

# Houston County Board of Education

Monitoring:  
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Descriptor Term:

**Unsafe School Choice**

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## Section 1: Persistently Dangerous Schools<sup>4</sup>

Any public elementary or secondary school, with the exception of a school established specifically for serving suspended or expelled students or students with behavioral disabilities, shall be considered persistently dangerous if it meets the following criteria for three (3) consecutive years:

1. Has violence-related disciplinary actions as reported on the Annual Report of Zero Tolerance Offenses. Violence-related disciplinary actions shall be defined as any of the following: possession/use of a firearm, battery of a teacher or school employee (including a school resource officer assigned to the school), and possession /use of a weapon other than a firearm (a more detailed description of each of these offenses is provided in Section 3 of this policy); or
2. Has students who have been the victim of a violent crime at school as defined in Section 2 of this policy; and,
3. The sum of violence-related disciplinary actions and/or incidents of student victimization identified in criteria #1 and criteria #2 above are equal to or greater than 3% of the school's average daily membership.
4. Persistently dangerous schools are those schools identified by the State Department of Education.

## Section 2: Victim of a Violent Crime at School

A student shall be considered a victim of a violent crime at school when the following criteria are met:

1. Evidence is found to reasonably indicate that the student has been the victim of any of the applicable offenses identified in TCA 40-38-111(g) or the attempt to commit one the applicable offenses as defined under TCA 39-12-101; and,
2. The offense occurred while the student was attending school or traveling to or from school on a school bus.

### *Required Actions*

1. The building administrator or a designated representative of a school where an alleged incident of student violent crime victimization has occurred shall immediately report the incident to the appropriate law enforcement agency.
2. Promptly following an investigation by appropriate law enforcement personnel, the building administrator or a designated representative shall determine whether or not reasonable evidence exists

to indicate that a student has been the victim of violent crime. Identification of a perpetrator and/or the filing of criminal charges shall not be considered a prerequisite for determining that a student has been victimized.

3. Upon determination that a student has been victimized, and within ten (10) days of the event, the director of schools shall offer the student and his/her parent(s) or guardian(s) safe school choice.
4. The building administrator or a designated representative shall file a report with the Tennessee Department of Education as requested by the Commissioner.

*Parental Notification*

Every public school shall annually notify parents that if their child is the victim of a violent crime at school, the child has the right to attend another grade-appropriate public school in the district.

**Section 3: Definitions**

For the purposes of this policy, the following definitions shall apply:

*Safe School Choice*

The student and his/her parent(s) or guardian(s) are provided an opportunity to transfer to another school within the Houston County School System that is safe for the student. To the extent possible, the District shall allow transferring students to transfer to a school that is making adequate yearly progress and has not been identified as being in school improvement, corrective action or restructuring. The District may take into account the needs and preferences of the affected students and parents. The District shall assume necessary transportation costs associated with the student attending a safe school. If there is only one school at a particular grade level within Houston County Schools, the District may choose to facilitate a transfer to a school in another school district; however, such transfer shall not be required.

*Violence-related Disciplinary Actions*

A violence-related disciplinary action is one taken for any of the following offenses:

- Possession or use of a firearm<sup>1</sup>
- Battery of a teacher or school employee (including a school resource officer assigned to the school). For purposes of this policy, battery is defined as intentional or reckless physical contact with a person without his or her consent that causes bodily injury.
- Possession or use of a weapon other than a firearm.<sup>2</sup>

*Violent Crime*

Any of the following applicable offenses:<sup>3</sup>

- Aggravated arson
- Aggravated assault
- Aggravated child abuse and neglect
- Aggravated kidnapping

- Aggravated rape
- Aggravated robbery
- Aggravated sexual battery
- Aggravated spousal rape
- Spousal rape
- Spousal sexual battery
- Aggravated vehicular homicide
- Carjacking
- Criminally negligent homicide
- Especially aggravated burglary
- Especially aggravated kidnapping
- Especially aggravated robbery
- First degree murder
- Incest
- Kidnapping
- Rape
- Rape of a child
- Reckless homicide
- Second Degree murder
- Sexual battery by an authority figure
- Sexual battery
- Stalking Statutory rape
- Vehicular assault
- Voluntary manslaughter

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Legal Reference:

1. 18 U.S.C. § 921
2. TCA 39-17-1309
3. TCA 40-38-111(g)
4. Tennessee State Board of Education, Policy 4.202 Unsafe School Choice; No Child Left Behind Act of 2001, 20 U.S.C. § 7912