HEWLETT-WOODMERE PUBLIC SCHOOLS **Policy 8140**

(X) Required
(X) Local
(X) Notice

UNSAFE SCHOOL TRANSFER CHOICE

The Board of Education recognizes that, in accordance with law, there may be instances in which it must offer students the choice to transfer to a safe public school at the same grade level. Such transfer choice must be offered if:

1. the school a student would normally attend is designated a "persistently dangerous school" by the Commissioner of Education; or
2. a student becomes the victim of a "violent criminal offense" that occurs on the grounds of the school the student currently attends.

In accordance with federal and state law and regulations, the option to transfer to a safe school will be available only if there is a safe public school that eligible students can transfer to at the same grade level within the district. Therefore, the Board directs the Superintendent of Schools to develop a list identifying any school(s) designated by the Commissioner of Education as persistently dangerous that also includes any alternative safe public school(s) within the district for each grade level to which students may transfer. The list shall be revised annually and presented to the Board.

Notification of Transfer Rights

The Superintendent shall notify parents of all students in a school designated as persistently dangerous, and the parents of any student who becomes a victim of the victim of a violent criminal offense on school grounds, of their child's right to transfer out of the school they currently attend. The notice shall:

1. explain that students may transfer only to a safe public school at the same grade level within the district,
2. identify the school(s) a student may transfer to,
3. explain the procedures for transfer, including the need for parents wanting their child to transfer to inform the Superintendent of their decision within the time frame stated in the notice.
4. inform parents of their right to request that their child be returned to the school of origin if they later reconsider their decision to allow the transfer.

The required notice shall be sent first class mail within 10 days after the district receives notice from the Commissioner of Education of the school's designation as persistently dangerous. In the case of a student who is deemed to be the victim of a violent criminal offense on school grounds the notice shall be sent first class mail within 24 hours of any such determination by the Superintendent.

To the extent practicable, the notice will be provided in the dominant language or mode of communication used by the parents.

Procedures for Transfer

The transfer of any student attending a school that is deemed to be persistently dangerous generally will occur within 30 school days after the district finds out about the designation. The transfer of a student determined to be a victim of a violent criminal offense on school grounds will occur generally within 10 calendar days of the determination.

A student transferring from a persistently dangerous school has the right to remain at the safe school he or she transfers to for as long as the school of origin continues to be identified as persistently dangerous. But such a student will remain at the safe school until he or she completes the highest grade level there if it is determined to be in the best educational interest of the student to remain there. The district will make such a determination based on the student's educational needs and other factors affecting his or her ability to succeed if returned to the school of origin.

A student who transfers because he or she became the victim of a violent criminal offense at his or her school of origin remains at the school transferred to until he or she completes the highest grade level there.

Upon parental request, any student who exercised his or her right to transfer to a safe school may return to the school of origin. Any such transfer back will be effective at the start of classes in the next school year following the request.

Transportation

The district shall provide transportation to students transferring to a safe school within the transportation limits established under New York's Education Law.

<u>Procedures for Determining Whether a Student Has Become the Victim of a Violent Criminal Offense on School Grounds</u>

In accordance with district procedures for the reporting of violations that constitute crimes, the Building Principal or designee shall promptly notify both local law enforcement and the Superintendent of all reports that involve the infliction of a serious physical injury upon another, a sex offense involving forcible compulsion, or any other offense that involves the use or threatened use of a deadly weapon under applicable provisions of New York's Penal Law.

Following receipt of any such report, the Superintendent shall proceed to determine whether any of the students involved in the reported incident has become the victim of a violent criminal offense on school grounds. In making this determination, the Superintendent shall:

1. consult with any law enforcement agency investigating the alleged violent criminal offense, and document his or her consultation with law enforcement officials,
2. consider any reports or records provided by law enforcement agencies investigating the situation, and
3. consult with the district's attorney prior to making any final determination,
4. document his or her findings.

A criminal conviction is not required for the Superintendent of Schools to make a determination that a student indeed has become the victim of a violent criminal offense on school grounds. However, a Superintendent's determination that a violent criminal offense has occurred cannot be used as evidence in any student disciplinary proceeding initiated against either the alleged victim or the perpetrator of the offense.

Upon a finding that a student has become the victim of a criminal violent offense on school grounds, the Superintendent will provide the student's parents with notice of the student's right to transfer to a safe school in accordance with the notice procedures established by this policy above. The Superintendent will document compliance with the notification requirements and the procedures followed to carry out the student's transfer if the parents elect to have the student transfer to another school.

Appeal of a Superintendent's Determination Regarding a Violent Criminal Offense

Parents may appeal to the Board of Education a Superintendent's determination regarding whether their child has become the victim of a violent criminal offense on school grounds.

Cross-ref: 5300, Code of Conduct
5710, Violent or Disruptive Incident Reporting

Ref: 20 USC §7912(a)
Education Law §2802(7)
Penal Law §10.00(1), (12)
8 NYCRR §120.5

Adoption date: January 22, 2020