



Book	BYLAWS AND POLICIES
Section	5000 STUDENTS
Title	SCHOOL CHOICE OPTIONS PROVIDED BY THE NO CHILD LEFT BEHIND ACT
Code	5113.02
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Legal	Title I, Section 1116(b)(1)(E) of the No Child Left Behind Act of 2001 Title I, Section 1116(e) of the No Child Left Behind Act of 2001 Title IX, Section 9532 of the No Child Left Behind Act of 2001
Adopted	November 17, 2020

The Federal No Child Left Behind Act of 2001 ("NCLB") requires each state to establish and implement a statewide plan allowing a student who has become a victim of a violent criminal offense on school grounds to transfer to a safe public school within the child's school district. NCLB does not require school corporations to provide transportation for students who elect this transfer option.

Under Indiana's statewide plan, each school must develop a policy to permit students to take advantage of this transfer option if substantial and reliable evidence exists that the student was a victim of a violent criminal offense that occurred:

- A. in or on the grounds of the public school that the student attends immediately before school hours, during school hours, or immediately after school hours;
- B. off school grounds at an activity, function, or event sponsored by the student's school; or
- C. while traveling to or from school or to a school activity, function, or event on transportation provided by the child's school.

As defined by the Indiana Department of Education ("DOE"), a violent criminal offense is:

- A. any felony or Class A misdemeanor that results in bodily injury to a student, including drunk driving but excluding other motor-vehicle crimes;
- B. a terrorist act; or
- C. an act of delinquency that would be a violent crime if committed by an adult.

A student who has been charged with a crime or act of delinquency arising out of the same occurrence is not considered a victim under DOE's definition and will not be eligible for a transfer under NCLB.

In accordance with NCLB and with the definitions in Indiana's plan adopted by DOE, the Board hereby adopts the following policy:

A student attending Edison School of the Arts may transfer to a safe school if the Superintendent determines that substantial and reliable evidence indicates that the student was a victim of a violent criminal offense that occurred in any of the following places: (1) at a school during school hours, or immediately before or immediately after school; (2) off school grounds at an activity, function or event sponsored by the student's school; or (3) while traveling to or from school or to a school activity, function or event on transportation provided by the student's school.

For purposes of this policy, "victim" means a student who suffers bodily injury as a result of a violent criminal offense. "Safe school" means a school that has not been designated as persistently dangerous under NCLB.

The CEO, Executive Director will determine the existence of substantial and reliable evidence on a case-by-case basis. As a general rule, however, substantial and reliable evidence will exist if either of the following conditions are met:

- A. a person has been formally charged with committing a violent criminal offense at Edison School of the Arts during school hours, on a school bus, or during an activity sponsored by Edison School of the Arts, or in the case of a juvenile, a petition has been filed alleging an act of delinquency that would be a violent criminal offense if committed by an adult; or
- B. a student has been expelled for conduct that injured another student and that constitutes a violent criminal offense.

Parents who believe their child has been the victim of a violent criminal offense at a Edison School of the Arts, on a school bus, or during a school-related activity and would like to exercise the transfer option should contact the main office at 317-226-4992 within a reasonable time after the victimization.

Edison School of the Arts will determine the choice of transfer schools available to a student who has been a victim of a violent criminal offense on the basis of distance and seat availability. However, for students in elementary and middle schools who have been victimized by other students at their school, Edison School of the Arts will make an effort to avoid offering as an option a school that is in the same "feeder" school area as

the school that the child currently attends, if specifically requested by the student's parents.

A student who elects to transfer to another school under this policy will have the right to attend that school through the highest grade offered in that building. Upon completing the highest grade offered in the transfer school, a student who transferred during elementary or middle school will have the option, if applicable, to attend the middle school or high school where students who live in the transfer school's boundaries attend, even if the transferred student does not have legal settlement to attend that school.

Unless regular transportation is available, all costs of transporting a student who elects transfer under this policy shall be the responsibility of the transferred student or the student's parents or legal guardians.

If a parent believes that his/her child was the victim of a violent criminal offense, and Edison School of the Arts determines that the child is not eligible for a transfer under NCLB, the parent may appeal to the Indiana Department of Education, or may apply to IPS' Office of Student Assignment for an administrative transfer based on safety issues. Information about administrative transfers is available by calling 226-4415.

The CEO, Executive Director shall issue such directives and adopt any additional procedures necessary to implement this policy. A copy of this policy and any implementing regulations, guidelines, or procedures shall be made available to any parent upon request as other records of Edison School of the Arts are available. Upon request a translation of this policy will be made for any non-English speaking parent.