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.


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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