

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.

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.

2. Parent Sexual Offenders

Parent sexual offenders are prohibited from entering school property except for the purposes outlined in Section 1. 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:

- a. To transport their child to/or from school. The parent sex offender will only be permitted to transport their own child.
- b. To attend a conference to discuss their students' progress, placement, educational-related issues, individual education plan (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). This requires prior approval from the Superintendent at least 72 hours before the event or activity.

- c. 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. This requires prior approval from the Superintendent at least 72 hours before the event or activity.
- d. Under other circumstances on a case-by-case basis, as determined by the Superintendent.

3. Student Sexual 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 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.

For all other student sexual offenders, the Superintendent shall develop guidelines and determine the appropriate educational 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.

4. 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 may assign a chaperone to accompany the sexual offender while they are on school property. The only exceptions to these requirements are when a parent sexual offender transports their child or 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 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 of this policy does not excuse 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.

End of Bismarck Public School District Policy ACCA

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