

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 sexual offender and who has no parental rights or legal guardianship rights to a child attending a district school.
 - Anyone whose conditions of probation prohibit unsupervised contact with children.
- A *student sexual offender* is an individual who meets this policy's definition of sexual offender and who is enrolled in 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 – to the extent possible – the site of any school-sponsored activity.

1. Nonparent Sexual Offenders:

A nonparent sexual offender is prohibited from entering school property except:

- a) When they are a qualified voter and are entering school property solely for the purpose of casting their vote.
- b) To attend an open meeting as defined in NDCC chapter 44-04.

A nonparent 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.

2. 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. The written approval may grant any or all of the following exceptions:

- a) To transport their child to and/or from school. The parent sex offender will only be permitted to transport their own child.
- b) To attend a conference to discuss their student's progress, placement, or individual education plan (IEP).
- c) To attend school sponsored events, open to parents in which their child is participating.

Parent sexual offenders must seek approval to enter school property from the Superintendent of Schools in writing annually. If approval is granted, it is given for one school year with the approval expiring on the last day of school.

If an exception is granted, it may include limiting conditions, such as but not limited to, requiring a chaperone(s), to these exceptions while on school property. Any cost associated with these exceptions shall be the sole responsibility of the offender.

Notice of approval, any and all exceptions, along with any limitations, shall be issued to the parent sex offender and copied to all building principals serving students over which the sex offender has parental or legal guardianship rights.

A parent sex offender must carry a legible copy of the prior written approval from the Superintendent with them while on school property or at a school-sponsored event and produce it when requested to do so by school officials or law enforcement officials.

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

3. Consideration of Exceptions to the Prohibition of Presence on School Property

The Superintendent may consider the following criteria and/or other relevant information when determining if a parent offender shall be granted privileges to enter school property for any purpose beyond those rights afforded by state and federal law.

1. The risk level assigned to the parent offender by the Bureau of Criminal Investigation. High Risk and lifetime offenders will generally not be granted privileges to enter school property in excess of those provided by law. When the Superintendent deems it necessary to grant a high risk or lifetime offender privileges, they will be limited in scope.
2. When available, the circumstances surrounding the crime/offense.
3. The age of the offender's victim. Parent offenders who have committed a crime/offense against a minor will generally not be granted privileges in excess of those provided in law. When the Superintendent deems it appropriate to grant these offenders privileges, the privileges may be limited in scope.
4. The age at which the parent offender committed the crime/offense.
5. The duration of time that has passed since the parent offender committed the crime/offense.
6. The nature of the activity, event, or purpose for which the parent offender has requested entry on to school property. The Superintendent may take into account the level of supervision provided, if any, to the parent offender during the time the offender has requested to be on school property.

The Superintendent, or their designee, may solicit the input of law enforcement officials and/or parole/probation officers when determining if a parent offender shall be granted privileges to enter school property beyond those rights afforded in law. These privileges will be granted in accordance with this policy and may contain restrictions and prohibitions. The Superintendent may at any time, revoke these privileges.

4. 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. 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. 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 law enforcement prior to disclosure to determine if any of the requested information is confidential and prohibited from being released.

5. General Provisions:

Sexual offenders who are granted an exception authorizing limited access to school property shall report directly to the event for which the exception was granted and abide by any and all limitations to the exception.

The Superintendent or building principal(s) will contact law enforcement anytime a sexual offender violates this policy. Lack of notification does not excuse sexual offenders from abiding by the requirements and prohibitions of this policy.

Principals shall communicate with the parent upon learning of their status as a sex offender to review any exceptions and/or limitations to ensure mutual understanding. The principal shall take all appropriate measures to protect the privacy of the sex offender's child(ren).

This policy will be applied to all known parent or nonparent sexual offenders. This policy does not impose any duty on the District to investigate individual backgrounds for sexual offenses, of all non-employee parents of students, or non-parents who may be on school property. 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.

Legal Citations:

NDCC 12.1-20-25 Sexual Offender Presence Near Schools Prohibited
NDCC 12.1-32-15 Offenders Against Children and Sexual Offenders

Affirmed by Fargo Board of Education 11-14-06

Revised 1-22-08

Revised 2-11-08

Revised 1-7-10

Reviewed 7-23-13

Revised 9-2013

Revised 7-2017

Revised 7-2022

Revised 6-2026