

Policy Code: 4060 IMMEDIATE TRANSFER WHEN CRIMINAL CHARGES ARE PENDING

Whenever a student is charged with a criminal offense, either as a juvenile or an adult, the Superintendent or designee, based upon a review of the allegations associated with the arrest or criminal charges and an informal meeting with the student and parent/guardian, shall have the authority to effect an immediate involuntary transfer, including homebound or other alternative setting, if the Superintendent or designee, based upon a preponderance of the evidence, is of the opinion that the peace, health, safety, or welfare of the students or staff of the Edenton-Chowan Public Schools may be disturbed by maintaining the student in his or her current placement. The student's parent/guardian may subsequently request a hearing under the Board's transfer policy to review the involuntary transfer.

Nothing in this policy precludes Edenton-Chowan Public Schools from suspending or expelling a student pursuant to the school system's policy on suspension or expulsion. Students with disabilities will receive services in accordance with the laws governing special education services.

LEGAL REF: *Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA), 20 U.S.C. 7912; Unsafe School Choice Option Non-Regulatory Guidance, U.S. Department of Education (May 2004), available at <https://www2.ed.gov/policy/elsec/guid/unsafeschoolchoice.doc>;*

G.S.14-17,-18,-27.21,-27.22,-27.24 through -27.27,-27.29,-27.30,-27.33,-32 through -34.10,-39,-87,-202.1,-202.2,-202.4;115C-36,-105.27,-366,-367; 16 N.C.A.C. 6E .0107; State Board of Education Policy SSCH-006. ~~G.S. 115C-366~~, State Board of Education Policy ~~SSCH-000~~

ADOPTED:

AMENDED: November 5, 2012; August 1, 2017; **December 7, 2021**

Edenton-Chowan Schools