

SEXUAL OFFENDERS ON SCHOOL PROPERTY POLICY

Final: January 2, 2008

The purpose of this policy is to maintain a safe learning environment for students that is free from the dangers posed by the presence of sexual offenders on school property.

DEFINITIONS

- “Sexual offender” has the meaning set forth in North Dakota Century Code §12.1-32-15(e). It includes, but is not limited to, individuals that must register as a sex offender in North Dakota or another state.
- A “parent sexual offender” means an individual who meets this policy’s definition of sexual offender and who has either parental or legal guardianship right to a child attending this school.
- A “nonparent sexual offender” means an individual who meets this policy’s definition of a sexual offender and who has no parental or legal guardianship rights to a child attending this school.
- “School property” means all real estate owned, leased or used by the school and all school buildings, structures, facilities, computer networks and systems, school vehicles (whether owned or leased by the school) and the site of any school-sponsored activity.
- “Student sexual offender” means a sexual offender who is an enrolled student of the school or an applicant for enrollment as a student.
- “School Administrator” means the chief administrator at the school, whether that position is named superintendent, principal or otherwise.

GENERAL STATEMENT OF POLICY

A. Nonparent Sexual Offender.

1. A nonparent sexual offender is prohibited from being present on school property except:
 - a. For the purpose of voting in a school building used as a public polling place; or
 - b. For the purpose of attending an open meeting under North Dakota Century Code Chapter 44-04 in a school building.
2. A nonparent sexual offender who attempts to communicate electronically with a student while the student is present on school property will be considered to be present on school property without permission and will be in violation of this policy.

B. Parent Sexual Offender.

1. A parent sexual offender is required to identify themselves as such to the school at the time their child is enrolled.
2. A parent sexual offender is permitted to be present on school property for the purposes set forth in Section A, "Nonparent Sexual Offender."
3. Upon receipt of prior, written approval from the School Administrator, a parent sexual offender is permitted to be present on school property for the following purposes:
 - a. To transport his/her child to and from school. The parent sexual offender shall drop the child off and pick the child up on public property (i.e., a public street) that enables the child to enter and leave the school facility safely. The parent sexual offender will be permitted to transport only their own child(ren).
 - b. To discuss their child's progress, placement or individual education plan (IEP).
 - c. To attend a school function in which the child is participating.
4. Except while transporting their child, parent sexual offenders who receive permission to be present on school property must immediately report to the individual designated in the School Administrator's written permission statement and present the written statement to that individual. A chaperone may be designated to accompany the parent sexual offender while on school property.
5. A parent sexual offender who attempts to communicate electronically with a student other than their own child while the student is present on school property will be considered to be present on school property without permission and will be in violation of this policy.

C. Student Sexual Offender.

1. Upon receipt of notice that an enrolled student of the school, or an applicant for enrollment, is a sexual offender as defined by this policy, the School Administrator shall promptly seek as much specific detail as possible. Details should include the behavior involved, names, dates, times, circumstances, identification of witnesses and court records. The School Administrator shall conduct interviews as deemed necessary.
2. Upon completion of the School Administrator's investigation, the matter shall be considered by the school board on a confidential basis in executive session.
3. The school board shall determine in its sole discretion whether the student sexual offender shall be permitted to attend school. When a student sexual offender is permitted to attend school and is a registered sexual offender in North Dakota or

another state, the School Administrator shall so notify all school students, parents and employees to the extent permitted by law.

4. In the event a student sexual offender is permitted to attend school, guidelines for that student sexual offender's presence on school property shall be developed and applied.

PROCEDURE

- A. No sexual offender shall be present on school property except as provided above.
- B. If any employee of the school becomes aware of any sexual offender's presence on school property in violation of this policy, s/he shall immediately inform the School Administrator or administrator in charge of the facility or function, who shall direct the sexual offender to leave the premises immediately. The school official shall request the assistance of law enforcement if the sexual offender refuses to leave.

NOTICE OF SEXUAL OFFENDER STATUS

Law enforcement is responsible to notify the community of the presence of registered sexual offenders. Except as may be provided in this policy, the school has no duty (1) to review the sexual offender registry, (2) investigate who may be a sexual offender or (3) to advise students, parents or the general public regarding the location of a registered sexual offender.

POLICY INFORMATION

A copy of this policy will be given annually to each student. Compliance with this policy is mandatory.