ADMINISTRATIVE
REGULATIONS

UPPER PERKIOMEN
SCHOOL DISTRICT

RULES AND REGULATIONS
INTERPRETING BOARD POLICY OF
STANDARDS FOR VICTIMS OF VIOLENT CRIMES (144)

The Pennsylvania Department of Education, as required by the Unsafe School Choice Option provision of the No Child Left Behind Act of 2001 (Section 9532), hereby adopts the following standards for a student who becomes a victim of a violent criminal offense while in or on the grounds of the public elementary or secondary school that s/he attends.

As used in these standards, the following terms shall be defined as provided herein:

Local Educational Agency or LEA - shall include a school district, an area vocational-technical school, an intermediate unit or a charter school.

Safe public school - shall mean a public school that has not been designated as a persistently dangerous school under the standards for identifying persistently dangerous schools or that has had such designation removed by the Department.

Victim or student victim - shall mean the student against whom a violent criminal offense has been perpetrated while the student was in or on the grounds of the public elementary or secondary school that s/he attends.

Violent criminal offense - is defined as any of the following offenses that are set forth in Title 18 of the Pennsylvania Consolidated Statutes:

1. Kidnapping.

2. Robbery.

3. Aggravated assault (on the student).

4. Rape.

5. Involuntary deviate sexual intercourse.

6. Sexual assault.

7. Aggravated indecent assault.

8. Indecent assault.

9. Attempt to commit any of the following: homicide, murder or voluntary manslaughter.

Student Opportunity To Transfer

1. Except as provided below, a student who becomes a victim of a violent criminal offense while in or on the grounds of the public elementary or secondary school that s/he attends, must be offered the opportunity to transfer to a safe public school within the LEA, including a charter school.

2. In order for a student victim to be entitled to transfer to another school under these standards, the violent criminal offense first must be reported to law enforcement authorities by the student, the student's parent/guardian, or school officials.

3. A student victim (or his/her parent/guardian) may apply to the LEA to transfer to another school within thirty (30) calendar days after the incident is reported to school authorities.

LEA's Responsibilities

1. Within ten (10) calendar days of receiving notice of the violent criminal offense, the LEA shall notify the student victim that s/he has the right to transfer to a safe public elementary or secondary school within the LEA, including a public charter school.

2. The notification and offer to transfer shall state that no student is required to transfer to another school.

3. Upon receipt of an application to transfer, the LEA should transfer the student as soon as possible, and shall transfer the student within ten (10) calendar days after receiving the application.

4. When considering a student's request to transfer to another school, the LEA should take into account the particular needs of the student and the parent/ guardian.

5. To the extent possible, the LEA should allow the student to transfer to a school that is making adequate yearly progress, and one that is not identified as being in school improvement, corrective action, or restructuring.

6. A charter school only has to accept a student who meets its admission criteria if space is available.

7. If there is not another safe school within the LEA to which students may transfer, the LEA is encouraged, but not required, to establish an agreement with a neighboring LEA to accept the transfer of students.

Approved 01/12/06