

DATE:	August 22, 2019
SUBJECT:	ESSA Unsafe School Choice Option LEA Requirements
CATEGORY:	Revised Policy and Notification
NEXT STEPS:	Share with appropriate staff

The Every Student Succeeds Act (ESSA), Section 8532, requires any state that receives ESSA grant funds to establish a statewide policy concerning unsafe schools. Under the ESSA Unsafe School Choice Option (USCO), local education agencies (LEAs) must allow a student to attend a safe public elementary or secondary school within the LEA, including a public charter school, under either of the following conditions:

- The student attends a persistently dangerous public elementary or secondary school.
- The student becomes the victim of a violent criminal offense while in or on the grounds of the public elementary or secondary school that the student attends.

The local policy must include the transfer process for students attending a persistently dangerous school, as identified by TEA, and for student victims of criminal violence. The locally developed policy must include each of the following:

1. timelines and procedures under which parents are offered transfers, generally within 14 calendar days of the incident;
2. timelines and procedures for processing and approving transfer requests within 14 calendar days of the date the request for transfer is made known to the LEA;
3. a description of duration for which a transfer is approved and procedures for renewal of a transfer;
4. a statement of assurance that collection and maintenance of victim data information (for example, incident date, incident number, and identity of perpetrator, if known) will be maintained for a minimum of five years for auditing and validation monitoring purposes;
5. a statement of assurance that the LEA will collect and maintain documentation to show that victims' parents were offered the USCO transfer option; and
6. a statement of assurance that documentation will be maintained reflecting when a transfer was requested and completed.

The Federal Program Compliance Division of the Texas Education Agency (TEA) will conduct random validation monitoring of these policies this fall to ensure LEAs comply with the statutory requirement.

In 2018-2019, TEA staff held stakeholder input meetings to discuss the current methodology for persistently dangerous schools. Based on the stakeholder input, TEA has revised the existing methodology and guidance related to the identification of persistently dangerous schools. While the PEIMS reporting requirements for LEAs remain unchanged, it is important for school officials to be aware of the types of incidents used to identify a persistently dangerous school.

The methodology includes the criteria to identify campuses into the following groups:

1. Watch List for One Year's Incidents (Year 1 Watch List): includes campuses that meet the incident rates in the definition for the most recent year;

2. Watch List for Two Years' Incidents (Year 2 Watch List): includes campuses that meet the incident rates in the definition for the two most recent consecutive years; and
3. Persistently Dangerous (Persistently Dangerous Schools List): includes campuses that meet the incident rates in the definition for the three most recent consecutive years.

LEAs will be notified and advised of any required corrective actions in the fall. An LEA identified for inclusion on the Year 1 Watch List, Year 2 Watch List, and Persistently Dangerous Schools List will receive notification 30 days prior to TEA's public release of that information.

Please refer to the [ESSA Persistently Dangerous School and Unsafe School Choice Option](#) web page for details on USCO definition, methodology, and guidance.

For Further Information

If you have any questions, please email Jaime Huerta in the Federal Program Compliance Division at ESSASupport@tea.texas.gov.

Sincerely,

Cory Green, Associate Commissioner
Department of Grant Compliance and Administration