

RECOMMENDED

ACCA - SEXUAL OFFENDERS ON SCHOOL PROPERTY

Definitions

For the purpose of this policy:

- A *sexual offender* is defined in [NDCC § 12.1-32-15](#).
- 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 *nonparent sexual offender* is an individual who meets this policy's definition of sexual offender and who has no parental rights or legal guardianship rights to a child attending a district school.
- *School property* is as defined in [NDCC 15.1-19-10\(6\)\(c\)](#) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.

Nonparent Sexual Offenders

A nonparent sexual offender is prohibited from entering a district school except:

1. When they are a qualified voter and are entering school property solely for the purpose of casting their vote.
2. To attend an open meeting as defined in [NDCC Ch. 44-04](#).

A nonparent sexual offender who attempts to communicate electronically or in any method, mode, or format with a student or an adult with whom they are not allowed to have contact while that student or adult is on school property will be considered on school property without permission and will be in violation of this policy and other policies as applicable. Reports to law enforcement and/or other local agencies or authorities may apply as required or appropriate in the best interest of students, staff, and visitors.

Parent Sex Offenders

Parent sexual offenders are prohibited from entering school property except for purposes outlined in the "Nonparent Sexual Offenders" section of this policy. Parent sexual offenders may only be on school property with the superintendent's prior written approval in accordance with the regulations developed by the District in the following instances:

1. To transport their child to and/or from school. The parent sex offender will only be permitted to transport their own child;
2. To attend a conference to discuss their child's progress, placement, educational-related issues, individual education program (IEP), Section 504 plan, or other plan or program that allows for the parent's attendance or participation in

accordance with applicable state or federal laws (whereby limitations may be placed regarding in-person versus virtual or telephonic attendance);

3. Their child is attending or participating in an activity or function on school property and the parent offender asked the Superintendent for and received permission allowing the offender's limited presence at a specific activity or function; and
4. Under other circumstances on a case-by-case basis, as determined by the Superintendent.

A parent sexual offender who attempts to communicate electronically with a student other than his/her child or an adult with whom they are not allowed to have contact while the student or adult is on school property will be considered on school property without permission and will be in violation of this policy and other policies as applicable. Reports to law enforcement and/or other local agencies or authorities may apply as required or appropriate in the best interest of students, staff, and visitors.

Student Sex Offenders

If a student sexual offender committed a sexual offense upon another student enrolled in the same school, the District shall refer to policy ACCB, Protection for Student Victims of Sexual Offenses, for the appropriate procedure to follow to ensure the safety and well-being of students on school property.

An IEP team, Section 504 team, or other team as applicable under state or federal law shall determine the educational placement of a student sexual offender with a disability. The student with a disability may be entitled to the due process procedures available to a student with a disability under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, and/or other applicable law. The applicable team shall develop procedures for managing each student sexual offender with a disability that attends a district school. If the 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.

For all other student sexual offenders, the Superintendent shall develop guidelines and determine the appropriate educational placement. When determining educational placement, the Superintendent shall consider such factors as the safety and health of the student population. 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.

The District will follow applicable protections and exceptions related to requests for the release of any personally identifiable information (PII) or education records in accordance with the Family Educational Protection Act (FERPA) and other applicable laws.

General Provisions

The Superintendent will inform the appropriate administrator 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. Administration shall assign a chaperon 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 sexual offender to transport his/her child to and from school, and when a student sexual offender receives permission to enroll and attend a district school, in which case the guidelines developed for that individual student shall apply.

The Superintendent may establish a system for identifying sexual offenders and may inform known sexual offenders of this policy. It is not the intent of the District to expand or modify the district's potential liability exposure through the implementation of this notification system. The district's voluntary creation of this safety precaution shall not be construed to create or assume any potential liability under any local, state, or federal law or regulation. 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 or any other applicable policy.

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

- ACCA-BR, Criteria for Granting Parent Offenders Privileges to Enter School Property
- ACCB, Protection for Student Victims of Sexual Offenses
- KAAA, Visitors in the Schools

End of MLS Policy ACCA Adopted: 3/26