

The board is committed to providing an environment at each school that is safe, orderly, and inviting. The board believes that in most cases, a student should attend the school that serves his or her domicile. Under certain circumstances or conditions, however, the board provides parents the opportunity to request that their child attend a school outside of his or her attendance area (see policy 4150, School Assignment).

Pursuant to federal and State Board of Education requirements, the board will allow a student who attends a school designated as a persistently dangerous school or a student who becomes the victim of a violent criminal offense at his or her school to attend another school that the superintendent has identified as an eligible transfer school.

**A. DEFINITIONS**

For purposes of this policy, the following definitions apply:

**1. Violent Criminal Offenses**

Violent criminal offenses are the following crimes, which must be reported to the State Board of Education in accordance with State Board of Education Policy HRS-A-000:

- a. homicide as defined in G.S. 14-17 and 14-18;
- b. assault resulting in serious bodily injury as defined in G.S. 14-32.4;
- c. assault involving use of a weapon as defined in G.S. 14-32 through 14-34.10;
- d. rape as defined in G.S. 14-27.2, 14-27.3, and 14-27.7A;
- e. sexual offense as defined in G.S. 14-27.4, 14-27.5, and 14-27.7A;
- f. sexual assault as defined in G.S. 14-27.5A and 14-33(c)(2);
- g. kidnapping as defined in G.S. 14-39;
- h. robbery with a dangerous weapon as defined in G.S. 14-87; and
- i. taking indecent liberties with a minor as defined in G.S. 14-202.1, 14-202.2, and 14-202.4.

**2. Persistently Dangerous School**

A persistently dangerous school is a school in which:

- a. at least two violent criminal offenses were committed with a rate of five or more such offenses per 1000 students during each of the two most recent school years; and
  - b. the conditions that contributed to the commission of such offenses are determined by the State Board of Education as being likely to continue into another school year.
3. Eligible Transfer School

An eligible transfer school is a school that is not designated as a persistently dangerous school, that offers instruction at the student's grade level, and that the superintendent has identified as eligible for unsafe school choice transfer.

## **B. SCHOOL REVIEW OF VIOLENT CRIMINAL OFFENSES**

Upon the commission of any violent criminal offense on school property or off school property on a school-sponsored field trip, the principal and the school improvement team shall review the incident to determine whether any conditions or procedures at the school or in the school improvement plan need to be modified as a result of the incident. The principal shall provide a report of the review to the superintendent or designee.

## **C. IDENTIFICATION OF SCHOOLS AS PERSISTENTLY DANGEROUS**

1. Conditions Contributing to the Commission of Violent Criminal Offenses

For any school in which at least two violent criminal offenses and five or more such offenses per 1000 students were committed on school property during each of the two most recent school years, the board will determine whether any changes need to be made in the school- or system-level school safety procedures. The superintendent shall report to the State Board of Education any conditions in the school that may have contributed to the commission of the violent criminal offenses and any plans that the board has to eliminate such conditions.

2. Probationary Schools

If the State Board of Education determines that a school should be placed on probation, during the probationary year the principal and school improvement team shall implement strategies to protect students from violent criminal offenses and to deter future offenses from occurring. Such strategies must be incorporated into the school improvement plan. As necessary, the superintendent may request assistance from the Department of Public Instruction to help identify strategies for implementation.

### 3. Persistently Dangerous Schools

If the State Board of Education determines that a school is a persistently dangerous school, the superintendent shall assign personnel from the central office to review safety procedures at the school. The central office team also shall assist the school with creating and implementing a corrective action plan for the school. The corrective action plan should be based on an analysis of the problems at the school, should include strategies to improve safety at the school, and should identify any system-level policies and procedures that need to be modified. Any strategies identified for the corrective action plan should be incorporated into the school improvement plan.

Pursuant to the unsafe school choice transfer procedures provided below, a student who attends a persistently dangerous school will be allowed to transfer to another school that the superintendent has designated as an eligible transfer school.

As deemed appropriate, the board will pursue any appeals process available for review of a school's designation as probationary or persistently dangerous.

#### **D. VICTIM OF A VIOLENT CRIMINAL OFFENSE**

A student shall be considered the victim of a violent criminal offense when the following criteria are met:

1. the principal determines, based upon reasonable evidence, that the student has been the victim of any of the applicable offenses identified in this policy; and
2. the offense occurred while the student was on the grounds of the public school that he or she attends.

Pursuant to the unsafe school choice transfer procedures provided below, a student who is a victim of a violent criminal offense shall be allowed to transfer to another school that the superintendent has designated as eligible for transfer.

#### **E. UNSAFE SCHOOL CHOICE TRANSFER PROCEDURES**

The superintendent shall establish procedures to facilitate the transfer of students when a school has been identified as persistently dangerous or when a student has been identified as a victim of a violent criminal offense. Such procedures must include the following elements:

1. notice to parents within 10 days of the determination that their child attends a school that has been identified as persistently dangerous or that their child has been identified as a victim of a violent criminal offense;

2. notice to parents that their student has the opportunity to transfer to another school that has not been identified as persistently dangerous, that serves the student's instructional level, and that the superintendent has designated as an eligible transfer school; this notice must be provided no later than 14 days before the start of the school year for students attending persistently dangerous schools and no later than 14 days after determining that a student has become a victim of a violent criminal offense;
3. identification of those schools, including any virtual schools, within the system that are eligible to receive unsafe school choice transfers;
4. identification of other options for unsafe school choice transfers if no schools in the school system are eligible;
5. a process for parents to request transfer upon receiving notification of the unsafe school choice transfer option;
6. a process to ensure that transfers are completed by the start of the school year for students attending a school designated as persistently dangerous or as expeditiously as possible but not later than the start of the school year for a student victim, except in extraordinary circumstances; and
7. a report to the State Board of Education and to the local board of education of each student transfer made pursuant to this policy.

Transfers made because a student's school was designated as persistently dangerous will remain in effect as long as the school is so identified. Transfers made because a student was a victim of a violent criminal offense will remain in effect at least through the remainder of the school year in which the incident occurred.

## **F. TRANSPORTATION**

Parents who decide to transfer their child pursuant to this policy are responsible for transportation of their child to the receiving school.

Legal References: No Child Left Behind Act, 20 U.S.C. 7912; *Unsafe School Choice Option Non-Regulatory Guidance*, U.S. Department of Education (May 2004), available at <http://www2.ed.gov/policy/elsec/guid/edpicks.jhtml?src=ln>; G.S. 14-17, -18, -27.2, -27.3, -27.4, -27.5, -27.5A, -27.7A, -32 through -34.10, -39, -87, -202.1, -202.2, -202.4; 115C-36, -105.27, -366, -367; State Board of Education Policy HRS-A-006

Cross References: School Safety (policy 1510/4200/7270), School Improvement Plan (policy 3430), Conflict Resolution (policy 3431), School Assignment (policy 4150)

Other Resources: *Giving Parents Options: Strategies for Informing Parents and Implementing Public School Choice and Supplemental Educational Services Under No Child Left Behind*, U.S.

Department of Education Office of Innovation and Improvement (September 2007), available at <http://www2.ed.gov/admins/comm/choice/options/index.html?exp=4>.

Adopted: April 20, 2015