



Regulation of the Chancellor

Number: A-450

Subject: INVOLUNTARY TRANSFER PROCEDURES

Category: STUDENTS

Issued: June 18, 2026

SUMMARY OF CHANGES

This regulation supersedes Chancellor's Regulation A-450 dated January 20, 2011.

Changes:

- Replace references to the Borough Director of Student Suspensions with the Executive Director of School Culture and Climate.

Section I. Introduction

- Provide that if a student engages in misconduct that warrants suspension, an involuntary transfer may not be done in lieu of suspension, but may be considered as an additional response where behavior suggests that the student may benefit from a different school placement.
- Remove provision on personal and metal detection searches of students by School Safety Agents.

Section II. Preventative Procedures

- Clarify that school personnel must engage in preventative efforts prior to pursuing an involuntary transfer.
- Move section on voluntary transfer process into discussion in Section III of actions that can occur after principal's conference).

Section III. Principal's Conference

- Remove requirement that principal must consult with Borough Director of Student Suspensions prior to scheduling a principal's conference.
- Permit principal's conference to be held in person or virtually on a DOE-approved platform.
- Provide if a parent agrees to a transfer, the Office of School Enrollment will identify an alternate school for the student.
- Require principals, when recommending transfer, to include a recommendation for the type of school that may better meet the student's needs

Section IV. Executive Director's Decision

- Provide that if the Executive Director agrees to recommend a transfer, the Executive Director will coordinate with the Office of Student Suspensions to provide the student

and parent with notice of the right to request a hearing.

- Update contents of notice letter.
- Require that hearings be expedited.
- Permit hearings to be held remotely or, at the request of the parent, in person.
- Provide that if the parent fails to appear, a hearing may be rescheduled once to occur within three school days.
- Reduce timeframe for Executive Director to issue post-hearing decision from ten to five school days.
- Provide that the Office of Student Enrollment, in consultation with the Superintendent, determines an appropriate school placement.
- Clarify that Executive Director has discretion to determine the effective date of the transfer based on the circumstances.

Section V. Appeals

- Remove provision that student or parent may request a temporary decision from the Chancellor concerning the student's involuntary transfer while an appeal is pending.



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ABSTRACT

This regulation governs the involuntary transfer of students in general education, grades K-12. It supersedes Chancellor's Regulation A-450, Involuntary Transfer Procedures, issued January 20, 2011.

I. INTRODUCTION

This regulation describes the procedures for effectuating the involuntary transfer of students in general education pursuant to Section 3214(5) of the New York State Education Law. Students with disabilities, including students presumed to be a student with a disability for disciplinary purposes in accordance with Chancellor's Regulation A-443 and the Special Education Standard Operating Procedures (SOPM) may not be transferred involuntarily. Where students with disabilities might benefit from a change in school placement, an IEP meeting should be scheduled.

When, after appropriate interventions have been implemented, a student's behavior, social-emotional well-being and/or academic record demonstrate that the student would benefit from a transfer or receive an appropriate education elsewhere, the principal may pursue an involuntary transfer in accordance with this regulation. Every effort should be made to minimize any disruption to the student's education. [Note: If a student engages in misconduct that warrants suspension, as described in the Discipline Code and the Chancellor's Regulation A-443, suspension should be sought. Involuntary transfer may not be done in lieu of suspension, but a transfer may be considered as an additional response to behavior that suggests that a different school placement would be appropriate.]

II. PREVENTATIVE PROCEDURES

A. In-School Measures

School personnel are responsible for developing and utilizing multiple measures and supports that promote optimal learning and address behaviors which negatively

impact upon the education process. When a student's behavior and/or academic record indicates that adjustment in school is unsatisfactory, school personnel must develop plans and explore interventions for addressing a student's needs and discuss these plans with the student and their parent.¹ These plans might include the use of alternative instructional materials and/or approaches, alternative classroom management techniques, remedial services, a change in class placement, guidance support, and/or services to address personal and family circumstances. All preventive efforts should be described in the student's electronic record. Preventive efforts may include, where appropriate, a referral to the Committee on Special Education for evaluation or further assessments.

B. Involuntary Transfer process

During the pendency of involuntary transfer proceedings, a student must remain in their current school unless they are suspended pursuant to Chancellor's Regulation A-443 and directed to attend elsewhere, or unless the parent consents to a transfer.

III. PRINCIPAL'S CONFERENCE

If efforts to support the student's adjustment to school are unsuccessful, and the principal believes that the student would benefit from a transfer or would receive an appropriate education in another school, the principal may schedule a conference with the parent to discuss a possible transfer of the student.

A. Notice

1. The principal/designee provide a written notice to the student and parent stating that a recommendation to transfer the student is under consideration (see template letter available at: <https://www.schools.nyc.gov/about-us/policies/chancellors-regulations/frequently-used-documents>).
2. The letter must indicate: (1) the date, time and place of a conference with the principal to discuss the transfer, (2) that the parent and the student have the right to be accompanied by counsel or an individual of their choice , (3)that the parent has the right to request and obtain a copy of the student's records before the conference.(4) if the parent's preferred language is not English, the parent may request an interpreter by contacting the principal prior to the conference date or may bring an interpreter to assist him/her at the conference.

B. Principal's Conference

¹ The term "parent," whenever used in this Regulation, shall mean the student's parent(s) or guardian(s), or person(s) in any parental or custodial relationship to the student, or any individual designated by the parent to act in loco parentis or as otherwise set forth in Chancellor's Regulation A-101, or the student, if they are an emancipated minor or have reached 18 years of age.

1. The principal's conference provides a forum to discuss the facts surrounding the principal's decision to consider the students' transfer. It presents an opportunity to discuss the academic and behavioral needs of the student and any prior measures or strategies that were utilized to address those needs.
2. The principal must conduct the conference. Conferences may be held in person or virtually on a DOE-approved platform. If a parent requests an adjournment, the principal shall promptly reschedule the conference. No second request for rescheduling of the conference shall be permitted, absent special circumstances. If, after appropriate notice, the student and parent are absent, the principal shall proceed with the conference and include in their decision efforts made by school officials to ensure the presence of the student and parent. The parent shall be informed in writing that the conference was conducted on the scheduled date and of any decisions reached.
3. The student and their parent may bring an attorney or other individual to assist them at the conference. The principal may ask school officials knowledgeable about the student to attend the conference as needed. The conference is not a formal, contested proceeding but a guidance procedure and should not become adversarial. The attorney or advocate may participate in accordance with the informal nature of the conference.
4. If the parent's preferred language is not English, the parent may request that DOE provide an interpreter by contacting the principal prior to the conference date or may bring an interpreter to assist them at the conference.
5. Upon the parent's request, the principal shall provide a copy of the student's records.
6. After the conference:
 - a. The parent may agree to a transfer of their student, in which case the Office of Student Enrollment will identify an alternate school for the student. If the parent does not wish to transfer their child, the school should then proceed with the involuntary transfer process set forth below.
 - b. If the principal believes that a transfer is not warranted, they shall advise the student and parent in writing within five (5) school days of the conference and include recommendations for strategies to meet the student's needs.
 - c. If, after consulting with the superintendent/designee, the principal concludes that the student would benefit from a transfer or receive an adequate and appropriate education in another school, the principal must issue a written transfer recommendation to the Executive Director of School Culture and Climate ("Executive Director"), or successor designated by the Office of Safety and Youth Development ("OSYD"),

within five (5) school days. The principal's written recommendation must include a description of the behavioral and/or academic difficulties which indicate the need for transfer and a description of alternatives explored and prior actions taken to meet the student's needs. The principal should also include a recommendation for the type of school that may better meet the student's needs. A copy of the principal's recommendation letter shall be provided to the student and parent (see template letter available at: <https://www.schools.nyc.gov/about-us/policies/chancellors-regulations/frequently-used-documents>).

IV. EXECUTIVE DIRECTOR'S DECISION

A. Preliminary Responsibility

After receiving a recommendation for a transfer from the principal, the Executive Director may:

1. Determine that an involuntary transfer is not appropriate and notify the principal and parent in writing that additional school-based efforts should be made on behalf of the student; or
2. Accept the principal's recommendation for consideration and notify the student and parent in writing that a transfer has been proposed and of their right to request a hearing, as set forth below.

B. Notice

The Executive Director shall coordinate with the Office of Student Suspensions or its successor to provide the student and parent with notice of the right to request a hearing. The notice letter shall include the following information (see template letter available at: <https://www.schools.nyc.gov/about-us/policies/chancellors-regulations/frequently-used-documents>).

1. The specific reasons for considering such a transfer.
2. A statement that the student and parent have ten (10) days in which to request a hearing
3. Notice that if a hearing is requested, the date, time, and place for the hearing will be arranged and the proposed transfer shall not take effect until a written post-hearing decision has been issued, unless the parent consents in writing to an immediate transfer pending the hearing. However, even if the parent consents to an immediate transfer, this shall not constitute a waiver of their right to a hearing.
4. Notice that if a parent does not request a hearing within ten (10) days, the proposed transfer shall take effect after the ten (10) days has elapsed, unless the parent provides written consent to the transfer on an earlier date.

5. Notice of the right to bring counsel to assist them at the hearing; that the student and parent have the right to question witnesses and to present witnesses and evidence on the student's behalf and that requests for witness subpoenas may be directed to the Hearing Office.
 6. A list of community agencies offering free or low-cost legal assistance.
 7. Notice of the right to bring an interpreter or request that the DOE provide interpretation at the hearing if the parent's preferred language is not English. If the parent does not request a hearing and the ten (10) days have elapsed or the parent provides written consent to the transfer earlier, the Executive Director, in consultation with the Executive Director for Borough Enrollment/designee, shall determine an appropriate school placement. The Borough Director of Student Suspensions shall send the principals of both the receiving school and sending school and parent a letter informing them of the school to which the student will be transferred and the effective date of the transfer. The school must be one where the student will receive an appropriate education.
- C. Hearing
1. If the parent requests a hearing, the Executive Director shall schedule an expedited hearing with the Hearing Office. The hearing may be held remotely or at the request of the parent, in person.
 2. Conduct of the Hearing
 - a. A hearing shall not be conducted unless the principal or designee is present.
 - b. In the event of a request for adjournment or if the parent fails to appear, the Hearing Office shall reschedule the hearing to occur within three (3) school days. No second adjournment of the hearing shall be permitted absent special circumstances.
 - c. In the event that the parent does not appear at a rescheduled hearing, the hearing may be held in absentia unless an adjournment for good cause is warranted. If a hearing in absentia is held, the hearing officer shall describe efforts of school officials to ensure the presence of the parent and student, and proceed with the hearing. The student and parent shall be informed in writing that the hearing was conducted on the scheduled date and of any decisions reached.
 - d. School officials are responsible for demonstrating that the student would benefit from a transfer or receive an appropriate education in another school.
 - e. School officials and the parent may present and question witnesses and submit evidence.

- f. The hearing officer is authorized to administer oaths and issue subpoenas for any witnesses who are reluctant to appear and has discretion to require a showing of relevancy before issuing a subpoena. Either school officials or the parent of the student whose transfer is under consideration may contact the Hearing Office and request that witness subpoenas be issued. Subpoenas for Department of Education employees or students will be served by school officials. Student witnesses may not appear without their parents' consent whether they are subpoenaed or agree to appear and testify.
- g. A tape-recorded or verbatim stenographic record of the hearing shall be maintained. The parent shall be provided with a copy of the tape or transcript upon request.

D. Decision

1. Within five (5) school days of the hearing, the Executive Director must send the principal and parent a letter informing them of their decision and the reasons for it.
2. If the Executive Director rejects the transfer recommendation, the written decision shall identify educational and guidance services, if any, to be provided at the school in which the student is currently enrolled.
3. If the Executive Director approves the transfer recommendation, the Office of Student Enrollment, in consultation with the Superintendent, shall determine an appropriate school placement. The Executive Director shall also specify in the letter the school to which the student will be transferred and the effective date of the transfer. The school must be one where the student will receive an appropriate education. The principal of the receiving school must also receive notice of the transfer.
4. The Executive Director shall exercise discretion to determine the effective date of the transfer depending on the circumstances of the transfer. Consideration may be given to transferring the student at the end of the particular semester or cycle, where appropriate. The student will continue attending the current school until the effective date of the transfer.
5. Involuntary transfers to non-diploma granting (e.g., full-time GED programs) or part-time programs shall not be recommended or effectuated for any students, regardless of their age.
6. The letter from the Executive Director also shall inform the student and parent of the right to appeal the decision.

V. APPEALS

Appeals shall be in writing and taken to the Chancellor².

An appeal of a decision must be filed within ten (10) school days from the date that the decision was rendered or ten (10) school days from receipt of the tape recording or hearing transcript, whichever is later. While an appeal is pending, the transfer goes forward.

VI. INQUIRIES

Inquiries pertaining to this regulation should be addressed to:

Office of Safety and Youth Development

N.Y.C. Department of Education

52 Chambers Street – Room 218

New York, NY 10007

Telephone: 212-374-6784

Fax: 212-374-5751

Office of Legal Services

N.Y.C. Department of Education

52 Chambers Street – Room 308

New York, NY 10007

Telephone: 212-374-6888

Fax: 212-374-5596

² Appeals to the Chancellor should be filed simultaneously with the Office of Legal Services, Room 308, 52 Chambers Street, New York, NY 10007.