



# Regulation of the Chancellor

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Category: STUDENTS  
Subject: SAFETY TRANSFERS

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## SUMMARY OF CHANGES

### Changes:

- Contact information has been updated.



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## **ABSTRACT**

This is a new regulation. It sets forth the procedures for granting safety transfers (1) when students are victims of a violent criminal offense on school property; and (2) in other situations, when it is determined that a student's continued presence in the school is unsafe for the student.

## **I. INTRODUCTION**

- A. This regulation sets forth the procedures for determining whether to grant safety transfers to students.
- B. Safety Transfers Under the No Child Left Behind Act: In accordance with the No Child Left Behind Act, a student who is the victim of a violent criminal offense in or on the grounds of a school he/she attends must be notified that he/she has the right to transfer to a safe school. If the student requests such a transfer, it must be granted if it is determined that the student has been the victim of a violent crime on the school's grounds.
- C. Other Safety Transfers: A student may also request a safety transfer in a situation where the student was not the victim of a violent criminal offense on school grounds. Such a request should be granted where it is determined that the student's continued presence in the school is unsafe for the student.

## **II. NO CHILD LEFT BEHIND SAFETY TRANSFERS FOR VICTIMS OF VIOLENT CRIMINAL OFFENSES**

- A. The law defines a "violent criminal offense" as:
  1. A crime that involves infliction of a serious physical injury<sup>1</sup> upon another as defined in the State Penal Law (e.g., assault, arson); or
  2. A sex offense that involves forcible compulsion (e.g., rape, sodomy, sexual abuse); or
  3. Any other offense defined in the Penal Law that involves the use or threatened use of a deadly weapon.<sup>2</sup>
- B. If school personnel learn that a student may be the victim of a violent criminal offense on school grounds, the principal/designee must conduct a full investigation and take appropriate action in accordance with Chancellor's Regulations A-412 and A-443. In addition, the following steps must be taken immediately.
  1. The principal/designee must notify the NYPD, the regional superintendent/designee, the Emergency Information Center ("EIC") and the student's parent(s) of the incident.
  2. In order to determine whether the student has been the victim of a violent criminal offense (as defined above), the principal must consult with the NYPD. The following procedures have been established with the NYPD's School Safety Division.

<sup>1</sup> Penal Law 10.00 (10) defines "serious physical injury" as a "physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ."

<sup>2</sup> Penal Law 10.00 (12) defines "deadly weapon" as "any loaded weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged, or a switchblade knife, gravity knife, pilum ballistic knife, metal knuckle knife, dagger, billy, blackjack, or metal knuckles."



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- a. If the principal/designee believes that the student may be a victim of a violent criminal offense, the principal/designee must contact the NYPD's School Safety Sergeant assigned to the precinct covering the school. If the School Safety Sergeant is not available, the principal/designee must consult with the precinct commander or his/her designee.
  - b. The principal/designee must provide the name and/or number of the school, the date, time, and location of the incident, and the name(s) of the victim(s).
  - c. Within one school day of the school's inquiry, the NYPD will verbally confirm whether they are investigating an allegation that the student was the victim of a violent criminal offense on school property as defined above. A written confirmation from the NYPD will also follow.<sup>3</sup>
  - d. Within 24 hours of receipt of the NYPD's verbal confirmation, the principal/designee must notify the Regional Director of Student Placement, Youth and Family Support Services ("SPYFSS Director") and provide all of the relevant facts. All documentation (witness statements, occurrence reports, etc.) must be available for review by the SPYFSS Director.
  - e. Within 24 hours of receipt of the principal/designee's notification, the SPYFSS Director must determine whether there is reason to believe that the student was a victim of a violent criminal offense on school grounds. The SPYFSS Director may consult with the Office of Legal Services to make this determination. Note that a criminal conviction is not required for a determination that there is reason to believe that a student was the victim of a violent criminal offense.
  - f. If the SPYFSS director determines that there is reason to believe the student was the victim of a violent criminal offense on school grounds, the student is entitled to a transfer.
3. Within 24 hours of the determination that there is reason to believe that a student was a victim of a violent criminal offense on school grounds and is therefore entitled to a transfer, the SPYFSS Director must notify the parent in writing of the right to transfer the student to another public school (see Attachment A). This notice<sup>4</sup> must be provided by personal delivery, express mail delivery or any other equivalent means reasonably calculated to assure receipt of such notice within 24 hours of the determination (e.g., facsimile or email).
- a. The SPYFSS Director should request that the parent notify the SPYFSS Director within five days of receipt of the notice whether the parent wishes to discuss transfer options.
  - b. If the parent does not respond within five days, the SPYFSS Director must contact the parent.
  - c. If the parent wishes to pursue a transfer, the SPYFSS Director, in consultation with the Borough Enrollment Director (for high school students) and/or the CSE placement office

<sup>3</sup> The information provided by the NYPD may be used solely for the purposes outlined in this memorandum.

<sup>4</sup> Any letter sent in connection with this memorandum should be sent, to the extent practicable, in the parent(s) dominant language or mode of communication. In those cases where it is not feasible to obtain a full translation of the letter, it should be sent in English with an attached notice in the parent(s) dominant language or mode of communication stating the following "The attached letter contains important information about your child. Please have it translated as soon as possible."



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or RASE (for students with disabilities recommended for collaborative team teaching and special class placement), will select a transfer site to offer the parent. In selecting a transfer site, consideration should be given to the student's academic and emotional needs. To the extent possible, a student should be transferred to a school that is making adequate yearly progress according to the standards set forth in the No Child Left Behind Act and that has not been identified as being a school in need of improvement, corrective action or restructuring.

- d. The SPYFSS Director must inform the parent of the transfer site within ten calendar days of the determination that there is reason to believe the student was the victim of a violent criminal offense (see Attachment B). The SPYFSS Director must also inform the transfer site that the student will be transferred to that location.
  - e. Transferred students must be provided with transportation in accordance with existing policy and regulations.
  - f. Though the parent of the student must be offered the opportunity to transfer the student, he/she may elect to have the child remain in the school.
4. Principals/designees and SPYFSS Directors must maintain appropriate documentation regarding their consultations with law enforcement officials as well as parental notification, police reports, etc.

### III. OTHER SAFETY TRANSFERS

- A. Safety transfers are also available where the student is not the victim of a violent criminal offense on school grounds, if a student's parent has requested a safety transfer and it is determined that the student's continued presence in the school is unsafe for the student. For elementary and middle school students, the SPYFSS Director shall make this determination following a recommendation by the principal/designee. For high school students, the Borough Enrollment Director shall make this determination following a recommendation by the principal/designee.
- B. If the request involves a school-related safety incident, the principal/designee must ensure that a full investigation was conducted, an occurrence report was prepared, statements from the parties involved and witnesses were obtained, and appropriate disciplinary action was taken in accordance with Chancellor's Regulations A-412 and A-443. If the incident was criminal in nature, the principal/designee should ask the parent for a copy of the police report. In assessing the request, the principal/designee should review the results of the investigation and all of the supporting documentation.
- C. If the request involves non-school related criminal behavior, the principal/designee should ask the parent to provide a copy of the police report.
- D. Within 48 hours of receipt of the parent's request for a safety transfer, the principal/designee must make a recommendation to the SPYFSS Director or Borough Enrollment Director, as appropriate, of whether he/she believes that a safety transfer is warranted (see Attachment D). The principal/designee must provide the following documents to the SPYFSS Director or Borough Enrollment Director, as appropriate:
  1. Safety Transfer Intake Form (see Attachment C);
  2. Summary of investigation (see Attachment D);
  3. Copy of school occurrence report; and



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4. Copy of police report.

- E. Within one week of receipt of the principal/designee's recommendation and other documentation, the SPYFSS Director or Borough Enrollment Director, as appropriate, must determine whether to grant a safety transfer and must notify the parent in writing of the determination. If the transfer request is granted, the parent must also be notified in writing of the school to which the student will be transferred (see Exhibit B). The SPYFSS Director or Borough Enrollment Director, as appropriate, must also inform the transfer site that the student will be transferred to that location. In selecting a transfer site for students with disabilities recommended for collaborative team teaching and special class placement, the RASE and CSE must be consulted.

### III. TRANSFER DOCUMENTATION

Where a safety transfer is granted, the sending school must provide the SPYFSS Director or the Borough Enrollment Director, as appropriate, with the following documentation to facilitate registration at the transfer site:

- A. Immunization Records;
- B. Transcript and current report card;
- C. Copy of student's program card; and
- D. Individualized Education Program ("IEP"), if student has a disability.

### IV. INQUIRIES

Inquiries pertaining to this regulation should be addressed to:

Telephone: 212-374-4368	For No Child Left Behind Transfers: <b>Office of School and Youth Development</b> NYC Department of Education 52 Chambers Street New York, NY 10007	Fax: 212-374-5751
Telephone: 212-374-2363	For Other Safety Transfers: <b>Office of Student Enrollment, Planning and Operations</b> NYC Department of Education 52 Chambers Street New York, NY 10007	Fax: 212-374-5568

Dear \_\_\_\_\_:

Please be advised that there is reason to believe that your child was the victim of a violent criminal offense on school property. In accordance with the requirements of the No Child Left Behind Act, your child is entitled to be offered a safety transfer to a school to be determined by appropriate school officials. You must contact me at \_\_\_\_\_ within five days of the receipt of this notice if you wish to discuss a transfer for your child. You may also choose to have your child remain in his/her current school. Please do not hesitate to call me with any questions.

Very truly yours,

\_\_\_\_\_  
SPYFSS Director

c: Principal  
Enrollment Director

Dear \_\_\_\_\_:

Please be advised that in accordance with your request for a safety transfer, your child will be transferred to \_\_\_\_\_ effective \_\_\_\_\_ . Please contact me immediately, but in no event, later than two school days to confirm either that you are accepting this placement or that your child will remain in his/her current school. If you choose to accept the transfer site, I will provide you with the information necessary to ensure your child's prompt registration.

Very truly yours,

\_\_\_\_\_  
SPYFSS Director/Borough  
Enrollment Director

c: Principal (sending school)  
Principal (receiving school)  
Local Instructional Superintendent

### SAFETY TRANSFER INTAKE FORM

*This form must be used for all safety transfer requests. Incomplete requests will not be processed and will be returned to you.*

Name of Student \_\_\_\_\_ Date \_\_\_\_\_  
Student ID # \_\_\_\_\_ Date of Birth \_\_\_\_\_  
Name of Parent/Guardian \_\_\_\_\_ Telephone \_\_\_\_\_  
Address \_\_\_\_\_

\*\*\*\*\*

SCHOOL \_\_\_\_\_

General Education OR Special Education (Circle one)

Grade \_\_\_\_\_ Number of Credits \_\_\_\_\_

Absences \_\_\_\_\_ Lateness \_\_\_\_\_

Special Program/Major \_\_\_\_\_ ESL: Yes OR No (Circle one)

Previous Schools Attended \_\_\_\_\_ Date(s) \_\_\_\_\_

\_\_\_\_\_ Date(s) \_\_\_\_\_

#### DEAN'S RECORD

- |                           |  |
|---------------------------|--|
| ( ) None                  | ( ) Principal Suspension / Date _____        |
| ( ) Acts Against Staff    | ( ) Superintendent's Suspension / Date _____ |
| ( ) Classroom Disruptions | ( ) Other _____                              |
| ( ) Drug Related          | ( ) Attendance/Cutting                       |
| ( ) Acts Against Students |  |

Completed by \_\_\_\_\_

\*\*\*\*\*

#### ENROLLMENT OFFICE USE ONLY

Approved \_\_\_\_\_ Date \_\_\_\_\_

Placement \_\_\_\_\_ Effective Date \_\_\_\_\_

Denied \_\_\_\_\_ Date \_\_\_\_\_

Comments \_\_\_\_\_

cc: \_\_\_\_\_ AP \_\_\_\_\_ Sending School

\_\_\_\_\_ AP \_\_\_\_\_ Receiving School



## SAFETY TRANSFER-SUMMARY OF INVESTIGATION FORM

Name of Student \_\_\_\_\_ Date \_\_\_\_\_

Student ID # \_\_\_\_\_ Date of Birth \_\_\_\_\_

Reason(s) for safety transfer (**provide specific details**) \_\_\_\_\_

Identify all individuals involved in the incident(s). Next to each name write alleged: **S** (suspect), **V** (victim), **W** (witness), **O** (other).

Who conducted the investigation? \_\_\_\_\_

Briefly describe the investigation. Were statements taken? (**Yes/No**) From whom? (**Identify all individuals**) \_\_\_\_\_

Who was interviewed (**identify all individuals**)? \_\_\_\_\_

What disciplinary action, including suspension, was imposed on the students alleged to have committed the incident(s)?

Was a conference held by the principal/designee? (**Yes/No**) Indicate conference date, its participants and a summary of the conference below. \_\_\_\_\_

What documentation do you have to support the request for a safety transfer?

\_\_\_\_\_ Police report (**indicate complaint #, accident #, aided report #**) \_\_\_\_\_

\_\_\_\_\_ Department of Education Occurrence Report (**indicate I #**) \_\_\_\_\_

\_\_\_\_\_ Statements

\_\_\_\_\_ Other (**please indicate**) \_\_\_\_\_

Name of Guidance Counselor/Dean who interviewed the student with regard to the request for the safety transfer?

Was alternative placement (**GED, Job Corp, Outreach**) discussed where appropriate? (**Yes/No**) \_\_\_\_\_

\*\*\*\*\*

After a thorough investigation, we believe that a safety transfer is warranted.

\_\_\_\_\_  
Signature of Principal

\_\_\_\_\_  
Signature of Assistant Principal