

FCA- Transfer of Victims of Violent Offenses

Definitions

The following definitions shall apply under this policy:

- 1) "Violent criminal offense" is any one of the following offenses, where the offense has been reported to law enforcement and has been charged by prosecutorial authority:
 - a) attempted criminal homicide under Utah Code Ann. 76-5-201 and 76-4-101;
 - b) rape under Utah Code Ann. 76-5-402, 76-5-402.1, 76-5-402.2, or 76-5-402.3;
 - c) aggravated sexual assault under Utah Code Ann. 76-5-405;
 - d) forcible sexual abuse under Utah Code Ann. 76-5-404;
 - e) aggravated sexual abuse of a child under Utah Code Ann. 76-5-404.1;
 - f) aggravated assault under Utah Code Ann. 76-5-103;
 - g) robbery under Utah Code Ann. 76-6-301.

Utah Admin. Rules R.277-483-1(L).

Student Victim

- 2) "Student victim" is a student who is the object of a violent criminal offense which occurs on the property of the district school which the student attends.

Utah Admin. Rules R.277-483-1(K)

Available Non-Dangerous School

- 3) "Available non-dangerous school" is a public, district-operated school other than the school where the offense occurred, which offers instruction at

the student's grade level, and which has not been designated by the State Board of Education as a persistently dangerous school. An available non-dangerous school can include a school in another district where the student's district facilitates the student's application to transfer to the other district.

Notice of Available Non-Dangerous Schools

As soon as reasonably possible following the receipt of official notice from law enforcement or juvenile court that a charge or an adjudication has been made of a violent criminal offense against a student, the district shall notify the student victim and his or her parent(s) or guardian(s) of available non-dangerous schools in the district, or shall give notice that there are no other available non-dangerous schools within the district.

Utah Admin. Rules R.277-483-7(A)

This notice shall also state that:

- 1) The district will, within the following fifteen (15) school days, make a determination regarding what transfer school or alternative instruction it will make available, and
- 2) Any requests or information that the student or his or her parent(s) or guardian(s) wish to have considered by the district in making its determination must be submitted to the district within ten (10) school days of the notice.

Utah Admin. Rules R.277-483-7(B)

Student Responsible for Transportation

The district is not responsible to provide for the transportation of a student transferring under this policy.

Utah Admin. Rules R.277-483-10(B)

Appeal of District Determinations

A student victim or the student's parent(s) or guardian(s) may appeal the district's determination of the transfer school or instructional alternative to be provided through the procedure set forth in Policy FC, Transfers and Assignments.

Utah Admin. Rules R.277-483-9(B)