

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

7
8 Pursuant to federal and State Board of Education requirements, the board will allow a student
9 who attends a school designated as a persistently dangerous school or a student who becomes the
10 victim of a violent criminal offense at his or her school to attend another school that the
11 superintendent has identified as an eligible transfer school.

12 13 **A. DEFINITIONS**

14
15 For purposes of this policy, the following definitions apply:

16 17 **1. Violent Criminal Offenses**

18
19 Violent criminal offenses are the following crimes, which must be reported to the
20 State Board of Education in accordance with State Board of Education Policy
21 ~~HRS-ASSCH-000~~:

- 22
23 a. homicide as defined in G.S. 14-17 and 14-18;
- 24
25 b. assault resulting in serious bodily injury as defined in G.S. 14-32.4;
- 26
27 c. assault involving use of a weapon as defined in G.S. 14-32 through 14-
28 34.10;
- 29
30 d. rape as defined in G.S. 14-27.21, 14-27.22, 14-27.24, and 14-27.25;
- 31
32 e. sexual offense as defined in G.S. 14-27.26, 14-27.27, 14-27.29, and 14-
33 27.30;
- 34
35 f. sexual assault as defined in G.S. 14-27.33 and 14-33(c)(2);
- 36
37 g. kidnapping as defined in G.S. 14-39;
- 38
39 h. robbery with a dangerous weapon as defined in G.S. 14-87; and
- 40
41 i. taking indecent liberties with a minor as defined in G.S. 14-202.1, 14-
42 202.2, and 14-202.4.

43 44 **2. Persistently Dangerous School**

45
46 A persistently dangerous school is a school in which:
47

- 48 a. at least two violent criminal offenses were committed with a rate of five or
49 more such offenses per 1000 students during each of the two most recent
50 school years; and
51
52 b. the conditions that contributed to the commission of such offenses are
53 determined by the State Board of Education as being likely to continue
54 into another school year.
55

56 **3. Eligible Transfer School**
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58 An eligible transfer school is a school that is not designated as a persistently
59 dangerous school, that offers instruction at the student's grade level, and that the
60 superintendent has identified as eligible for unsafe school choice transfer.
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62 **B. SCHOOL REVIEW OF VIOLENT CRIMINAL OFFENSES**
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64 Upon the commission of any violent criminal offense on school property or off school
65 property on a school-sponsored field trip, the principal and the school improvement team
66 shall review the incident to determine whether any conditions or procedures at the school
67 or in the school improvement plan need to be modified as a result of the incident. The
68 principal shall provide a report of the review to the superintendent or designee.
69

70 **C. IDENTIFICATION OF SCHOOLS AS PERSISTENTLY DANGEROUS**
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72 **1. Conditions Contributing to the Commission of Violent Criminal Offenses**
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74 For any school in which at least two violent criminal offenses and five or more
75 such offenses per 1000 students were committed on school property during each
76 of the two most recent school years, the board will determine whether any
77 changes need to be made in the school- or system-level school safety procedures.
78 The superintendent shall report to the State Board of Education any conditions in
79 the school that may have contributed to the commission of the violent criminal
80 offenses and any plans that the board has to eliminate such conditions.
81

82 **2. Probationary Schools**
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84 If the State Board of Education determines that a school should be placed on
85 probation, during the probationary year the principal and school improvement
86 team shall implement strategies to protect students from violent criminal offenses
87 and to deter future offenses from occurring. Such strategies must be incorporated
88 into the school improvement plan. As necessary, the superintendent may request

89 assistance from the Department of Public Instruction to help identify strategies for
90 implementation.

91
92 **3. Persistently Dangerous Schools**

93
94 If the State Board of Education determines that a school is a persistently
95 dangerous school, the superintendent shall assign personnel from the central
96 office to review safety procedures at the school. The central office team also shall
97 assist the school with creating and implementing a corrective action plan for the
98 school. The corrective action plan should be based on an analysis of the problems
99 at the school, should include strategies to improve safety at the school, and should
100 identify any system-level policies and procedures that need to be modified. Any
101 strategies identified for the corrective action plan should be incorporated into the
102 school improvement plan.

103
104 Pursuant to the unsafe school choice transfer procedures provided below, a
105 student who attends a persistently dangerous school will be allowed to transfer to
106 another school that the superintendent has designated as an eligible transfer
107 school.

108
109 As deemed appropriate, the board will pursue any appeals process available for
110 review of a school's designation as probationary or persistently dangerous.

111
112 **D. VICTIM OF A VIOLENT CRIMINAL OFFENSE**

113
114 A student shall be considered the victim of a violent criminal offense when the following
115 criteria are met:

- 116
117 1. the principal determines, based upon reasonable evidence, that the student has
118 been the victim of any of the applicable offenses identified in this policy; and
119
120 2. the offense occurred while the student was on the grounds of the public school
121 that he or she attends.

122
123 Pursuant to the unsafe school choice transfer procedures provided below, a student who is
124 a victim of a violent criminal offense shall be allowed to transfer to another school that
125 the superintendent has designated as eligible for transfer.

126
127 **E. UNSAFE SCHOOL CHOICE TRANSFER PROCEDURES**

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

- 133
134 1. notice to parents within 10 days of the determination that their child attends a
135 school that has been identified as persistently dangerous or that their child has
136 been identified as a victim of a violent criminal offense;
137
- 138 2. notice to parents that their student has the opportunity to transfer to another
139 school that has not been identified as persistently dangerous, that serves the
140 student's instructional level, and that the superintendent has designated as an
141 eligible transfer school; this notice must be provided no later than 14 days before
142 the start of the school year for students attending persistently dangerous schools
143 and no later than 14 days after determining that a student has become a victim of a
144 violent criminal offense;
145
- 146 3. identification of those schools, including any virtual schools, within the system
147 that are eligible to receive unsafe school choice transfers;
148
- 149 4. identification of other options for unsafe school choice transfers if no schools in
150 the school system are eligible;
151
- 152 5. a process for parents to request transfer upon receiving notification of the unsafe
153 school choice transfer option;
154
- 155 6. a process to ensure that transfers are completed by the start of the school year for
156 students attending a school designated as persistently dangerous or as
157 expeditiously as possible but not later than the start of the school year for a
158 student victim, except in extraordinary circumstances; and
159
- 160 7. a report to the State Board of Education and to the local board of education of
161 each student transfer made pursuant to this policy.
162

163 Transfers made because a student's school was designated as persistently dangerous will
164 remain in effect as long as the school is so identified. Transfers made because a student
165 was a victim of a violent criminal offense will remain in effect at least through the
166 remainder of the school year in which the incident occurred.
167

168 **F. TRANSPORTATION**

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170 Parents who decide to transfer their child pursuant to this policy are responsible for
171 transportation of their child to the receiving school.
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173 Legal References: No Child Left Behind Act, 20 U.S.C. 7912; *Unsafe School Choice Option*
174 *Non-Regulatory Guidance*, U.S. Department of Education (May 2004), available at
175 <http://www2.ed.gov/policy/elsec/guid/edpicks.jhtml?src=ln>; G.S. 14-17, -18, -27.21, -27.22, -

176 27.24 through -27.27, -27.29, -27.30, -27.33, -32 through -34.10, -39, -87, -202.1, -202.2, -202.4;
177 115C-36, -105.27, -366, -367; State Board of Education Policies ~~HRS-ASSCH-000, -006~~

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179 Cross References: School Safety (policy 1510/4200/7270), School Improvement Plan (policy
180 3430), Conflict Resolution (policy 3431), School Assignment (policy 4150)

181
182 Other Resources: *Giving Parents Options: Strategies for Informing Parents and Implementing*
183 *Public School Choice and Supplemental Educational Services Under No Child Left Behind*, U.S.
184 Department of Education Office of Innovation and Improvement (September 2007), available at
185 <http://www2.ed.gov/admins/comm/choice/options/index.html?exp=4>

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189 Revised: [DATE] (legal citations only)

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