



KENAI PENINSULA BOROUGH SCHOOL DISTRICT

Assistant Superintendent

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November 9, 2010

TO: Board of Education
FROM: Dave Jones, Assistant Superintendent
SUBJECT: Approval of New Policy – BP 3515.7

This policy was reviewed by the Board Policy Committee on both September 13, October 18, 2010 and was reviewed by the Board at a Policy Committee Meeting, Worksession and First Read at the Board meeting on November 1, 2010.

BP 3515.7 Restrictions on Sex Offenders on Campus –After discussions with Parole Officers and Administrators, the administration realized a need to have a policy in place regarding sexual offenders who want to have access to their children on school property. This policy will give us the right/ability to put restrictions on sexual offenders, thus alleviating some problems. There is a need to balance parental rights vs. protecting other children.

At the recommendation of the Board, the Electronic Communications section has been clarified and approved by Andie Stone (the District's attorney) of Jermain, Dunnagan and Owens to read as follows:

“Electronic Communications

The Board prohibits electronic communication between sex offenders and students. A parent-guardian sex offender/child kidnapper may not communicate electronically with a student other than his/her own child, while the student is on District property. A non-parent sex offender/child kidnapper may not communicate electronically with any student while the student is on District property. “Communicate electronically” means actual *or attempted* communication by electronic means, including, but not limited to, phone, email, text, instant messaging, social networks, web postings, web contacts, computer, fax, or photographs.”

NEW

Business and Instructional Support Operations

BP 3515.7(a)

RESTRICTIONS ON SEX OFFENDERS ON CAMPUS

Recognizing that all students have the right to a public education in a safe and positive environment, the Kenai Peninsula School Board prohibits any sex offender from being on KPBSD property, except as authorized below. KPBSD property includes all land within the perimeter of the school site and all District buildings, structures, facilities, computer networks and systems, and school vehicles, whether owned or leased by KPBSD, and the site of any school-sponsored activity.

*cf. 5030 School Discipline and Safety
5137 Positive School Climate*

Sex offenders are those convicted of a sex offense as defined in this or another state, or by federal law, and who are required to register as a sex offender under Alaska law or by court order. This policy also applies to those individuals convicted of child kidnapping who are required to register on the Alaska Department of Public Safety Sex Offender/Child Kidnapper Central Registry. This policy is not intended to impose a duty upon any KPBSD or school administrator or employee to review the Sex Offender/Child Kidnapper Central Registry to determine the presence of sex offenders in the community. This policy shall apply when District or school administrators are actually aware that a person in question is on the Registry.

Sex Offenders Who Do Not Have Children Enrolled in KPBSD

A non-parent sex offender or child kidnapper is prohibited from entering District property except:

1. When he/she is a qualified voter and is coming upon KPBSD property, before or after normal school hours, solely for purpose of casting a vote; or
2. To attend an open meeting held outside the student instructional day.

Parent/Guardian Sex Offenders

A parent/guardian sex offender or child kidnapper who has a child attending a KPBSD school is prohibited from entering District property, except in the following instances. In no event will entrance onto KPBSD property be allowed if prohibited by court order:

1. When he/she is a qualified voter and is coming upon KPBSD property, before or after normal school hours, solely for purpose of casting a vote;

RESTRICTIONS ON SEX OFFENDERS ON CAMPUS (Continued)

2. To attend an open meeting held outside the student instructional day;
3. With the Superintendent or school administrator's prior approval in the following instances:
 - a. to pick up or drop off his or her own child at the school where the child is enrolled;
 - b. to attend a parent-teacher conference or other meeting with faculty or staff to discuss the child's progress or other educational needs of the child;
 - c. under other special circumstances, on a case-by-case basis, for which the school administrator has given written consent.

Requirements for Prior Approval:

A parent/guardian sex offender or child kidnapper who comes onto school property to pick up or drop off his/her child(ren) needs to make specific arrangements in advance with the school administrator. These arrangements are to be approved by the Superintendent. The parent/guardian can only transport his/her own child(ren).

If a parent/guardian sex offender or child kidnapper wishes to come onto school property for another reason (e.g. parent-teacher conferences, student performances), he/she shall only do so under the following conditions:

- he/she must notify the principal of the school at least 48 hours in advance of the activity and obtain consent prior to coming onto KPBSD property;
- if consent is granted, the school administrator will assign an individual(s) to accompany the parent while on District property;
- he/she must report to the office, come only for the specific activity, cooperate with KPBSD supervision, and leave school property promptly upon the conclusion of the activity; and
- he/she must abide by all other terms and conditions of the school administration.

The school principal and/or Superintendent shall have the discretion to refuse permission if it is reasonably believed that the parent's presence on school property would be inappropriate or a danger to others, provided such permission shall not be unreasonably withheld.

At all times, the school administrator shall endeavor to protect the privacy of the offender's child.

RESTRICTIONS ON SEX OFFENDERS ON CAMPUS (Continued)

cf. 5021 Access to Students by Noncustodial Parents

Electronic Communications

~~Any parent-guardian sex offender/child kidnapper who attempts to or does may not attempt to or communicate electronically, by whatever means, with a student, by whatever means, other than his/her own child, by whatever means, while the student is on District property or the sex offender/child kidnapper will be considered in violation of this policy. Any non-parent sex offender/child kidnapper who attempts to, or does may not attempt to or communicate electronically, by whatever means, with a student, by whatever means, while the student is on District property or the sex offender/child kidnapper will be considered in violation of this policy.~~ The Board prohibits electronic communication between sex offenders and students. A parent-guardian sex offender/child kidnapper may not communicate electronically with a student other than his/her own child, while the student is on District property. A non-parent sex offender/child kidnapper may not communicate electronically with any student while the student is on District property. "Communicate electronically" means actual or attempted communication by electronic means, including, but not limited to, phone, email, text, instant messaging, social networks, web postings, web contacts, computer, fax, or photographs.

Student Sex Offenders

The Superintendent or designee shall determine the appropriate placement for student sex offenders, except those identified as having a disability. When determining educational placement, including placement in an alternative educational setting, the Superintendent or designee shall consider such factors as the safety and health of other students and staff. The Superintendent or designee shall develop written procedures for managing each student sex offender in the District and shall specify requirements for supervision and whether or not the student is permitted to attend school-sponsored or school-related activities outside of the student's instructional day.

If a student subject to this policy is a student with disabilities, he/she will be provided educational services in compliance with federal and state law.

RESTRICTIONS ON SEX OFFENDERS ON CAMPUS (Continued)

Contractor Employees

Any outside contractor with whom KPBSD contracts and who may have contact with students is prohibited from sending any employee or agent who is a sex offender/child kidnapper to any KPBSD property. The contractor shall certify in writing the contractor's knowledge and understanding of this policy.

Violations of this Policy

The District will contact law enforcement when a sex offender/child kidnapper violates this policy and will immediately revoke any privileges granted to the individual under this policy.

Legal Reference

ALASKA STATUTE

AS 12.63.010-.020 Registration of Sex Offenders and Related

Requirements, Duration of sex offender or child kidnapper duty to register

AS 12.63.100(5) Registration of Sex Offenders - Definitions

KENAI PENINSULA BOROUGH SCHOOL DISTRICT
Adopted: _____