

Student Safety and the Reauthorization of No Child Left Behind

Billie Gastic

The reauthorization of the No Child Left Behind Act of 2001 (NCLB) is 3 years overdue, and the Obama administration, through Secretary of Education Arne Duncan, has explained the urgency of revising and reauthorizing the law. Attention has been focused most acutely on the provisions that directly relate to academic performance and accountability (Dillon, 2010a, 2010b). Remaining under the radar, however, is the critical Unsafe School Choice Option (USCO), Section 9532 of NCLB. USCO states that students who attend “persistently dangerous” schools or who themselves have been the victims of violent crime at school are eligible to transfer to another public school (U.S. Department of Education, 2004).

USCO was the first federal educational legislation to recognize school safety concerns as grounds for school choice. Since its inception, however, USCO has been heartily criticized; its provision related to the identification of persistently dangerous schools has yielded the most discussion. Much of the critique has been prompted by the fact that so few persistently dangerous schools have actually been identified. At the time of its review, the Office of the Inspector General (2007) reported that the “persistently dangerous” designation had been applied less than 200 times and often to the same schools year after year. Since USCO went into effect in the 2003–2004 school year, researchers have identified weaknesses, raised questions, and made suggestions for improvement (Education Commission of the States, 2004 (pp. 49–52); Gastic, 2007; Gastic & Gasiewski, 2008; Gooden & Harrington, 2005; Gooden, Harrington, Findlay, & King, 2008; Khashu & Salsich, 2005; Office of Inspector General, 2007; Safe and Drug-Free Schools and Communities Advisory Committee, 2006; Zradicka, 2004). Taken together, this body of work describes how the current system by which states determine their criteria for persistently dangerous schools has contributed to USCO’s limited relevance, as states have generated an idiosyncratic patchwork of regulations to measure school safety and risk.

While that provision of USCO has been vetted, the shortcomings of the individual transfer option have gone relatively unexamined. In this essay I fill that gap and investigate how the individual transfer option fails to adequately protect the students who are at the greatest risk of being hurt at school. I also present specific recommendations for how the individual transfer option of USCO can be revised before NCLB is reauthorized.

The first obstacle is that the individual transfer option is currently restricted to students who are victims of violent crime at school. Violent crime is (fortunately) one of the rarest forms of violence at school; it includes simple and aggravated assault, robbery, rape, and sexual assault (Dinkes, Kemp, & Baum, 2009). In 2007, 2% of students aged 12–18 reported these kinds of victimization at school. Albeit important, violent crime is a narrow category and therefore limited in its usefulness as a representative indicator of school safety. Use of this criterion effectively impedes a much larger population of students who have been otherwise significantly injured or hurt at school from exercising an option to transfer schools.

The individual transfer option also fails to extend school choice to students in proportion to their risk of harm at school. This is because the eligibility criterion of violent crime victimization does not adequately distinguish students by their level of risk. Violent crime victimization is distinct among measures of student victimization as it does not significantly differ by student characteristics, such as race or ethnicity (Dinkes, Kemp, & Baum, 2009). Thus, the individual transfer option is indifferent to the disproportionate risk that some student populations are subject to when it comes to other forms of serious school violence. For example, there are significant differences, by sex and race/ethnicity, in the degree to which students encounter weapons-related violence at school. In 2007, 10% of male students in Grades 9–12 reported being threatened or injured with a weapon at school, as compared with 5% of female students. Latino and Black students were also significantly more likely than White students to have this experience (9% for Latino students and 10% for Black students vs. 7% for White students) (Dinkes, Kemp, & Baum, 2009).

Although it could be argued that such neutrality makes the individual transfer option fair, I hold that the opposite is true. The principles of distributive justice are informative here (Rawls, 1999; Wiles & Pease, 2001). All students would benefit from an expansion of the eligibility requirements for the individual transfer option. Broadening the categories of victimization that qualify under the individual transfer option would improve the system for all students at the expense of none.

Two revisions in particular would substantially improve the potential of the individual transfer option to more effectively target the needs of students who are seriously victimized at school in the years to come. First, the eligibility criteria should be

expanded to include more varied forms of serious victimization. One way to do this is to align the criteria with those used to assess whether schools are persistently dangerous. Forms of violence that compromise the safety of school communities are no less likely to cause significant and lasting harm to the individual students who experience them directly.

Of course, as previously mentioned, states' definitions of "persistently dangerous" have proved inadequate. Nonetheless, the definitions are generally more encompassing than the eligibility criteria for the individual transfer option. Thus, expanding the individual transfer option in this way would be a modest but worthwhile first step. Beyond that, states should examine how they can revise both sets of criteria to better reflect the nature of school violence. For example, New Jersey is one of the few states to include bullying in its "persistently dangerous" criteria. However, New Jersey's individual transfer option is contingent on violent criminal victimization alone. All states have important work to do.

Second, the individual transfer option should be revised to acknowledge the cumulative damage of repeated victimization (Chang, Chen, & Brownson, 2003; Holt & Espelage, 2003). Persistent and frequent abuse and victimization, even at a so-called low level of violence (Dupper & Meyer-Adams, 2002), can be devastating and have significant and lingering effects that sting and can fester to produce even more severe forms of victimization and violence.

Implementing these changes effectively requires that clear guidelines be established regarding how and to whom students must report victimization. Specialized school personnel must create spaces where students feel comfortable talking about their experiences. These adults must also take swift action—with discretion and sensitivity—to verify students' testimonies and discourage frivolous accusations (however rare). In addition, students and their families should have access to a transparent appeals process whereby cases of perceived carelessness or inaction by these school personnel can be adjudicated. All members of the school community must be educated about the changes and made aware of the myriad resources available for students who are concerned about their safety. Parents and guardians can be valuable ambassadors in this work, especially to communities that may require more specialized outreach, such as those where parents' primary language is not English.

The individual transfer option in its current form does not sufficiently protect the students with the greatest need to escape victimization at school. Its weaknesses undermine the spirit of the Unsafe School Choice Option, but they can be largely overcome by means of the structurally significant changes described here. Increased demand for school safety-based transfers will be a constructive jolt to our public education system and help ring the alarm to increase investment in effective safe school programming.

It is not too late to restore the promise of the Unsafe School Choice Option to provide safe alternatives for students who are trapped in schools where they are afraid, harassed, and victimized. We must end the practice of denying many students what is rightfully theirs: a chance to learn without fear.

REFERENCES

Chang, J., Chen, J., & Brownson, R. (2003). The role of repeat victimization in adolescent delinquent behaviors and recidivism. *Journal of Adolescent Health, 32*(4), 272–280.

- Dillon, S. (2010a, February 1). Administration outlines proposed changes to "No Child" law. *New York Times*. Retrieved February 5, 2010, from <http://www.nytimes.com/2010/02/02/education/02child.html?ref=education>
- Dillon, S. (2010b, January 31). Obama to seek sweeping change in "No Child" law. *New York Times*. Retrieved February 5, 2010, from <http://www.nytimes.com/2010/02/01/education/01child.html>
- Dinkes, R., Kemp, J., & Baum, K. (2009). *Indicators of School Crime and Safety: 2009* (NCES 2010–012/NCJ 228478). Washington, DC: National Center for Education Statistics and Bureau of Justice Statistics.
- Dupper, D. R., & Meyer-Adams, N. (2002). Low-level violence: A neglected aspect of school culture. *Urban Education, 37*(3), 350–364.
- Education Commission of the States. (2004). *ECS report to the nation: State implementation of the No Child Left Behind Act: Respecting diversity among states*. Denver, CO: Author.
- Gastic, B. (2007). The back-to-school discount on student safety. *Teachers College Record*. Retrieved January 28, 2010, from <http://www.tcrecord.org>
- Gastic, B., & Gasiewski, J. A. (2008). School safety under NCLB's Unsafe School Choice Option. *Penn GSE Perspectives on Urban Education, 5*(2). Retrieved January 28, 2010, from <http://www.urbanedjournal.org>
- Gooden, J., & Harrington, S. Y. (2005). The Unsafe School Choice Option: A Snapshot. *Planning and Changing, 36*(3&4), 133–146.
- Gooden, J. S., Harrington, S. Y., Findlay, H. E., & King, G. V. (2008). The Unsafe School Choice Option: A model for school choice—Policy responses. *Journal of School Choice, 2*(2), 155–178.
- Holt, M., & Espelage, D. (2003). A cluster analytic investigation of victimization profiles among high school students: Are profiles associated with differential psychological and educational outcomes? *Journal of Applied School Psychology, 19*, 81–98.
- Khashu, A., & Salsich, A. (2005, August 16). *What constitutes an unsafe school? Beyond the persistently dangerous label*. Paper presented at the Office of Safe and Drug-Free Schools National Conference, Washington, DC.
- Office of Inspector General, U.S. Department of Education. (2007). An OIG perspective on the Unsafe School Choice Option (ED-OIG/S03G0015). Washington, DC: Author.
- Rawls, J. (1999). *A theory of justice* (Rev. ed.). Cambridge, MA: Harvard University Press.
- Safe and Drug-Free Schools and Communities Advisory Committee. (2006). Minutes from meetings held October 23–24, 2006. Washington, DC. Retrieved April 4, 2008, from <http://www.ed.gov/about/bdscomm/list/sdfscac/meeting.html>
- U.S. Department of Education. (2004, May). *Unsafe School Choice Option: Non-regulatory guidance*. Washington, DC: Author.
- Wiles, P., & Pease, K. (2001). Distributive justice and crime. In R. Matthews & J. Pitts (Eds.), *Crime, disorder and community safety: A new agenda?* (pp. 219–240). London and New York: Routledge.
- Zradicka, G. (2004). *StateNotes: No Child Left Behind: Persistently dangerous school criteria*. Denver, CO: Education Commission of the States.

AUTHOR

BILLIE GASTIC is an assistant professor in the Department of Public Policy and Public Affairs, John W. McCormack Graduate School of Policy Studies, University of Massachusetts, Boston, 100 Morrissey Boulevard, McCormack Hall, 3-426, Boston, MA 02125; billie.gastic@umb.edu. Her research focuses on issues of school violence, safety, and discipline, with a particular interest in the consequences for Black and Latino youth.

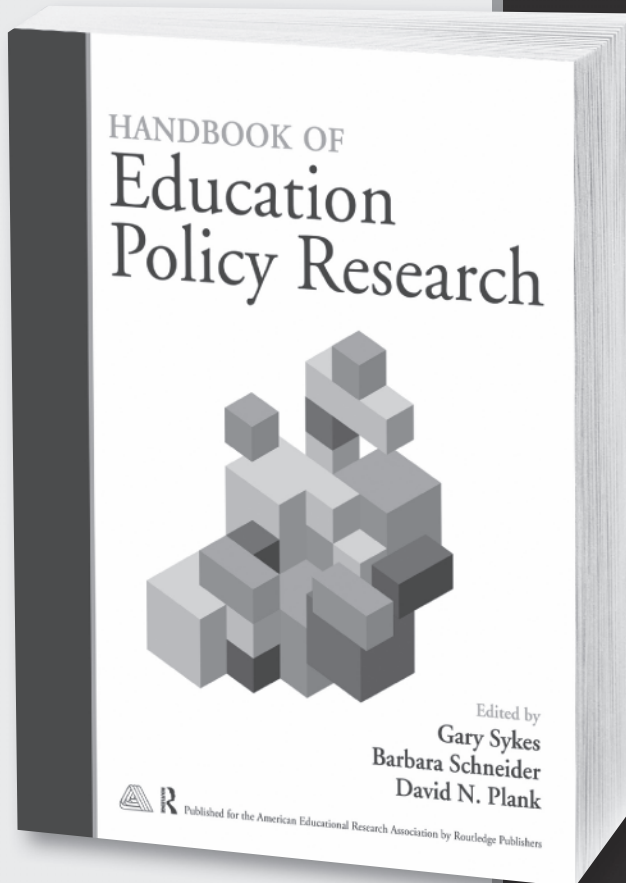
Manuscript received February 10, 2010

Revisions received April 8, 2010

Accepted April 9, 2010

AERA SPONSORED!

Order Online Today With Discount Code **AERAEPR** and Receive a **30% Pre-Publication Discount** and Free Shipping!



Handbook of Education Policy Research

Edited by **Gary Sykes**, **Barbara Schneider** and **David N. Plank**

Educational policy continues to be of major concern. Policy debates about economic growth and national competitiveness, for example, commonly focus on the importance of human capital and a highly educated workforce. Defining the theoretical boundaries and methodological approaches of education policy research are the two primary themes of this comprehensive, AERA-sponsored Handbook.

Organized into seven sections, the Handbook focuses on (1) disciplinary foundations of educational policy, (2) methodological perspectives, (3) the policy process, (4) resources, management, and organization, (5) teaching and learning policy, (6) actors and institutions, and (7) education access and differentiation.

This book is appropriate for scholars and graduate students working in the field of education policy and for the growing number of academic, government, and think tank researchers engaged in policy research.

For more information on this title, and/or to view the Table of Contents, please visit www.routledge.com/9780415989923.

Order your copy today at www.routledge.com or call **1-800-634-7064!**

Routledge

April 2009 • 8-1/2 x 11 • 1,104pp

Pb ISBN • 978-0-415-98992-3 • ~~\$114.95~~ **\$80.47**

Hb ISBN • 978-0-415-98991-6 • ~~\$295.00~~ **\$206.50**

eBook • 978-0-203-88096-8

 **Routledge**
Taylor & Francis Group
an **informa** business