

SCHOOL CHOICE OPTIONS PROVIDED BY THE
NO CHILD LEFT BEHIND ACT

The Board of Education acknowledges that the Federal *No Child Left Behind Act of 2001 ("NCLBA")* provides that the parents/guardians of students enrolled in a school for the first year following the building's identification as being in "School Improvement", have the right to transfer their children to another school in the County, provided there is a school that provides instruction at the students' grade level(s) and such school has not been identified as being in the process of school improvement, corrective action, or restructuring. If there is not another school in the County offering instruction at the students' grade level(s) that has not been identified as needing improvement, the Superintendent shall contact neighboring County School Systems and request that they permit students to transfer to a school in one of those counties. The Superintendent shall also offer Supplemental Educational Services (SES) to students in any school no later than the first year following the building's identification as being in "School Improvement," regardless of whether a transfer option is available.

Additionally, students attending a "persistently dangerous" school, as defined by State law have the right to transfer to another "safe" school in the County. If there is not another "safe" school in the County providing instruction at the students' grade level(s), the Superintendent shall contact neighboring County School Systems and request that they permit students to transfer to a school in one of those counties.

As required by 20 U.S.C. 7912 Title IX, Part E, Section 9532 (No Child Left Behind), the following criteria are set forth to determine whether a school will be classified as a Persistently Dangerous School. Data indicating the number of substantiated inappropriate behaviors will be collected using the WVEIS in order to identify and classify a school as persistently dangerous. A West Virginia public school will be classified as a Persistently Dangerous School on or before August 1st of each year if the school has, for two (2) consecutive years, substantiated Level 4 behaviors that exceed five percent (5%) of the total number of students enrolled in the school based on the school's second month enrollment:

- A. **battery on a school employee as defined in WV Code 61-2-15;**

- B. commission of an act that would constitute a felony under the laws of the State on the premises of an educational facility, at a school sponsored function or on a school bus;
- C. possession of a firearm or deadly weapon as defined in WV Code 61-7-2 on the premises of an educational facility, at a school sponsored function or on a school bus;
- D. sale of a narcotic drug as defined in WV Code 60A-1-101 on the premises of an educational facility, at a school sponsored function or on a school bus.

For a persistently dangerous school the Board will:

- A. provide targeted technical assistance to any school that has, for two (2) consecutive years, substantiated Level 4 behaviors that exceed three percent (3%) of the total number of students enrolled in the school, based on the school's second month enrollment;
- B. develop a corrective action plan for any school identified as persistently dangerous, submit it to the WVDE, and implement the plan in a timely manner; and
- C. conduct a timely notification process to inform parents of each student attending the school that the school has been identified as persistently dangerous; provide the opportunity for students to transfer to a safe public school within the county school district; and complete the transfer process for all students wishing to transfer.

The WVDE provide targeted technical assistance to any school that has, for two (2) consecutive years, substantiated Level 4 behaviors that exceed three and three-quarters percent (3.75%) of the total number of students enrolled in the school, based on the school's second month enrollment.

Furthermore, a student who is a victim of a “violent crime” on school property also has the right to transfer to another school. If there is not another school in the County providing instruction at the student’s grade level, the Superintendent shall contact neighboring County School Systems and request that they permit that student to transfer to a school in one of those counties providing instruction at the student’s grade level.

The Board authorizes such transfers in accordance with AG 5113.02.

Children who transfer in accordance with this policy will be permitted to remain at the school of transfer until completing the highest grade at that school.

State Board policy 4373

Title I, Section 1116(b)(1)(E) of the No Child Left Behind Act of 2001

Title I, Section 1116(e) of the No Child Left Behind Act of 2001

Title IX, Section 9532 of the No Child Left Behind Act of 2001

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