ACCB- PROTECTION FOR STUDENT VICTIMS OF SEXUAL OFFENSES

The purpose of this policy is to establish clear procedures which ensure the safety and well-being of students on school property who are survivors of sexual offenses committed by peers.

Definitions

For the purpose of this policy:

- *Responsible student* means a student enrolled in a school who is an adjudicated juvenile or an adult convicted of committing a sexual offense upon another student enrolled in the same school.
- *Sexual offense* means an offense under NDCC Ch. 12.1-20 for which "sexual act" or "sexual contact" is an element as defined under the chapter, including sexual imposition and gross sexual imposition, sexual abuse of a child, sexual abuse of wards, sexual act in public, sexual assault and any other acts with the requisite elements; and offenses including corruption or solicitation of minors; luring minors by computer or other electronic means; indecent exposure; surreptitious intrusion; and sexual extortion.

Safety Plan

Upon notification of a responsible student enrolled in the District and a copy of an order of disposition or judgment provided by juvenile court, the state's attorney, or a victim, the District shall develop an individualized safety plan. Each safety plan shall be aimed at eliminating direct or indirect contact between the responsible student and the victim. Components may include:

1. Consideration of the victim's input.
2. No contact between the responsible student and the victim.
3. Holding an expulsion hearing for the responsible student which grants procedural due process to the responsible student as provided by law and within the time period prescribed under N.D.C.C. § 15.1-19-09. For a misdemeanor offense, before holding an expulsion hearing, school administration shall review the offense to determine whether an expulsion hearing is warranted.
4. Transferring the responsible student to an alternative education program, which may include virtual education if the responsible student is properly supervised.
5. Transferring the responsible student to another school or building within the school district.
6. Keeping the responsible student separate from the victim at all times in school buildings and educational activities, if transferring the responsible student is not possible. Efforts to keep them separate may include:

    a. Rearranging classroom schedules and seating

    b. Adjusting transportation arrangements

c. Providing guidelines for and/or monitoring the responsible student's use of facility areas (e.g., lunchroom, restrooms, gymnasium, etc.)

d. Supervision adjustments

7. Scheduled **[annual] [biannual] [other appropriate reoccurring time]** reviews of the safety plan to assess necessary adjustments and ensure continued safety of the victim.
8. Other measures deemed appropriate to ensure the safety of the victim.

The school shall determine the duration of a separation resulting from the safety plan based on:

1. The victim's input and well-being;
2. The responsible student's age at the time of adjudication or conviction;
3. The nature and severity of the offense;
4. The responsible student's compliance with recommended intervention programs;
5. The input of the victim's and/or responsible student's legal guardian(s) or custodian(s), child welfare and mental health professionals, and legal representatives; and
6. Other factors deemed appropriate.

Coordination and Confidentiality

Individual safety plans shall be developed collaboratively by administration, school counselors, victim support staff, law enforcement/child protection agencies, special education teams (when applicable), and other interested/ relevant parties, as appropriate.

All parties involved must maintain confidentiality as required under state and federal law, limiting disclosures to individuals with a clear need to know. Either the victim or responsible student (or their applicable legal guardian or custodian) may request a review of the safety plan, including modification or removal of restrictions.

Student Support

The District may assign a trained staff member (e.g., counselor, psychologist) to support the victim and/or responsible student as appropriate or required.

The safety plans shall be developed with the goal of causing as little disruption as possible to the students' learning environments. The District shall ensure that students' academic and emotional needs are monitored regularly, with access to necessary accommodations (e.g., remote instruction, mental health services) as appropriate and developed with the students and their support teams.

Notification to School

Upon adjudication or conviction of a responsible student, the juvenile court in a juvenile case or the state's attorney in an adult case shall provide the superintendent or

designee of the school district in which the responsible student is enrolled with a copy of the order of disposition or judgment and, upon consent of the victim, the victim's name. A record provided under this section is confidential under the Juvenile Court Act, NDCC § 27-20.2-21.

Notification to Parents
The District shall notify the parents/guardians of both the victim and responsible student about the safety plan measures and any disciplinary actions in accordance with the Family Educational Rights and Privacy Act (FERPA) and other confidentiality requirements required by North Dakota and federal law.

Training and Awareness
Applicable District staff shall receive annual professional development covering:

1. State and federal requirements regarding student victim safety and safety plan development;
2. Procedures for addressing sexual offense adjudications and convictions; and
3. Trauma-informed response strategies and available support resources.

Confidential Record-Keeping
The District shall maintain confidential records including:

1. Documentation of the order of disposition or judgment against the responsible student and the victim identification (upon consent of the victim).
2. Individual safety plan documentation.
3. Communications with parents/guardians.
4. Outcome tracking (e.g., implementation, effectiveness, and follow-up actions).

These records must be stored securely and treated as confidential educational records.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- AAC, Nondiscrimination and Anti-Harassment Policy
- AAC-BR2, Title IX Sexual Harassment Grievance Procedure
- ACCA, Sexual Offenders on School Property
- FDE, Education of Special Education Students/Students with Disabilities
- FF, Student Conduct and Discipline
- FFE, Extracurricular Participation Requirements
- FFF, Field and Other School-Sponsored Trips
- FFK, Suspension and Expulsion

- FGA, Student Education Records and Privacy
- FGDB, Student Handbooks

Legal References

- NDCC Ch. 12.1-20, Sex Offenses
- NDCC Ch. 15.1-19, Students and Safety

End of [Name of District] Policy ACCB . . . . . Adopted:

[07/25]

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