



Book	BHASD Policies
Section	100 Programs
Title	Standards for Persistently Dangerous Schools
Code	143
Status	Active
Adopted	June 28, 2004
Last Reviewed	June 10, 2019

Purpose

The Pennsylvania Department of Education, as required by the Unsafe School Choice Option provision of the No Child Left Behind Act of 2001 (Section 9532), hereby adopts the following standards for identifying persistently dangerous schools.[\[1\]](#)[\[2\]](#)

Definitions

As used in these standards, the following terms shall be defined as provided herein:[\[3\]](#)

Dangerous incidents - shall include both weapons possession incidents resulting in arrest (guns, knives or other weapons) and violent incidents resulting in arrest (homicide, kidnapping, robbery, sexual offenses and assaults) as reported on the Violence and Weapons Possession Report (PDE-360).

Department - shall mean the Pennsylvania Department of Education.

Local Educational Agency or LEA - shall include a school district, an area vocational-technical school, an intermediate unit or a charter school.

Persistently dangerous school - shall mean any public elementary, secondary or charter school that meets any of the following criteria in the most recent school year and in one (1) additional year of the two (2) years prior to the most recent school year:

1. For a school whose enrollment is 250 or less - at least five (5) dangerous incidents.
2. For a school whose enrollment is between 251 to 1,000 - a number of dangerous incidents that represents at least 2% of the school's enrollment.
3. For a school whose enrollment is over 1,000 - twenty (20) or more dangerous incidents.

Safe public school - shall mean a public school that has not been designated as a persistently dangerous school under these standards or that has had such designation removed by the Department.

Student Opportunity to Transfer

1. Except as provided below, a student who attends a persistently dangerous school must be offered the opportunity to transfer to a safe public school within the LEA, including a charter school.

2. A student who attends a persistently dangerous school may apply to transfer at any time while the school maintains that designation.

Department of Education's Responsibilities

1. The Department shall identify those schools that meet or exceed the criteria for a persistently dangerous school by analyzing the Annual Report on School Violence and Weapons Possession (PDE-360). In identifying persistently dangerous schools, the Department will use the most recent data available to it from the reporting LEA, and will take all reasonable steps to verify that the data is valid and reliable.
2. After review and verification of PDE-360 data, the Department shall promptly inform an LEA when any of its schools meets the definition of persistently dangerous school.
3. The Department shall provide technical assistance to the LEA in developing a corrective action plan. The Department shall review proposed corrective action plans submitted by LEAs and shall approve suitable corrective action plans.
4. After approval of the corrective action plan, the Department shall conduct a site visit to each persistently dangerous school to assess the school's progress in implementing the plan. If no significant improvement is observed, the Department may require the LEA to submit a revised corrective action plan for that school.
5. The Department shall reassess a school's designation as persistently dangerous at the end of the school year during which its corrective action plan is completed.
6. During the reassessment described above, the Department shall remove the designation if the school no longer meets the definition of persistently dangerous school.

LEA's Responsibilities

1. Pursuant to Pennsylvania's Safe Schools Act, Act 26 of 1995, as amended, all school entities as defined by the Act must report to the Department all incidents involving acts of violence; possession of a weapon; or the possession, use, or sale of a controlled substance, alcohol, or tobacco by any person on school property or at school-sponsored events or on school transportation to and from school or school-sponsored activities.[\[4\]](#)
2. Within ten (10) school days of receiving notification by the Department, an LEA shall notify the parent or legal guardian of each student who attends the school that the Department has identified the school as persistently dangerous.
3. The LEA shall offer all students who attend the school the opportunity to transfer to a safe public school, including a charter school, within the LEA.
4. The notification and offer to transfer shall state that no student is required to transfer to another school.
5. Upon receipt of an application to transfer, the LEA shall transfer the student within thirty (30) calendar days.
6. When considering a student's request to transfer to another school, the LEA should take into account the particular needs of the student and the parent/ guardian.
7. To the extent possible, the LEA should allow the student to transfer to a school that is making adequate yearly progress, and one that is not identified as being in school improvement, corrective action, or restructuring.
8. A charter school only has to accept a student who meets its admission criteria if space is available.
9. If there is not another safe school within the LEA to which students may transfer, the LEA is encouraged, but not required, to establish an agreement with a neighboring LEA to accept the transfer of students.

10. The LEA must submit a corrective action plan to the Department within thirty (30) calendar days of receiving notification that a school has been identified as persistently dangerous.
11. The LEA must receive approval from the Department for its corrective action plan and shall implement all steps contained in its corrective action plan within the time periods specified in that plan.
12. After the Department has notified an LEA that a school is no longer identified as a persistently dangerous school, the LEA is encouraged to permit students who transferred to complete their education at their new school. LEAs may not require students to return to their original school if the students are enrolled in a charter school.

Legal

[1. 22 PA Code 403.6](#)

[2. 20 U.S.C. 7912](#)

[3. 22 PA Code 403.2](#)

[4. 24 P.S. 1303-A](#)

[24 P.S. 2603-B](#)

[22 PA Code 403.1](#)