



Book	Administrative Guideline Manual
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Revised Guideline

5113.02 - SCHOOL TRANSFER OPTIONS

Definitions

Corrective Action Plan: a written plan developed by the School Corporation and adopted by the School Board for a school that is identified as a persistently dangerous school for the purpose of remedying the causes that result in this school being identified as persistently dangerous.

Jurisdiction of the school: events that are sponsored by a school and occur away from the property of the school over which the school has direct control or authority.

Persistently dangerous school: a school ~~which~~ that for each of three (3) consecutive years meets the condition of Persistently Dangerous School described in the following section.

Property of a school: any building, land, school bus, or other vehicular equipment owned or leased by the Corporation.

Victim: a person against whom a violent, criminal offense has been committed and whose perpetrator has been found by official action to be in violation of a school rule related to violent criminal offense.

Violent Criminal Offense: includes the following felony transgressions of law as defined by Indiana law: murder, kidnapping, criminal confinement, rape, criminal deviate conduct, child molesting, child exploitation, vicarious sexual gratification, sexual battery, child solicitation, child seduction, sexual misconduct with a minor, incest, homicide, voluntary manslaughter, reckless homicide, battery, aggravated battery, robbery, carjacking, arson, burglary, or human trafficking; violence against a school staff member; attempt to commit one of the offenses listed; or conspiracy to commit an offense listed.

Persistently Dangerous Schools

A public elementary or secondary school is "persistently dangerous" if, in each of three (3) consecutive school years, one of the following criteria has been met according to the Discipline Report (ES) collection:

- A. The number of incidents committed by non-student(s) or current student(s) on school grounds during school hours or during a school-sponsored activity plus the number of student expulsions for any of the offenses listed in the definition of violent criminal offense above is greater than one per 100 enrolled students.

OR

- B. Two percent (2%) or more of the student population or ten students, whichever is greater, are found by official action to have committed an offense in violation of a school rule that involved one or more of the following:

1. Non-Felony Drugs
2. Felony Drugs
3. Felony Weapons
4. Terroristic Threats
5. Violence Against a Teacher.

Transfer Option

A student who is attending a school within the Corporation that has been designated as "persistently dangerous" or is the victim of a violent criminal offense, as determined by Indiana law, while in or on the property of the school that the student is assigned to attend or while attending an event under the jurisdiction of the school, shall be allowed to attend another school within the Corporation that is not persistently dangerous, provided there is a school in the Corporation that offers instruction at the student's grade level and such school has not been identified as being in the process of school improvement, corrective action, or restructuring.

If a student who is attending a school within the Corporation that has been designated as "persistently dangerous" elects to be transferred to a safe school, the transfer shall occur within thirty (30) school days. Such transfer will be in effect as long as the student's original school is designated as persistently dangerous. If a student is a victim of a violent criminal offense, as determined by Indiana law, while in or on the property of the school that the student is assigned to attend or while attending an event under the jurisdiction of the school, the transfer shall occur within ten (10) school days of the commission of the offense, provided the Corporation has knowledge that the criminal offense occurred.

~~[] A student may be permitted to complete his/her education through the highest grade level at the receiving school. In making the decision to permit the student to remain at the receiving school, Corporation administrators will consider the educational needs of the student, including the student's ability to succeed if returned to the original school.~~

Notice

Within ten (10) school days after a school in the Corporation has been designated as "persistently dangerous" by the Indiana Department of Education (IDOE), the Board will provide students and parents with notice of such designation and offer students the opportunity to request a transfer to a safe school. This notice shall include the process the Board has adopted to allow students to request a transfer to a safe public school. Student transfers to a safe school within the Corporation () or to a safe school in a neighboring school corporation with which the Corporation has developed an agreement **[end of option]** shall be completed within thirty (30) school days of receipt of the request.

Annual Reporting

The Corporation shall report annually to the IDOE, as specified by the IDOE, the data regarding students found by official action to be in violation of a school rule related to a criminal offense as defined above through the Discipline Report (ES).

Corrective Action Plan

If the Superintendent is notified by the IDOE that a school has been identified as a persistently dangerous school, the Superintendent will prepare a corrective action plan. The plan shall be based on an analysis of the problems faced by the school and address the issues that resulted in the school being identified as a persistently dangerous school. The corrective action plan must have input from the following parties:

- A. school safety officials from at least two (2) other school corporations;
- B. at least ~~(-) two teachers and at least two parents or guardians if the school has less than 300 students~~ **[DRAFTING NOTE: Select this option if the school has less than 300 students]** or ~~(X-) at least four teachers and at least four parents or guardians if the school has 300 or more students~~ **[DRAFTING NOTE: Select this option if the school has more than 300 students.]**;
- C. the local police or school resource officer;
- D. the school administrators (principal and assistant principal, preferably); and
- E. school counselor or school social worker, when possible. ~~;~~ **and**
- F. ~~(-) at least two teachers and two parents. [DRAFTING NOTE: Select this option if the school has less than 300 students.] (-) at least four teachers and four parents. [DRAFTING NOTE: Select this option if the school has more than 300 students.]~~

The corrective action plan will be presented to the Board for adoption. After the plan is adopted by the Board, it shall be submitted to the IDOE. The plan must be submitted to the IDOE no later than twenty (20) days after the Corporation receives the notification that a school has met the IDOE criteria of being a persistently dangerous school.

Legal

Sec. 8532 20 U.S.C. 912 Unsafe School Choice Option (Section 9532 of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001)

I.C. 35-41-5-1 (attempt to commit criminal offense)

I.C. 35-41-5-2 (conspiracy to commit criminal offense)

I.C. 35-42-1 (homicide)

I.C. 35-42-1-1 (murder)

I.C. 35-42-1-3 (voluntary manslaughter)

I.C. 35-42-1-5 (reckless homicide)

I.C. 35-42-2-1 (battery)

I.C. 35-42-2-1.5 (aggravated battery)

I.C. 35-42-3-2 (kidnapping)

I.C. 35-42-3-3 (criminal confinement)

I.C. 35-42-3.5 (human trafficking)

I.C. 35-42-4-1 (rape or criminal deviate conduct)

I.C. 35-42-4-3 (child molesting)

I.C. 35-42-4-4(b) and (c) (child exploitation)

I.C. 35-42-4-5 (vicarious sexual gratification)

I.C. 35-42-4-6 (child solicitation)

I.C. 35-42-4-7 (child seduction)

I.C. 35-42-4-9 (sexual misconduct with a minor)

I.C. 35-42-5-1 (robbery or carjacking)

I.C. 35-43-1-1(a) (arson)

I.C. 35-43-2-1 (burglary)

I.C. 35-46-1-3 (incest)