duration. For schools to be classified as other than safe, or persistently dangerous, students' exposure to school safety threats must exceed the maximum level of acceptable risk – as measured in terms of scope, response and exposure – over multiple years. No state bases its assessment of school safety on one year of data. Seventy-five percent of states (n = 38) use three years of data. Of these, 89 percent (n = 34) require that the persistently dangerous criteria be met in each consecutive year while the four remaining states (Alaska, Minnesota, Nevada and Pennsylvania) specify at least two of three years. The 13 states (25 percent) that use two years of data use them consecutively.

Discussion

School safety is a goal shared by many. However, pursuit of a common aim does not necessarily mean that constituencies can agree on what school safety is or how to measure, attain or preserve it. Safety is neither neutral nor a concept whose definition is universal. This is perhaps most vividly apparent when it comes to the safety of our public schools. What it means for our schools to be safe is shaped by our values, beliefs and attitudes as a society. Through NCLB and the USCO, states are granted the authority to decide what safety will mean for their students and schools.

In this study, we shed light on the underlying principles that guide states' determinations of what school safety looks like. States' definitions of safe are not idealistic; in fact, they are compromises that treat schools as unavoidably risk-laden environments. States' distillation of school safety in terms of severity and likelihood of risk is unlike the more common ways in which safety is understood and measured – in terms of perceived safety, fear of victimization or sense of comfort, support and community. This is largely due to the fact that the U.S. Department of Education disallowed states from using data which it considers not "objective".

To date, efforts to salvage the USCO have focused on overcoming two challenges. The first is how to increase states' use of the term "persistently dangerous" to describe a larger number of schools. Currently, there are many schools with very high rates of violence that do not make the cut to qualify as persistently dangerous. The failure to extend the transfer option to students at these schools undermines the USCO's promise to protect students from harm at school.

The second problem is how to make persistently dangerous criteria more uniform across states. At present, schools that are identified as persistently dangerous in one state would not necessarily satisfy the criteria in others. Paul Vallas, the former CEO of the School District of Philadelphia, which has had more persistently dangerous schools than any other district in the country, described this frustration in an interview with Education Week:

I told my principals, there's only two ways to get off the persistently-dangerous-schools list.... One is to continue to crack down

on bad behavior and continue to be aggressive [in combating school violence]. The only other solution is to move the school district

to New York state or California. (Robelen, 2003, ¶ 4).

Testimony regarding the reauthorization of NCLB and, in turn, the USCO, is currently underway. We expect that most of the discussions related to the USCO will continue to center on how to make it more effective – in other words, how to increase both the number of persistently dangerous schools and the uniformity of the criteria used by states to identify these schools.

As recommendations for changes are made, it is worthwhile to learn from the experiences of those states that have endeavored to take more inclusive or responsive approaches in their persistently dangerous criteria. Two such states are New Jersey and New York. New Jersey is an example of a state that takes a comparably broad view of school violence. As noted earlier, it is one of only four states that specifically names bullying and harassment as threats to school safety. Bullying is recognized as one of the most common forms of violence in schools; in 2001, about 14 percent of students ages 12-18 nationwide reported being

bullied at school (DeVoe & Kaffenberger, 2005). New Jersey also recognizes that school violence can be directed at adults; as such, it is in the minority of states that count assaults on school staff when annually assessing the safety of their public schools under the USCO.

Another good example is New York State. New York changed its persistently dangerous criteria in response to widespread and vociferous criticism of the low number of persistently dangerous schools in the state (a total of 7 at that point). Starting in the 2006-07 school year, New York expanded the set of qualifying incidents to include more than weapons incidents. Its new criteria also counted homicides, sexual offenses, robbery, physical assaults, arson, kidnapping and reckless endangerment. New York also began the practice of issuing an annual “watch list” of schools that were close to qualifying as persistently dangerous in addition to its list of persistently dangerous schools.

Reforms that are motivated by a narrow interest in increasing the number of persistently dangerous schools without interrogating what is meant by “school safety” will fail. To succeed, proposed revisions must acknowledge that school safety is a shared social good that may not resemble what our states call safety. Forcing a change in outcomes (e.g., increasing the number of persistently dangerous schools) will not eliminate this disconnect. To begin to close this gap, it is important to commit to identify, discuss and challenge the assumptions, preconceptions and experiences that shape our ideas about safety – what it is, what it looks like, where it matters and where it is an impossible dream. Federal and state school safety policies must not continue to be complicit in the mischaracterization of school violence as a distinctly urban phenomenon or as a problem that is confined to high poverty or majority-minority schools. The current widespread use of school disciplinary responses (i.e., suspensions and expulsions) as the sole qualifying measures of school safety threats unfairly stigmatize schools with large Latino and African American enrollments. Latino and African American students are disproportionately suspended and expelled under current zero tolerance policies that are intended as a way for schools to combat serious crime and violence (Ferguson, 2001). However, there is growing evidence that such punishment is being systematically misapplied to Latino and African American students for non-violent offenses such as disrespect of authority and disobedience (Institute for Democracy, Education, & Access, 2006; Skiba, Michael, Nardo, & Peterson, 2000). Until these unfair practices are ended, states should rely on a broad range of alternative measures of school violence to guard against unintentionally exacerbating these injustices with formal designations of persistent danger.

Conclusion

NCLB has shaped and will continue to influence the educational experiences of millions of students attending public schools in the U.S. NCLB’s inclusion of a statement about school safety – the Unsafe School Choice Option – is both a symbolic and overdue national proclamation of the essential and inextricable link between school safety and school quality. Until now, discussions of the USCO have stopped short of looking beyond states’ implementation of the USCO to investigate the conceptual anchor to which states’ definitions of school safety are tied. Our collective ability to solve the problem of school violence depends in large part on how we understand the problem. As stakeholders in public education, we must ask ourselves whether we disagree with our states’ fundamental view of school safety or whether we disagree with how those views have been translated into policy. If we believe that the USCO has failed, why do we think that it has? Is it because states have failed to safeguard the safety of schools? Or, is it because of the kind of “safety” that states are committed to preserving? The primary indicator of the USCO’s success will not be the cumulative number of persistently dangerous schools but the extent to which the criteria that states use to generate those lists accurately reflect what their citizens believe about what makes a safe school safe.

References

- Adams, A. T. (2000). The status of school discipline and violence. *Annals of the American Academy of Political and Social Science*, 567, 140-156.
- Altheide, D. L. (1987). Ethnographic content analysis. *Qualitative Sociology*, 10, 1, 65-77.
- Altheide, D. L. (1996). *Qualitative media analysis*. Thousand Oaks, CA: Sage Publications.
- Anderson, D. C. (1998). Curriculum, culture, and community: The challenge of school violence. *Crime and Justice*, 24, 317-368.
- Astor, R. A., Meyer, H. A., & Pitner, R. O. (2001). Elementary and middle school students’ perceptions of violence-prone school subcontexts. *The Elementary School Journal*, 101, 5, 511-528.

- Barrios, L. C., Baer, K., Bennett, G., Bergan, A., Callaway, S., Davis, D., Downs, R., Dressler, K., Ho, T., Karp, N., Mathews-Younes, A., MacMurray, N., O'Brien, E., Overpeck, M., Reed, W., Small, M., & Tuma, F. (2000). Federal activities addressing violence in schools. *Journal of School Health, 70*, 4, 119-140.
- Barton, P. W., Coley, R. J., & Wenglisky, H. (1998). *Order in the classroom: Violence, discipline and student achievement*. Princeton, NJ: Educational Testing Service.
- Bowen, N. K., & Bowen, G. L. (1999). Effects of crime and violence in neighborhoods and schools on the school behavior and performance of adolescents. *Journal of Adolescent Research, 14*, 3, 319-342.
- Boxer, P., Edwards-Leeper, L., Goldstein, S. E., Msuher-Eizenman, D., & Dubow, E. F. (2003). Exposure to "low-level" aggression in school: Associations with aggressive behavior, future expectations, and perceived safety. *Violence and Victims, 18*, 6, 691-705.
- Charmaz, K. (2006). *Constructing grounded theory: A practical guide through qualitative analysis*. Thousand Oaks, CA: Sage Publications.
- DeVoe, J. F., & Kaffenberger, S. (2005). Student reports of bullying: Results from the 2001 school crime supplement to the National Crime Victimization Survey (NCES 2005–310). U.S. Department of Education, National Center for Education Statistics. Washington, DC.
- Dinkes, R., Cataldi, E. F., & Lin-Kelly, W. (2007). Indicators of school crime and safety: 2007 (NCES 2008-021/NCJ 219553). National Center for Education Statistics, Institute of Education Sciences, U.S. Department of Education, and Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. Washington, DC.
- Education Commission of the States. (2004). *ECS report to the nation -- State implementation of the No Child Left Behind Act: Respecting diversity among states*. Denver, CO: Education Commission of the States.
- Ferguson, A. A., (2001). *Bad boys: Public schools in the making of Black masculinity*. Ann Arbor, MI: University of Michigan Press.
- Flannery, D. J., Wester, K. L., & Singer, M. I. (2004). Impact of exposure to violence in school on child and adolescent mental health and behavior. *Journal of Community Psychology, 32*, 5, 559-573.
- Furlong, M. J., & Morrison, G. M. (1994). Addressing school violence as part of schools' educational mission. *Preventing School Failure, 38*, 3, 10-17.
- Furlong, M. J., Morrison, G. M., & Cornell, D. G. (2004). Methodological and measurement issues in school violence research: Moving beyond the social problem era. *Journal of School Violence, 3*, 3, 5-12.
- Garofano, A. & Sable, J. (2008). Characteristics of the 100 largest public elementary and secondary school districts in the United States: 2004–05 (NCES 2008-335). National Center for Education Statistics, Institute of Education Sciences, U.S. Department of Education. Washington, DC.
- Gastic, B. (2007). The back-to-school discount on student safety. *Teachers College Record*. Retrieved September 28, 2007, from <http://www.tcrecord.org/content.asp?contentid=14581>.
- Glaser, B. G., & Strauss, A. (1967). *The discovery of grounded theory: Strategies for qualitative research*. Chicago, IL: Aldine Publishing.
- Haynes, N. M. (1996). Creating safe and caring school communities: Comer School Development Program Schools. *Journal of*

Negro Education, 65, 3, 308-314.

Henry, S. (2000). What is school violence? An integrated definition. *Annals of the American Academy of Political and Social Science*, 567, 16-29.

Hernández, T. J., & Seem, S. R. (2004). A safe school climate: A systemic approach and the school counselor. *Professional School Counseling*, 7, 4, 256-262.

Heydenberk, R. A., Heydenberk, W. R., & Tzenova, V. (2006). Conflict resolution and bully prevention: Skills for school success. *Conflict Resolution Quarterly*, 24, 1, 55-69.

Hilarski, C. (2004). How school environments contribute to violent behavior in youth. *Journal of Human Behavior in the Social Environment*, 9, 1-2, 165-178.

Hoff, D. J. (2006, November 1). Law's 'persistently dangerous' tag weighed. *Education Week*, 26, 10, 24.
Institute for Democracy, Education & Access (IDEA). (2006). *Suspension and expulsion at a glance*. Los Angeles, CA: University of California Los Angeles.

Jimerson, S. R., & Furlong, M. J. (Eds.). (2006). *Handbook of school violence and school safety: From research to practice*. Mahwah, NJ: Lawrence Erlbaum Associates, Inc.

Khashu, A., & Salsich, A. (2005, August 16) What constitutes an unsafe school? Beyond the persistently dangerous label. Paper presented at the OSDFS National Conference.

Michalowski, R. J. (1996). Critical criminology and the critique of domination: The story of an intellectual movement, *Critical Criminology*, 7, 1, 9-16.

Miller, J. M., Gibson, C., Ventura, H. E., & Schreck, C. J. (2005). Reaffirming the significance of context: The Charlotte School Safety Program. *Journal of Criminal Justice*, 33, 5, 477-485.

Morrison, G. M., & Furlong, M. J. (1994). School violence to school safety: Reframing the issue for school psychologists. *School Psychology Review*, 23, 2, 236-256.

Nairn, K., & Smith, A. B. (2003). Taking students seriously: Their rights to be safe at school. *Gender and Education*, 15, 2, 133-149.

Newman, R. S. (2003). When elementary school students are harassed by peers. A self-regulative perspective on help seeking. *The Elementary School Journal*, 103, 4, 339-355.

Nichols, S. L. (1999). Gay, lesbian, and bisexual youth: Understanding diversity and promoting tolerance in schools. *The Elementary School Journal*, 99, 5, 505-519.

Office of Inspector General, U.S. Department of Education. (2007). *An OIG Perspective on the Unsafe School Choice Option*. ED-OIG/S03G0015. Washintgon, DC.

Pepinsky, H. (2000). Educating for peace. *Annals of the American Academy of Political and Social Science*, 567, 157-169.

Peterson, R. L., Larson, J., & Skiba, R. (2001). School violence prevention: Current status and policy recommendations. *Law & Policy*, 23, 3, 345-371.

Robelen, E. W. (2003, September 24). States report few schools as dangerous. *Education Week*, 23, 4, 1-3.

Safe and Drug-Free Schools and Communities Advisory Committee. (2006). *Minutes from meetings held October 23-24, 2006*.

Washington, DC. Retrieved April 4, 2008, from <http://www.ed.gov/about/bdscomm/list/sdfscac/meeting.html>.

Scott, T. M., Nelson, M. C., & Liaupsin, C. J. (2001). Effective instruction: The forgotten component in preventing school violence. *Education and Treatment of Children*, 24, 3, 309-322.

Schreck, C. J., & Miller, J. M. (2003). Sources of fear of crime at school: What is the relative contribution of disorder, individual characteristics, and school security? *Journal of School Violence*, 2, 4, 57-79.

Skiba, R. J., Michael, R. S., Nardo, A. C., & Peterson, R. (2000). The color of discipline: Sources of racial and gender disproportionality in school punishment. Bloomington, IN: Indiana University, Indiana Education Policy Center.

Strauss, A., & Corbin, J. (1997). *Grounded theory in practice*. Thousand Oaks, CA: Sage Publications.

Szalacha, L. A. (2003). Safer sexual diversity climates. Lessons learned from an evaluation of Massachusetts Safe Schools Program for Gay and Lesbian Students. *American Journal of Education*, 110, 58-88.

U.S. Department of Education (2004, May). *Unsafe School Choice Option: Non-regulatory guidance*. Washington, DC.

Verdugo, R. R. (1999). Safe schools: Theory, data and practices. *Education and Urban Society*, 31, 3, 267-274.

Verdugo, R. R., & Schneider, J. M. (1999). Quality schools, safe schools: A theoretical and empirical discussion. *Education and Urban Society*, 31, 3, 286-308.

Watts, I. E., & Erevelles, N. (2004). These deadly times: Reconceptualizing school violence by using Critical Race Theory and Disability Studies. *American Educational Research Journal*, 41, 2, 271-299.

Zradicka, G. (2004). *State notes: No Child Left Behind. Persistently dangerous school criteria*. Denver, CO: Education Commission of the States.

1Authors Note: This research was supported by several grants from Temple University: the Return of Overhead Research Incentive Grant, Office of the Vice Provost for Research; Summer Research Grant Award; and a Faculty Research Support Grant, College of Education.

Appendix 1.

Description of the Persistently Dangerous Criteria for the States with the 10 Largest Public School Districts

State	Criteria for Persistently Dangerous Schools
California	A persistently dangerous school is a public school for which the following is true for three consecutive fiscal years: 1) the school had a firearms violation or violent criminal offense by a student or non-student on school property; and 2) for schools with enrollment < 300 students, the school had more than three expulsions or, for schools with enrollment > 300 students, the school had more than one expulsion for every 100 students for the following offenses: assault or battery upon any school employee; brandishing a knife; causing serious physical injury to another person, except in self-defense; hate violence; possessing, selling or furnishing a firearm; possession of an explosive; robbery or extortion; selling a controlled substance; and sexual assault or sexual battery.

Florida	<p>A persistently dangerous school is a public school for which the following is true for three consecutive years:</p> <ol style="list-style-type: none"> 1) the school had a federal Gun-Free School Act violation; and 2) for schools with enrollment \leq 500 students, the school expelled at least five students or, for schools with enrollment $>$ 500 students, the school expelled 1 percent or more of students for the following offenses: homicide; battery; sexual battery; and weapons-possession related offenses. <p>Students, parents and school personnel will be surveyed at those schools that meet these criteria. If 51 percent of respondents perceive the school to be unsafe, the school will be deemed persistently dangerous.</p>
Illinois	<p>A persistently dangerous school is a public school for which the following is true for two consecutive years:</p> <ol style="list-style-type: none"> 1) the school had violence-related expulsions greater than 3 percent of the student enrollment; and 2) the school had one or more students expelled for bringing a gun or weapon to school; and 3) the school had 3 percent or more of the student enrollment exercise the individual victim of violent crime transfer option under the USCO.
Nevada	<p>A persistently dangerous school is a public school for which the following is true for at least two of three consecutive fiscal years:</p> <ol style="list-style-type: none"> 1) the school had at least one criminal citation of a student or non-student by school or community police for one of the following criminal offenses committed on school property or at school-sponsored events; and 2) for schools with enrollment \leq 750 students, the school had criminal offenses equal to 2 percent of enrollment; for schools with enrollment between 750-1500 students, criminal offenses equal to 1.75 percent of enrollment; and for schools with enrollment $>$ 1500 students, criminal offenses equal to 1.5 percent of enrollment. <p>Criminal offenses are murder; mayhem; possession of a dangerous weapon on school property or in vehicle at school; kidnapping; sexual assault; robbery; assault; battery; harassment; stalking; and hazing.</p>
New York	<p>A persistently dangerous school is a public school for which the School Violence Transitional Index (SVTI) is 1.5 or higher or a school that has more than 60 incidents and a SVTI of .50 or higher for two consecutive years.</p> <p>The following incidents are counted by the SVTI and assigned different weights: homicide; sex offense with forcible compulsion; other sex offenses; robbery; assault resulting in serious physical injury; assault resulting in physical injury; arson; kidnapping; reckless endangerment; incidents involving the use or threatened use of a weapon; and incidents involving weapons possession only.</p> <p>The frequency of each incident is multiplied by its weight. The SVTI is calculated as the sum of these products divided by the student enrollment.</p>

Pennsylvania	<p>A persistently dangerous school is a public school for which the following is true for the most recent school year and in at least one of the most recent prior two school years:</p> <p>1) For schools with enrollment \leq 250 students, the school had at least 5 arrests for weapons possessions and violent incidents; for schools with enrollment between 251 and 1000 students, these arrests equaled 2 percent of enrollment; and for schools with enrollment $>$ 1000 students, there were 20 or more such arrests.</p>
Texas	<p>A persistently dangerous school is a public school for which the following is true for three consecutive schools years:</p> <p>A school reported three or more mandatory expulsion incidents per 1000 students. Qualifying incidents are: used, exhibited or possessed a firearm; used, exhibited or possessed a club; used, exhibited or possessed a weapon, such as a short-barrel firearm, switchblade, knife, brass knuckles or mace; arson; murder or attempted murder; indecency with a child; aggravated kidnapping; aggravated assault of a school employee; aggravated assault of a student; sexual assault or aggravated sexual assault of a school employee; sexual assault or aggravated sexual assault of a student; felony controlled substance; and felony alcohol violation.</p>

Note: This does not include Puerto Rico which has the third largest public school district.

Source: Zradicka, 2004 with the exception of New York's criteria (personal correspondence, Greg Bayduss, New York State Department of Education, September 27, 2007).

Billie Gastic and Josephine Ann Gasiewski

Billie Gastic, Assistant Professor of Urban Education, Department of Educational Leadership and Policy Studies, College of Education, Temple University.

Josephine Ann Gasiewski, Doctoral Student, Urban Education Program, Department of Educational Leadership and Policy Studies, College of Education, Temple University.

Correspondence concerning this article should be addressed to Billie Gastic, Department of Educational Leadership and Policy Studies, College of Education, Temple University, 1301 Cecil B. Moore Avenue, 252 Ritter Hall, Philadelphia, PA 19122. Email: bgastic@temple.edu.

[Report accessibility issues and request help](#)

Copyright 2024 The University of Pennsylvania Graduate School of Education's Online Urban Education Journal

Source **URL:**<https://urbanedjournal.gse.upenn.edu/archive/volume-5-issue-2-spring-2008/school-safety-under-nclb%E2%80%99s-unsafe-school-choice-option>