



SAFE SCHOOLS: AN OVERVIEW OF REQUIREMENTS

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In 2000, the Colorado General Assembly passed Senate Bill 00-133, establishing provisions for safe school plans across the state. The bill set requirements for the implementation of safe school plans and the reporting of data by schools and school districts. More recently, the federal "No Child Left Behind Act of 2001" addressed criteria for school safety and for data reporting. Included within the federal requirements are provisions allowing students to leave schools defined as "persistently dangerous." This issue brief provides an overview of state statutes establishing safe school plans and a discussion of new federal provisions for safe schools and school choice.

Colorado Safe School Plans

Under state law, Colorado school districts have a variety of responsibilities for "making safety a priority in each public school" (Section 22-32-109.1 (1), C.R.S.). Each school district must adopt and implement a safe school plan that includes a conduct and discipline code. This code, which is posted in each school in the district and provided to every student upon enrollment, is required to contain at least the following:

- general policies on student conduct, safety, and welfare;
- general policies and procedures for dealing with disruptive students;
- provisions for initiating expulsion proceedings against habitually disruptive students;
- policies and procedures for the use of acts of reasonable and appropriate physical intervention or force in dealing with disruptive students;

- general policies and procedures for determining disciplinary actions, including suspension and expulsion;
- a policy to address gang-related activities on school grounds or at school activities;
- written policies concerning prohibition of dangerous weapons, tobacco, drugs, or other controlled substances;
- a written policy concerning searches on school grounds;
- a dress code policy; and
- a policy on bullying prevention and education.

Local school boards have several additional responsibilities under Colorado's safe school law, including implementation of a crisis management policy, a school district safety and security policy, and a policy on employee screenings.

Colorado law on safe schools sets forth reporting requirements for schools and school districts. Every public school in the state reports annually to its school board on the learning environment at the school (Section 22-32-109.1 (2) (b), C.R.S.). In turn, each school district submits a compiled report to the Colorado Department of Education (CDE). The district report must indicate average daily attendance rates and secondary school dropout rates, as well as data and action taken with respect to conduct and discipline code violations. Violations that must be reported include weapons, drug, or alcohol possession on school grounds, and incidences of destructive behavior. Each school accountability report provided to the public includes a table on safety and discipline based on data submitted to the CDE.

Federal Requirements for Safe Schools

The "No Child Left Behind Act of 2001" reauthorized the Safe and Drug-Free Schools and Communities Program and established an "unsafe school choice option." Colorado received \$5.1 million under the Safe and Drug-Free Schools and Communities Program for FY 2002-03, most of which has been distributed to school districts for targeting issues such as violence prevention, school security, and student drug and alcohol abuse. New federal accountability measures require that:

- local prevention plans meet "principles of effectiveness" and be grounded in scientifically based research;
- states comply with uniform reporting standards for school-level data; and
- school districts implement safe and drug-free school plans.

New provisions for an "unsafe school choice option" highlight federal priorities. Under federal law, states must implement new policies this year to provide an "unsafe school choice option" for students. Under such a policy, students who are victims of a violent criminal offense at school or who attend a "persistently dangerous" school, as defined by the state, must be allowed to transfer to a safe school within their school district.

Colorado's Progress Toward a Safe School Choice Option

Colorado is currently in the process of implementing a "safe school choice option." The CDE convened a committee to advise it before bringing a proposed policy to the State Board of Education. Still being finalized, Colorado's policy, which must be in place by July 1, 2003, will be submitted to the U.S. Department of Education. Two primary components underlie the proposed policy, as discussed below.

Colorado students who are victims of a violent crime while at school must be allowed to transfer to a safe school within the school district. The proposed policy defines a violent crime according to the definition of "crime of violence" in Colorado's criminal code (Section 18-1.3-406 (2), C.R.S.).

Additionally, school districts must continue to comply with provisions of state law that prohibit an expelled student from reenrolling in the school in which the victim of his or her offense is enrolled or in which a member of the victim's immediate family is enrolled or employed (Section 22-33-106 (4), C.R.S.).

Colorado will define and identify "persistently dangerous" schools, a requirement for each state under new federal provisions. Any Colorado elementary or secondary school student attending a school identified as "persistently dangerous" must be allowed to attend a safe school within the school district. Colorado's proposed criteria for identifying these schools is based on the total number of incidents annually reported to the CDE regarding:

- drug and alcohol violations;
- assaults, robberies, or other acts that would be considered a felony if committed by an adult;
- student expulsions for firearms possession; and
- unlawful behavior by school employees, as defined by State Board of Education rules.

A school would be defined as "persistently dangerous" if the number of incidents reported *exceeds* the numbers indicated in Table 1 below, based on school enrollment, for two consecutive years. Based on 2001-02 data, the CDE estimates that approximately 20 Colorado schools would meet the identification criteria. Schools with the potential for being identified as "persistently dangerous" would be notified during the first year and given an opportunity to address safe school indicators during the second year.

Table 1: Identifying "Persistently Dangerous" Schools*

School Enrollment	Incidents Reported	School Enrollment	Incidents Reported
0-299 students	45	1,200-1,499 students	225
300-599 students	90	1,500-1,799 students	270
600-899 students	135	1,800-2,099 students	315
900-1,199 students	180	More than 2,100 students	360

*"Incidents reported" indicates the number of incidents schools may not

exceed for two consecutive years.