

**THE RYE CITY SCHOOL DISTRICT
RYE, NEW YORK**

8140

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.

A violent criminal offense means any crime that involves the infliction of serious physical injury upon another as defined in New York’s Penal Law, a sex offense involving forcible compulsion, or any other offense defined in the Penal Law that involves the use or threatened use of a deadly weapon.

The Commissioner of Education will annually notify school districts if any of their schools has been designated as persistently dangerous. The Commissioner bases this determination on objective information including data submitted over a two-year period through the state’s uniform violent incident reporting system.

The Superintendent of Schools determines whether a student is the victim of a violent criminal offense on school grounds following procedures established by the Board.

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.

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.

*References: Board of Education Procedures 8140P
Rye City School District Code of Conduct
Board of Education Policy 5710: Violent or Disruptive Incident Reporting
20 USC §7912(a)
Education Law §2802(7)
Penal Law §10.00(1), (12)
8 NYCRR §120.5
State Education Department List of Violent Criminal Offenses at
<http://www.emsc.nysed.gov/deputy/nclb/criminaloffenselist.html>*

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