

SEXUAL OFFENDERS ON SCHOOL PROPERTY

Definitions

For the purpose of this policy:

A *Sexual Offender* is a person defined as a sexual offender in NDCC 12.1-32-15 or is required to register under NDCC 12.1.-32-15.

A *Parent Sexual Offender* is a sexual offender who has either a parental or legal guardianship rights to a child attending a district school.

A *Nonparent Sexual Offender* is a sexual offender who has no parental rights or legal guardianship rights to a child attending a district school.

School Property means all real property within the perimeter of a district elementary, middle or high school site including all buildings, structures, and facilities, whether owned or leased by the school district.

Nonparent Sexual Offenders

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

- a. When he/she 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.
- c. With prior written approval of the Superintendent for an approved purpose.
- d. When the nonparent sexual offender is a student of another educational institution and is attending classes on school property with the written approval of the Superintendent.

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.

Parent Sexual Offenders

Parent sexual offenders are prohibited from entering school property except for the purposes outlined in Section 1, and for the following reasons:

- e. To attend a conference to discuss his/her student's progress, placement, or individual education plan (IEP). This requires prior approval from the Superintendent at least 72 hours before the event or activity.
- f. To attend a school activity in which his/her child is participating. This requires prior approval from the Superintendent at least 24 hours before the event or activity.
- g. To transport his/her child to school. The parent sexual offender shall drop off and/or pick up the child on public right of way which enables the child to enter the school facility safely.
- h. Under other circumstances on a case-by-case basis, as determined by the Superintendent.

Student Sexual Offenders:

Parents or guardians of student sex offenders must notify the Superintendent that the student is a sexual offender prior to the student enrolling in or attending any pre K through 12 grade or the adult education program in the school district. The Superintendent shall determine the appropriate educational placement for student sexual 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.

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 he/she is on school property. The only exceptions to these requirements are when a parent sexual offender transports his/her 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.

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 Tioga PSD #15 Policy ACCA.....Amended: February 2018