

ACCA: Sexual Offenders on School Property

Definition(s)

For the purpose of this policy:

- A *sexual offender* is defined in NDCC 12.1-20-25.
- A *parent sexual offender* is an individual who meets this policy's definition of sexual offender and who has either parental or legal guardianship rights to a child attending a district school.
- A *non-parent sexual offender* is an individual who meets this policy's definition sexual offender and who has no parental rights or legal guardianship rights to a child attending a district school.
- *School property* includes all land within the perimeter of the school site and all school buildings, structures, facilities, computer networks and systems, and school vehicles, whether owned or leased by the school district, and the site of any school-sponsored activity.

Non-parent Sexual Offenders:

A *non-parent sexual offender* is prohibited from entering a district school except:

- A. When s/he is a qualified voter and is entering school property solely for the purpose of casting his/her vote.
- B. To attend an open meeting as defined in NDCC chapter 44-04.

A *non-parent sex offender* who attempts to communicate electronically with a student while the student is on school property will be considered on school property without permission and will be in violation of this policy.

Parent Sex Offenders:

Parent sexual offenders are prohibited from entering school property except for purposes outlined in section one parts A and B of this policy and with the Superintendent's prior written approval in the following instances:

- a. To transport his/her child to and/or from school. The parent sex offender will only be permitted to transport his/her own child.
- b. To attend a conference to discuss his/her student's progress, placement, or individual education plan (IEP).
- c. Under other circumstances on a case-by-case basis, as determined by the Superintendent.

A *parent sex offender* who attempts to communicate electronically with a student other than his/her child while the student is on school property will be considered on school property without permission and will be in violation of this policy.

Student Sex Offenders:

The Superintendent shall determine the appropriate educational placement for student sex offenders except those identified as having a disability. When determining educational placement, the Superintendent shall consider such factors as the safety and health of the student population. The Superintendent shall develop guidelines for managing each student sexual offender in district schools. If the Superintendent determines that, in the best interest of district schools, the student sexual offender should be placed in an alternative educational setting, the district shall pay for the costs associated with this placement.

An IEP team shall determine the educational placement of a student sexual offender with a disability. The student with a disability is entitled to all the due process procedures available to a student with a disability under the Individuals with Disabilities Education Act. The IEP team shall develop procedures for managing each student sexual offender with a disability that attends a district school. If the IEP team determines that the student sexual offender should be placed in an alternative educational setting, the district shall pay for the costs associated with this placement.

Juvenile Offender registry information is not protected by FERPA. If the District receives a public request to release juvenile offender registry information, the District shall consult with the law enforcement prior to disclosure to determine if any of the requested information is confidential and prohibited from being released.

General Provisions:

The Superintendent will inform the appropriate principal and other relevant district staff of the scope of the permission granted to each sexual offender.

Sexual offenders who receive permission to enter school property must immediately report to the individual or location designated in the Superintendent's written permission statement. The building principal shall assign a chaperone to accompany the sexual offender while s/he is on district property. The only exceptions to these requirements are when the Superintendent grants permission to a parent sex offender to transport his/her child and when a student sex offender receives permission to attend a district school in which case the guidelines developed for this individual shall apply.

The Superintendent shall establish a system for identifying sexual offenders and will inform known sexual offenders of this policy. Lack of notification does not excuse sexual offenders from abiding by the requirements and prohibitions in this policy.

The Superintendent will contact law enforcement anytime a sexual offender violates this policy and will immediately revoke any privileges granted to the sexual offender under this policy.

Legal Ref: NDCC 12.1-20 Sexual Offender Presence Near Schools Prohibited
NDCC 12.1-32-15 Offenders Against Children and Sexual Offenders