

Students

MOUNT PLEASANT COTTAGE SCHOOL UNION FREE SCHOOL DISTRICT**SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE**

Any District student who is the victim of a violent criminal offense that occurred on the grounds of the District elementary or secondary school that the student attends, shall be allowed to attend a safe public school within the School District to the extent required by the Federal No Child Left Behind Act (NCLB) and state law and regulations.

Definitions

- 1) "Safe public school" shall mean a public school that has not been designated by the Commissioner of Education as a persistently dangerous public elementary or secondary school.
- 2) "Violent criminal offense" means a crime that:
 - a. Involves infliction of a serious physical injury upon another as defined in New York State Penal Law; or
 - b. A sex offense that involves forcible compulsion; or
 - c. Any other offense defined in the Penal Law that involves the use or threatened use of a deadly weapon.
- 3) "Serious physical injury," as defined in Penal Law Section 10.00(10), shall mean a "physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ."
- 4) "Deadly weapon," as defined in Penal Law Section 10.00(12), shall mean "any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, gravity knife, pilum ballistic knife, metal knuckle knife, dagger, billy, blackjack, or metal knuckles."

Determination Whether Student is the Victim of a Violent Criminal Offense on School Grounds of the School the Student Attends

It shall be the responsibility of the Superintendent to determine whether a student is the victim of a violent criminal offense that occurred on school grounds of the school the student attends.

- 1) The Superintendent shall, prior to making any such determination, consult with any law enforcement agency investigating the alleged violent criminal incident and consider any reports or records provided by such agency.

(Continued)

Students

SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE (Cont'd.)

Further, in accordance with the Safe Schools Against Violence in Education Act ("Project SAVE") the District's *Code of Conduct*, procedures shall be followed for notifying law enforcement agencies of Code violations that may constitute crimes.

- 2) A criminal conviction is not required prior to the Superintendent's determination that the student has been a victim of a violent criminal offense.
- 3) The Superintendent may also consult with the School District's attorney prior to making such a determination.
- 4) The Superintendent shall maintain written records of his/her investigation of the alleged criminal offense, while maintaining confidentiality to the extent possible in accordance with law.

The Superintendent's determination may be appealed to the Board of Education. However, this determination will not preclude any student disciplinary proceedings brought against the alleged victim or perpetrator of such violent criminal offense.

Notice to Parents/Persons in Parental Relation

The School District, to the extent that it is required to provide school choice in accordance with applicable provisions of law and regulations, shall notify parents of, or persons in parental relation to, students who are victims of violent criminal offenses on school grounds of the school the student attends of the student's right to transfer to a safe public school within the District and the procedures for such transfer.

Such notice shall be, to the extent practicable, provided in the dominant language or mode of communication used by the parents or persons in parental relation to such student. **The District shall provide this notice within twenty-four (24) hours of the determination that the student has been the victim of a violent criminal offense on school grounds at the school he/she attends.**

- 1) Written notice shall be provided by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such notice within twenty-four (24) hours of such determination at the last known address or addresses of the parents/persons in parental relation to the student.
- 2) Where possible, notification shall also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents/persons in parental relation.

(Continued)

Students

SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE (Cont'd.)

- 3) However, **such notification shall not be required** where there are no other public schools within the District at the same grade level or a transfer to a safe public school within the School District is otherwise impossible.
- 4) Similarly, **procedures for such notification** of parents/persons in parental relation to students who are victims of violent criminal offenses **shall not be required** where the School District has only one public school within the District or only one public school at each grade level.

Designation of Safe Public School

It shall be the responsibility of the School District to designate a safe public school or schools within the District to which students may transfer. This designation is to be based upon objective criteria which may include a review of the data submitted through the Uniform Violent And Disruptive Incident Report (VADIR).

- 1) However, the District *is not required to designate a safe public school* where there are no public schools within the District at the same grade level or when transfer to a safe public school within the District is otherwise impossible.
- 2) Similarly, if the District has only one public school within the School System or only one public school at each grade level, the *School District shall not be required to designate a safe public school.*
- 3) While the receiving school shall be identified by the School District, administration may take into account the needs and preferences of the affected students and parents/persons in parental relation.
- 4) The District should offer the parents/persons in parental relation to a student determined to be a victim of a violent criminal offense an opportunity to transfer their child to a safe public school within the District within ten (10) calendar days of such determination by the District.
- 5) While the parents/persons in parental relation to the student must be offered the opportunity to transfer their child, they may elect to have their child remain at the school he/she currently attends.
- 6) Any student who transfers to a safe public school shall be enrolled in the classes and other activities of the public school to which such student transfers in the same manner as all other students at the public school.

(Continued)

Students

SUBJECT: SAFE PUBLIC SCHOOL CHOICE OPTION TO STUDENTS WHO ARE VICTIMS OF A VIOLENT CRIMINAL OFFENSE (Cont'd.)

- 7) Such student transfer to the receiving school must be at the same grade level as the school from which the student is transferring.
- 8) 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 requiring school improvement, corrective action, or restructuring.

Duration of Safe School Choice

Any student who transfers to a safe public school shall be permitted to remain in such safe public school until the student has completed the highest grade level in the school transferred to, or for such other period prescribed by the U.S. Department of Education, whichever is less.

Transportation

The District shall provide transportation for any student permitted to transfer to a safe public school within the District designated by the School System within the transportation limits established pursuant to Education Law Sections 3635 and 4401(4).