

ADMINISTRATIVE POLICY

The online version of this policy is official.
Therefore, all printed versions of this
document are unofficial copies.

SAFE SCHOOL CHOICE

CMCSS complies with requirements provided under the No Child Left Behind Act of 2001 (NCLB) stating all students are to be given a safe school choice. The following policy is adopted to comply with all such requirements.

Definitions:

For the purposes for this policy, the following definitions apply:

Safe School Choice: The students and parents/guardians are provided an opportunity to transfer to another school within the local education agency (LEA) that is safe for the student. To the extent possible, the LEA will allow transferring students to transfer to a school that is making adequate yearly progress and has not been identified as being in school improvement, corrective action or restructuring. The LEA is encouraged to take into account the needs and preferences of the affected students and parents. The LEA assumes necessary transportation costs associated with the student attending a safe school.

Violence-related disciplinary actions: A violence-related disciplinary action is one taken for any of the following offenses:

1. Possession or use of a firearm, as defined in 18 U.S.C. 921.
2. Battery of a teacher or school system employee (including a school resource officer assigned to the school). For purposes of this policy, battery is defined as intentional or reckless physical contact with a person without his or her consent that causes bodily injury.
3. Possession or use of a weapon other than a firearm on school property is guilty of a crime, as defined in TCA 39-17-1309.

Violent Crime: Any of the following offenses as identified and defined in TCA 40-38-111(g): aggravated arson, aggravated assault, aggravated child abuse and neglect, aggravated kidnapping, aggravated rape, aggravated robbery, aggravated sexual battery, aggravated spousal rape, spousal rape and spousal sexual battery, aggravated vehicular homicide, carjacking, criminally negligent homicide, especially aggravated burglary, especially aggravated kidnapping, especially aggravated robbery, first degree murder, incest, kidnapping, rape, rape of a child, reckless homicide, second degree murder, sexual battery by an authority figure, sexual battery, stalking, statutory rape, vehicular assault, vehicular homicide, and voluntary manslaughter.

Persistently Dangerous Schools:

Any public elementary or secondary school, with the exception of a school established specifically for serving suspended or expelled students with behavioral disabilities, will be considered persistently dangerous if it meets the following criteria for three (3) consecutive years:

1. Have violence-related disciplinary actions as reported by the Annual Report of Zero Tolerance Offenses. Violence-related disciplinary actions are defined as any of the following: possession/use of a firearm, battery of a teacher or school employee (including a school resource officer assigned to the school), and

- possession/use of a weapon other than a firearm (more detailed descriptions are provided under definitions of this policy); or
2. Has students who have been the victim of a violent crime at school as defined under victim of a violent crime at school of this policy; and,
 3. The sum of violence-related disciplinary actions and/or incidents of student victimization identified above are equal to or greater than 3% of the school's average daily membership.

Required Actions:

Year 1: Any school meeting the criteria identified above receives notification from the Tennessee Department of Education. The district will direct available federal and state resources to the school to identify problems and implement corrective action.

Year 2: Any school meeting the criteria for the second consecutive year evaluates its current school safety practices and submits a corrective action plan to the Tennessee Department of Education.

Year 3: Any school meeting the criteria of three consecutive years is designated by the Tennessee Department of Education as a persistently dangerous school. With 30 days of receiving notice of the designation, the Director of Schools/designee:

1. Notifies the parents or guardians of all students attending the school that the school has been designated by the Tennessee Department of Education as a persistently dangerous school and provides for all students to be given a safe school choice.
2. Submits a corrective action plan to the Commissioner of Education outlining the specific actions and timetable that the school will follow to ensure the safety of students and faculty.

Right to Appeal:

A school designated as a persistently dangerous school has the right to appeal the designation. The appeal must be submitted by the Director of Schools to the Commissioner of Education within 15 calendar days of being notified of the designation and must present clear evidence that the school provides a safe and disciplined learning environment for all students. A committee of practitioners appointed by the Commissioner of Education will review the appeal within 15 calendar days of receipt.

Removal of Designation:

Upon implementation of the approved corrective action and completion of one (1) school year with a level of dangerous incidents below the established criteria, a school will no longer be considered persistently dangerous.

Victim of a Violent Crime at School:

A student is considered the victim of a violent crime at school when the following criteria are met:

1. Evidence is found to reasonably indicate that the student has been the victim of any of the applicable offenses identified in TCA 40-38-111(g) or the attempt to commit one of the applicable offenses defined under TCA 39-12-101; and

2. The offense occurred while the student was attending school or traveling to from school on a school bus.

Required Actions:

1. The building administrator/designee of a school where an alleged incident of student violent crime victimization has occurred immediately reports the incident to the appropriate law enforcement agency.
2. Promptly following an investigation by appropriate law enforcement personnel, the building administrator/designee determines whether or not reasonable evidence exists to indicate that a student has been the victim of a violent crime. Identification of a perpetrator and/or the filing of criminal charges is not a considered a prerequisite for determining that a student has been victimized.
3. Upon determination that a student has been victimized, and within ten (10) school days of the event, the Director of Schools offers the student and parents or guardians a safe school choice.
4. The building administrator/designee files a report with the Tennessee Department of Education as requested by the Commissioner.

Parental Notification

Every public school annually notifies parents that if their child is the victim of a violent crime at school, the child has the right to attend another grade-appropriate public school in the district.

Implementing Documents: Tennessee Department of Education www.state.tn.us/education/
18 U.S.C. 921
T.C.A. 39-12-101 – Criminal Attempt
T.C.A. 39-17-1309 – Carrying Weapons on School Property
T.C.A. 40-38-111(g) – Notifying Victim of Rights

Revision History:

<u>Date:</u>	<u>Rev.</u>	<u>Description of Revision:</u>
3/21/06		Initial Release
4/02/09	A	Minor grammar changes and word additions i.e. "system" employee
4/11/11	B	Change title of policy from "Unsafe" to "Safe", Addition of TCA codes to Implementing Documents
4/20/15	C	Deleted last sentence in Safe School Choice paragraph; updated logo

***** End of Policy *****