

How can you transfer your child into a better public school?

Rules of the No Child Left Behind Act (NCLB).



Question #1. Should you transfer your child into a better public school?

It is not easy to answer this question. Here are some of the reasons for and against transfers:

- Yes, you should consider transferring your child.
 - Your child has the same right to get a good education as other children.
 - Your child can immediately get a good education at another school.
 - Your child's current school is very dangerous.
- No, you should not consider transferring your child.
 - You want to help your child's current school to make positive changes.
 - It is important for your child to walk to a school in your neighborhood.
 - It would be hard for you to visit a far away school and participate in school activities.
 - Your child has special needs that may not be met at another school.

Question #2. When can you transfer your child into a better public school?

You can transfer your child in three different situations. See below for more details.

1. Schools with Academic Problems. School districts must allow parents to transfer their children out of schools that do not make "adequate yearly progress" (AYP).
2. Violence Victims. Students can transfer when they are the victim of a serious violent crime. The crime must take place in school. It must be reported to the police and school officials.
3. Dangerous Schools. After the state puts a school on the "Persistently Dangerous List", the school district must allow parents to transfer their children out of that school.

Question #3. What are the limits on these transfer rights?

- Schools cannot force a student to transfer. Students can continue attending the same school.
- The school district can pick the new school for your child. You can help the district to choose a good school, but school officials make the final decision.
- The school district may limit the school choices and transportation for transferring students.

Internet locations for the official state lists of public schools with problems:

- Schools with academic problems are not making "adequate yearly progress" (AYP) and are on the state list for School Improvement, Corrective Action, or Restructuring. www.paayp.com → State Report → Academic Achievement Report.
- Schools with violence problems are on the "Persistently Dangerous List". www.pde.state.pa.us → K-12 Schools → Student Services → Dangerous Schools

Education Law Center/Penna. School Reform Network – ELC/PSRN

Offices in Philadelphia and Pittsburgh

215-238-6970 www.elc-pa.org 412-391-5225

ELC/PSRN works with many parents and groups. Please call us for assistance with individual school problems or more general problems with the education system. We look forward to speaking with your group. If your child's rights are violated under any law, ask for legal assistance. ELC operates a HelpLine at the numbers above. The ELC website (www.elc-pa.org) contains fact sheets and information about other organizations and sources of help.

HOW TO TRANSFER YOUR CHILD OUT OF A PUBLIC SCHOOL WITH ACADEMIC PROBLEMS.

Is your public school making “adequate yearly progress (AYP)?

Ask the principal for this information, or look on the Internet at the address listed above.

- The student must attend a public school, including charter or magnet schools.
- You can ask for a transfer if the school has not made “adequate yearly progress” (AYP) for two consecutive years. The state puts these schools on a list for School Improvement, Corrective Action, or Restructuring. Schools stay on the list until they successfully make AYP for two consecutive years.
- Not making AYP means that the school has one of the following problems: (a) many students are failing the required standardized tests; (b) not enough students are taking the tests; (c) the student attendance rate is too low; or (d) the high school graduation rate is too low.
- The state requires schools to make major changes until they can meet AYP. Schools must involve parents and the community in plans for school reform. You can keep your child in the school and help to make changes, or you can ask for a transfer.

Did you get a letter from the school about transfer issues?

Ask the principal for a copy of this letter.

- Schools not making AYP must send a letter to all parents, explaining their transfer rights.
- Schools should send the transfer letters by the first day of the new school year.

Can your child transfer into any other public school that you choose?

No. The schools taking transferring students are limited in the following ways:

- The schools taking transfers must be making AYP.
- The schools taking transfers must be public schools, including charter or magnet schools.
- Students applying for transfer into charter and magnet schools must meet the normal application standards.
- The school district can make an official list of schools taking transfers. The district can pick only a few schools to put on the official list. You may ask the district to consider other schools, but the district makes the final decision.
- Your home district cannot transfer students to schools in other school districts, unless the other districts make formal agreements to accept this kind of transfer.

How can you ask for a transfer? What is the process?

- Ask the principal for a transfer form. Also, ask for a copy of the transfer rules.
- Is there a deadline for requesting a transfer? File your request before the deadline. Schools should also allow transfers even after the official deadline.
- Keep a copy of the completed transfer form. Write the filing date on the form.
- If the school does not grant your transfer request, you can try appealing to the superintendent or the local school board. The law may not give a right to appeal.

What about transportation to the new school?

- The school district should provide or pay for your child’s transportation to the new school.
- Transportation may stop if your child’s previous school begins making AYP.

How long can your child stay in the new school?

- Your child can attend the new school until completing the highest grade in that school.

HOW TO TRANSFER YOUR CHILD OUT OF A PUBLIC SCHOOL WITH VIOLENCE PROBLEMS.

(A) Victims of a Violent Criminal Offense.

Students can transfer to another public school, under the following conditions:

Where is the student currently educated? The student must attend a public school, including charter or magnet schools.

Where did the violence happen? The violence must have happened on the grounds of the school that the student attends. Incidents may also be covered when occurring on a school bus or at a school-sponsored event.

What kind of crime is required? The student must be the victim of a violent criminal offense. The offense must include kidnapping, robbery, rape, involuntary deviate sexual intercourse, sexual assault, aggravated assault, aggravated indecent assault, or indecent assault. The offense can also include an attempt to commit homicide, murder, or voluntary manslaughter. Parents can ask school officials to consider other offenses with special circumstances for their children.

- ❖ “Robbery” is a theft usually involving violence or the threat of violence. “Assault” includes attempting to cause or actually causing harm. The assault crimes listed here will usually involve sex, weapons, or risk of death or great bodily harm.

How should the crime be reported to the police? The crime must be reported to law enforcement authorities (police or sheriff). The report can be made by the student, the parent or guardian, or school officials. Parents should ask for a copy of the official filed report. Student transfer rules only require a report, not an arrest or any further action law enforcement action.

How should the crime be reported to the school? The crime must be reported to school officials (principal or superintendent). School officials may receive this report through any communication with students, parents, school employees, or law enforcement authorities.

What notice will the school give? The school district must notify the student victim about the right to transfer to another public school. The school must give this notice within ten (10) calendar days after becoming aware of the violent criminal offense.

Is the student victim required to transfer? The student victim is not required to transfer. The notice from the school must allow the student to continue attending the same school.

How can you apply to transfer? The student or the parents or guardian may file a transfer application. The application must be filed within thirty (30) calendar days after the incident is reported to school authorities. Parents should ask to see the application rules. Parents may want to file their transfer application both with the school principal and with the local superintendent.

When will the transfer happen? If the conditions listed above are satisfied, then the school district must transfer the student within ten (10) calendar days after the application is filed.

What about transportation to the new school? School districts should provide transportation or transportation expenses for transferring students.

How long will the transfer continue? The law does not require a specific length for these transfers. Parents should make a written agreement with the district about this issue. It may be safest to allow the student to complete the highest grade in the new school.

What are the standards for picking the new school? When choosing a new public school:

Who picks the new school? The student and the parents or guardian may ask for one or two preferred schools. The school district can pick any safe school, after considering the unique needs of the student and the parents or guardian.

Where will the new school be located? The new school must be in the same district, including charter and magnet schools. A charter school only has to accept a student violence transfer if the student meets the admission criteria and space is available.

Will the new school be safe? The new school must be a safe public school. A school is “safe” if it is not currently designated as a “persistently dangerous school” (PDS) by the Pa. Department of Education. See the Internet link listed above.

Will the new school provide a quality education? The district must try to transfer the student to a school that provides a quality education. The school should make adequate yearly progress (AYP) and should not be on the state list for School Improvement, Corrective Action, or Restructuring. See the Internet link listed above.

What can parents do to disagree with transfer decisions by the school district? If the school does not grant your transfer request, you can try appealing to the superintendent or the local school board. The law may not give a right to appeal. You can also try writing a letter to the Pennsylvania Department of Education, Division of Student and Safe School Services, 333 Market Street, 5th Floor, Harrisburg, PA 17126-0333, (717) 772-2813.

(B) Persistently Dangerous Schools (PDS).

The rules for this kind of transfer are very similar to the rules for victims of violent crimes.

Which schools are “persistently dangerous?” The Pa. Department of Education keeps the official PDS list, posted on the Internet at the address listed above. The list includes schools with a very high number of dangerous incidents. Only a few schools are currently on the list. When a school is put on the PDS list, it must notify all parents within ten school days. The Department must work with the school to implement a plan that decreases the number of dangerous incidents.

How does the transfer work? All students attending a PDS have the option to apply for a transfer. Students are not required to transfer to another school. Parents can get a transfer application from the principal or the superintendent. Applications can be filed at any time the school is on the PDS list. The transfer must occur no later than thirty (30) calendar days after the school receives the application. The rules for transportation, length of the transfer, and standards for picking the new school are the same as the rules above for victims of violent crimes. However, when a school is taken off of the PDS list, it may try to force students to return.

GET INVOLVED TODAY. YOU CAN MAKE A DIFFERENCE!

How can you get more information?

- See other ELC fact sheets about NCLB and many other education issues. Visit our website or call our offices. *Contact information is on the first page.*
- Talk with other parents in your neighborhood.
- Talk with teachers, administrators, and school board members.
- Call ELC for help with individual school problems for your children.
- Ask ELC to come speak with your community group or church.