

Chapter 82: Violence

Rule 82.1 *Violence*. (This policy addresses Certification of Compliance with Unsafe School Choice Option Requirements as required in the *Consolidated Plan for No Child Left Behind*)

1. The following definitions apply to this policy:
 - a. A "persistently dangerous school" is a public school other than a charter school in which the conditions during the past two school years continually exposed its students to injury from violent criminal offenses and it is:
 - i. an elementary, middle or secondary public school in which a total of 20 or more violent criminal offenses were committed per 1000 students (2.0 or more per 100 students) in two consecutive school years; or
 - ii. an elementary, middle or secondary public alternative school in which a total of 75 or more violent criminal offenses were committed per 1000 (7.5 or more per 100 students) in two consecutive school years; and
 - b. "Violent criminal offenses" are the following crimes reported in the Mississippi Student Information System:
 - i. Simple or Aggravated Assault as defined in Section 97-3-7 of the Mississippi Code Annotated 1972, as amended,
 - ii. Homicide as defined in Sections 97-3-19, 97-3-27, 97-3-29, 97-3-31, 97-3-35, 97-3-37, and 97-3-47 of the Mississippi Code Annotated 1972, as amended,
 - iii. Kidnapping as defined in Section 97-3-53 of the Mississippi Code Annotated 1972, as amended,
 - iv. Rape as defined in Sections 97-3-65 and 97-3-71 of the Mississippi Code Annotated 1972, as amended,
 - v. Robbery as defined in Sections 97-3-73, 97-3-77 and 97-3-79 of the Mississippi Code Annotated 1972, as amended,
 - vi. Sexual Battery as defined in Section 97-3-95 of the Mississippi Code Annotated 1972, as amended,
 - vii. Mayhem as defined in Section 97-3-59 of the Mississippi Code Annotated 1972, as amended,
 - viii. Poisoning as defined in Section 97-3-61 of the Mississippi Code Annotated 1972, as amended,

- ix. Extortion as defined in Section 97-3-82 of the Mississippi Code Annotated 1972, as amended,
 - x. Stalking as defined in Section 97-3-107 of the Mississippi Code Annotated 1972, as amended, and
 - xi. Seizure and Forfeiture of Firearms as defined in Section 97-3-110 of the Mississippi Code Annotated 1972, as amended.
- c. Whenever the State Board of Education has information that a school meets the criteria described in paragraph 1.a (i) or 1.a (ii), the State Board of Education shall provide the local board of education the opportunity to report on conditions in the school. After consideration of that report and consultation with a representative sample of local educational agencies, the State Board of Education shall determine whether the school is a persistently dangerous school. Once a school has been designated a persistently dangerous school, it retains that designation for at least one school year.
 - d. Students assigned to a school which the State Board of Education has determined to be persistently dangerous shall be allowed to attend another school in the LEA which is not designated a persistently dangerous school, provided there is such a school in the LEA which offers instruction at the student's grade level.
 - e. Any student who is the victim of a violent criminal offense committed against him or her while he or she was in or on the grounds of the public school that he or she attends shall be allowed to choose to attend another school in the LEA which is not designated a persistently dangerous school, provided there is such a school in the LEA which offers instruction at the student's grade level and provided the student requests transfer within 30 days of the violent criminal offense.
 - f. Local school systems shall establish a process for assuring any student who has the right to transfer from a school under this policy is allowed to transfer to a school in the LEA, which is not persistently dangerous. The process must be included in the system's Safe School Plan.
 - g. The LEA shall report each student transfer effected pursuant to this policy to the State Board of Education in the Mississippi Student Information System.
2. *NO CHILD LEFT BEHIND (NCLB) - TITLE IX, SEC. 9532. UNSAFE SCHOOL CHOICE OPTION*
- a. UNSAFE SCHOOL CHOICE POLICY - Each State receiving funds under this Act shall establish and implement a statewide policy requiring that a student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or who becomes a victim of a violent criminal offense, as determined by State law while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary or secondary school within the local educational agency, including a public charter school.

- b. CERTIFICATION - As a condition of receiving funds under this Act, a State shall certify in writing to the Secretary that the State is in compliance with this section.

Source: *Miss. Code Ann. § 37-1-3 (Revised 9/2002)*