

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, if a transfer school is available.

A. DEFINITIONS

For purposes of this policy, the following definitions apply:

1. Violent Criminal Offenses

Violent criminal offenses are the following crimes,:

- a. homicide;
- b. assault resulting in serious bodily injury;
- c. assault involving use of a weapon;
- d. rape;
- e. sexual offense;
- f. sexual assault;
- g. kidnapping;
- h. robbery with a dangerous weapon; and
- i. taking indecent liberties with a minor.

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. 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 superintendent or designee 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

The superintendent shall assign a central office team to assist a school, designated a persistently dangerous, 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.

C. 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.

D. 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: Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA), 20 U.S.C. 7912; *Unsafe School Choice Option Non-Regulatory Guidance*, U.S. Department of Education (May 2004), available at <https://www2.ed.gov/policy/elsec/guid/unsafeschoolchoice.doc>; G.S. 14-17, -18, -27.21, -27.22, -27.24 through -27.27, -27.29, -27.30, -27.33, -32 through -34.10, -39, -87, -202.1, -202.2, -202.4; 115C-36, -105.27, -366, -367; 16 N.C.A.C. 6E .0107; State Board of Education Policy SSCH 006
Cross References: School Safety (policy 1510/4200/7270), School Improvement Plan (policy 3430), Conflict Resolution (policy 3431), School Assignment (policy 4150)

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