

## FCB-Transfers From Persistently Dangerous Schools

### Schools Designated as Persistently Dangerous

The Utah State Board of Education annually designates schools that are "persistently dangerous" under the rules and regulations of the Utah State Office of Education.

*Utah Admin. Rules R.277-483-4*

### Identification of Potential Transfer Schools

Upon notification that a school within the district has been designated as persistently dangerous, the district shall identify those other public, district-operated schools within the district which are available to receive transfer students from the designated school. The district may not designate other schools which are designated as persistently dangerous, nor other schools which are failing to make adequate yearly progress.

*Utah Admin. Rules R.277-483-6(C)*

### Alternatives to Transfer to District School

If there are no other available public schools within the district, because of dangerousness designations, failure to progress, or because there are no other schools in the district which include the corresponding grade levels, the district in its discretion may undertake to negotiate with other school districts to facilitate transfer of students to a school outside of the district, or may offer to provide homebound instructional services to the student.

*Utah Admin. Rules R.277-483-6(D)*

### Notice of Designation and Transfer Option

If a school within the district is designated by the State Board as "persistently dangerous," the district shall, no later than August 15 following such designation, give written notice to the parent(s) or guardian(s) of each student attending that school of the designation. This notification shall also include:

- 1) a list of available non-dangerous schools within the district and
- 2) an explanation of the transfer procedure under this policy.

*Utah Admin. Rules R.277-483-5*

### Transfer Procedure

- 1) A parent or guardian who has been notified that their student's school has been designated as persistently dangerous and who desires to transfer their student to another school must inform the district in writing that transfer is requested and the preferred school of transfer within 30 calendar days from the date of the notification letter.

*Utah Admin. Rules R.277-483-6(A)*

- 2) Within 30 school days of the parent's request to transfer, the school district shall designate the transfer school for the student.
  - a) The district may designate any public, district-operated school within the district which offers instruction at the student's grade level and which (1) has not been designated by the State Board of Education as a persistently dangerous school nor (2) is failing to make adequate yearly progress.
  - b) In designating the transfer school, the district shall consider the available resources of the district, impact on and the available space in the potential transfer schools, transportation requirements, the student's needs, and the parent's preferences. The district is not

required to designate the school preferred by the parent, but will take that preference into account along with other factors.

*Utah Admin. Rules R.277-483-6(A)*

- 3) Within 10 school days of being notified of the district's designation of the transfer school, the parent must inform the district of the parent's decision to either accept the transfer or to have the student remain in the school of residence.

*Utah Admin. Rules R.277-483-6(B)*

- 4) The district shall transfer the student upon receipt of notice of a parent's acceptance of the transfer.

### Students Moving In After Transfer Period

Parents of students who move into the attendance area of a persistently dangerous school after the time for requesting transfer under this policy shall be promptly given the written notice of the school's status, of any potentially available school, and of the procedure for transfer.

The procedure for transfer of such late-arriving students shall be the same as for other students except that the time for the parent request to transfer and expression of school preference shall be within 30 calendar days from the date of the student's registration.

*Utah Admin. Rules R.277-483-6(B)*

### Disqualification from Transfer

A student who has been disciplined for any violent criminal offense, as defined by Policy FCA, Transfer of Victims of Violent Offenses, is not eligible to request transfer from a school designated as persistently dangerous.

*Utah Admin. Rules R.277-483-6(E)*

### No Limitation of Extracurricular Participation Following Transfer

Following transfer under this policy, a student shall be immediately eligible to participate in all extracurricular activities in the transfer school, on the same basis as students resident in the transfer school attendance area.

*Utah Admin. Rules R.277-483-6(F)*

### Change of Designation

In the event that a persistently dangerous designation is removed from a school, the district shall by policy determine whether students residing in that school's attendance area who have transferred to other schools under this policy will remain in attendance at the transfer school or will be required to return to the school of residence.

*Utah Admin. Rules R.277-483-6(G)*

### 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 other action under this policy through the procedure set forth in Policy FC, Transfers and Assignments.

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