



## Persistently Dangerous Schools Definition

Pursuant to this ACT, the Office of Public Instruction adopts this operational definition: **“Persistently dangerous public elementary school or secondary school,”** in the context of Elementary and Secondary Education Act of 1965 [As Amended Through P.L. 116–94, Enacted December 20, 2019], a Montana public elementary or secondary school is considered to be persistently dangerous if both of the following two conditions exist:

- (1) In each of three consecutive years, the school has a federal state gun-free schools’ violation or a violent criminal offense has been committed on school property or at a school related activity at an off-site location, and
- (2) in any two years within a three-year period, the school has experienced expulsions for drug, alcohol, weapons or violence that exceed one of the following rates-
  - a. More than five expulsions for a school of less than 250 students,
  - b. More than 10 expulsions for a school of more than 250 students but less than 1000 students, or
  - c. More than 15 expulsions for a school of more than 1,000 students.

A student attending a persistently dangerous public elementary or secondary school OR a student who becomes a victim of a violent criminal offense while in or on the grounds of the public school that student attends must be allowed to attend a safe public school within the local education agency. LEAs are encouraged, but not required, to explore other appropriate options such as an agreement with a neighboring LEA to accept transfer students.

For the purpose of this definition, a “violent criminal offense” shall include: Threat and Intimidation, Kidnapping, Sexual Battery, Robbery involving physical harm, Homicide, Aggravated assault.

The school/district shall use the definitions of these terms as defined in the [Glossary of Codes](#).

ESEA reference: Title IX, Part E- Uniform Provisions, Subpart 2, Section 9532 (specifically identified as the Unsafe School Choice Option) Public Law 107-11-, Section 9531, 115 Stat. 1425, 1984-1985.

For additional information or questions, please call the Coordinated School Health Unit within the Department of Student Support Services at (406) 444-0773 or (406) 444-4706.

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