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Critical

EXPLANATION: INTRADISTRICT TRANSFERS (*Transfers under Federal Law*)

MSBA has modified the list of violent criminal offenses. House Bills 215 and 301 (2013), § 160.261, RSMo., have amended and renamed several crimes, including the crimes of forcible rape and sodomy.

MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.

	Board Secretary		Business Office		Coaches/Sponsors
	Facility Maintenance		Food Service		Gifted
	Human Resources	X	Principals		Library/Media Center
X	Health Services	X	Counselor		Special Education
	Transportation		Public Info/Communications		Technology

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INTRADISTRICT TRANSFERS (*Transfers under Federal Law*)

Pursuant to the No Child Left Behind Act of 2001 (NCLB), district schools may be identified as "persistently dangerous." Students attending schools identified as persistently dangerous or students who were victims of a violent criminal offense on school grounds, as defined by state law, may transfer to another school in the district, but transportation will not be provided.

Students transferring under this procedure will have the same access to classes and other activities as other students enrolled in the school.

Buildings Identified as Persistently Dangerous

Students Eligible to Transfer

Students attending schools identified as persistently dangerous are eligible to transfer to another district school if there is another school building in the district educating students in the student's grade level that is not identified as persistently dangerous and is otherwise available to take additional students.

Only students whose residence is in the attendance area of the school designated as persistently dangerous are eligible to transfer pursuant to this procedure. The district is not obligated to provide transportation to the chosen school.

A student is not eligible for the transfer program if he or she was assigned to a particular school by court order or for disciplinary purposes or does not meet special eligibility criteria for the school selected.

Students with disabilities, as defined by federal law, are eligible for the transfer program. The district will work with parents/guardians to provide these students an appropriate program. In some instances, students identified for services under the IDEA may only transfer after their individualized education plan program (IEP) has been modified by the IEP team.

Notification

In accordance with law, if a school is identified as persistently dangerous, the district will draft a notice for parents/guardians of eligible students that details the transfer options to other schools in the district. The notice will be mailed to parents/guardians in a timely manner and will instruct all parents/guardians seeking to transfer their students to contact the district's central office. The notice will include a date by which the parents/guardians must notify the district.

The notice will also be included in the school enrollment packet, the student handbook and/or other materials distributed at the beginning of the school year to students attending the identified school, as well as disseminated through broader means such as the district's website. The notice will be provided in an understandable and uniform format and, to the extent practicable, in a language that parents/guardians can understand.

Transfer Process

Parents/Guardians interested in transferring their students to a school that is not identified as persistently dangerous will be directed by district staff to the district's central office. The parent/guardian must fill out a written request and submit it in accordance with the deadline established in the notice. Any written request received after the deadline will be processed for the following school year, or the next semester if possible.

The central office will provide **the** parents/guardians with a list of all schools to which their student is eligible to transfer. This list will not include other schools designated as persistently dangerous or schools with special eligibility criteria that the student does not meet, such as an alternative school. The parents/guardians will make their selection in writing.

Changes to Residency or Status

If a student's residence changes mid-year to the attendance area of a school not identified as persistently dangerous, the student may remain in the school he or she transferred to until the end of the school year.

If the school the student transferred from is removed from the list of "persistently dangerous" schools, the student may continue to attend the school the student transferred to for the remainder of the school year.

Annual Verification

Parents/Guardians of students whose qualifying schools **was/were** removed from the "persistently dangerous" list will be notified in writing before the first day of school that they are no longer eligible for the transfer program. The parents/guardians of all other students who are still eligible under the transfer program will be notified as described above.

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Victims of Violent Criminal Offense

Students Eligible to Transfer

Students who were victims of violent criminal offenses while on school property are eligible to transfer to another district school, if available. The district will work with the students and parents/guardians to assist in the selection of an appropriate school. The district may, but is not obligated to, provide transportation services to the students.

“Violent criminal offenses” are the following:

1. Kidnapping under § 565.110, RSMo.
2. First-degree assault under § 565.050, RSMo.
3. ~~Foreble r~~ Rape in the first degree under § 566.030, RSMo.
4. ~~Foreble s~~ Sodomy in the first degree under § 566.060, RSMo.
5. First-degree burglary under § 569.160, RSMo.
6. First-degree robbery under § 569.020, RSMo.
7. First-degree arson under § 569.040, RSMo.
8. Second-degree assault under § 565.060, RSMo.
9. ~~Sexual assault~~ Rape in the second degree under § 566.040~~031~~, RSMo.
10. Felonious restraint under § 565.120, RSMo.
11. First-degree property damage under § 569.100, RSMo.
12. First-degree child molestation under § 566.067, RSMo.
13. ~~Deviate sexual assault~~ Sodomy in the second degree under § 566.070~~061~~, RSMo.
14. Sexual misconduct involving a child under § 566.083, RSMo.
15. Sexual abuse in the first degree under § 566.100, RSMo.

Notification

If a student is a victim of a violent criminal offense in a school that is not otherwise identified as persistently dangerous, the district will notify the parents/guardians and the student of the option to transfer to another school in the district and provide additional information upon request. The transfer may occur at any time during the school year.

Changes to Residency

If a student is a victim of a violent criminal offense and his or her residence changes mid-year to the attendance area of a school other than the one where the crime occurred, the student may remain in the school he or she transferred to until the end of the school year. The district will work with the parents/guardians and student to determine if the student should attend the school in the new attendance area the following year.

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Note: The reader is encouraged to review policies and/or forms for related information in this administrative area.

Implemented: **FIELD**(AdoptDate)

Revised:

FIELD(DistrictLocationLine)