

# Kimberly School District

## STUDENTS 3147

### Sex Offenders

#### PHILOSOPHY

The Kimberly School District Board of Trustees recognizes their obligation to provide a free appropriate public education to resident students of the Kimberly School District. The Board also recognizes that they have the power and duty to protect the morals, health and safety of all pupils of the Kimberly School District.

#### DEFINITION

"Student Sex Offender shall mean a student who has been adjudicated delinquent or convicted of and placed on probation for a dangerous offense such as sexual conduct with a minor, sexual assault, molestation of a child, or continual sexual abuse of a child.

#### ~~ADMINISTRATIVE DIRECTIVE:~~ NOTIFICATION TO SCHOOL DISTRICT

~~On a quarterly basis, The Idaho State Superintendent of Public Instruction provides to all School Districts, a copy of the list of currently registered juvenile sex offenders of the state of Idaho. is required by State law to notify a school district or private school regarding the enrollment of a registered juvenile sex offender. The Superintendent of Public Instruction is also required to notify the District or school of the offender's probationary status or treatment status, if known. The Superintendent of the District or his or her designee shall make contact with the State Department of Education in order to receive regular updates of this information. This listing is to provide very broad general information regarding the events leading to the juvenile's inclusion on this registry form. The Administration of the School is directed to review the provided registration listing upon receipt each quarter and determine if there is any student currently enrolled at the Kimberly School District who is named on this listing.~~

#### PARENTAL RESPONSIBILITY

The Board of the Kimberly School District further expects parents of students who:

1. have been required to register as a juvenile sex offender; or
2. have been convicted of a sexually based offense when under the age of 15, and thus not required to register as a juvenile sex offender; or
3. have obtained a withheld judgment on a sexually based offense which without the withheld judgment would have necessitated registration as a juvenile sex offender;

- to notify the District's Administration of the status of their child and participate in activities requested of the Administration regarding their child's education.

## **EDUCATIONAL PLACEMENT**

The Superintendent of the District or his or her designee shall determine the appropriate educational placement for the student sex offender except those identified as having a disability. When determining educational placement, the Superintendent or his or her designee shall consider such factors as the safety and health of the student population. The Superintendent or designee shall develop guidelines for managing each student sexual offender in District schools. If the Superintendent or Designee 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.

Convicted juvenile sex offenders shall not attend a school attended by their victims or victim's sibling. The offender and his or her parent or guardian shall be responsible for providing transportation or covering other costs related to the offender's attendance at another school.

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 procedure 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.

## **STAFF**

Staff members are to be alert to and inform school officials of any behavior by a juvenile offender that creates an abnormal risk to members of the school community. However, each circumstance involving a student probationary juvenile offender attending a District school shall be evaluated on a case-by-case basis. Whenever possible without placing other students or adult members of the community at risk, reasonable efforts should be made to continue the student's education, to provide supportive services, and to avoid any acts for harassment or vigilantism against the student. Although federal and state laws and rules permit

the release of information concerning a student registered sex offender, discretion should be exercised when discussing or disseminating information about the student. Whenever possible, the school community should encourage and support timely and appropriate intervention toward the expected outcome that a juvenile offender's conduct will be rectified so the student will commit no further offenses and will develop into a responsible, self-controlled adult.

Legal References: I.C. 18-8402 Juvenile Sex Offender Registry Notification and Community Right-to-Know Act -Findings

I.C. 18-8403 Juvenile Sex Offender Registry Notification and Community Right-to-Know Act - Definitions

I.C. 18-8408 Juvenile Sex Offender Registry Notification and Community Right-Know Act - Providing List to Superintendent of Public Instruction

I.C. 18-8412 Juvenile Sex Offender Registry Notification and Community Right-to-Know Act - Exemption from Civil Liability

I.C. 18-8413 Juvenile Sex Offender Registry Notification and Community Right-to-Know Act – Penalties for Vigilantism or Other Misuse of Information

I.C. 33-205 Denial of School Attendance

#### Policy History:

Adopted on: 10/20/2005

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# Kimberly School District

## STUDENTS 3147P

### Sex Offenders

When a student who has been identified as a student sex offender is placed in a District school, ~~if the Administration identifies a currently enrolled Kimberly School District student included in this listing,~~ the Administration shall, to the extent possible, immediately:

1. Schedule a meeting with the student and the student's parents to address any specific special concerns of the District or the parent regarding the student's education and his/her presence upon school grounds;
2. Confer with the student's probation/parole officer, if possible, to address any special considerations or concerns which need to be addressed regarding the student's education as well as any considerations regarding the safety of other school students and school faculty; This would include a request to obtain a copy of the student's "after care plan" and terms and conditions of their probation.
3. Confer with the student's counselor, therapist or other treatment provider that may provide services to the student;
4. Engage in necessary steps to evaluate and determine whether the student is eligible for special education services and/or if an alternative educational setting will better meet the needs of the student.
5. Develop a plan in conjunction with the student, the student's parents, probation/parole, school administration and any one else deemed appropriate by the school administration to address any considerations or concerns

relative to the student's education as well as the safety of other school students and school faculty. Any such plan shall be based upon the individual factual circumstances of each applicable student.

The Administration shall, as in any other confidential student matter, take all steps necessary to assure that only necessary school personnel are advised of the status of the student, the existence of a plan and the specific terms of the plan at issue.

If an individual employed by the District and holding knowledge of the existence of a plan relating to a student who is a registered sex offender observes or learns of any action which would be contrary to the student's plan, the District employee is directed to immediately notify the District's Administration of the student's action.

Legal References: I.C. 33-512(4)

I.C. 18-8402 Juvenile Sex Offender Registry Notification and Community Right-to-Know Act - Findings

I.C. 18-8403 Juvenile Sex Offender Registry Notification and Community Right-to-Know Act - Definitions

I.C. 18-8408 Juvenile Sex Offender Registry Notification and Community Right-Know Act - Providing List to Superintendent of Public Instruction

I.C. 18-8412 Juvenile Sex Offender Registry Notification and Community Right-to-Know Act - Exemption from Civil Liability

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