

Policy – 8550

Non-Instructional Operations

Registered Sex Offenders

To protect the morals, health, and safety of students, it is the policy of McCall-Donnelly School District No. 421 to deny entrance onto the premises or conveyances owned or leased by a school and prevent loitering on a public way within five hundred (500) feet of the property line of any District school or any building posted with a notice that it is being used by a school to registered sex offenders or persons required to register under the sex offender registration act of whom the District has knowledge. District officials will make reasonable efforts to identify registered sex offenders residing within the District's boundaries or who have children or wards enrolled in the District, unless exempted as defined below.

The Board authorizes the Superintendent or designee to enforce this policy, including the decision to grant or deny any request for an exception, and/or impose other restrictions consistent with enforcing this policy.

Definitions

“Contact the School District office” includes mail, facsimile machine, email, or by computer using the internet.

“Extracurricular” means any school-sponsored activity, occurring during or outside regular school hours that is outside of the regular curriculum including, but not limited to, academic, artistic, athletic or recreational activities.

“School premises” includes all buildings, facilities, and property being utilized for District-sponsored activities regardless of location, including transportation that is owned, leased, sponsored, or contracted by the District.

Prohibition

Any individual who is currently registered or required to register under the sex offender registration act as provided in chapter 83, title 18, Idaho Code, may not:

1. Be upon or to remain on the premises of any school building or school grounds in this state, or upon other properties posted with a notice that they are used by a school, when the person has reason to believe children under the age of eighteen (18) years are present and are involved in a school activity or when children are present within thirty (30) minutes before or after a scheduled school activity.
2. Knowingly loiter on a public way within five hundred (500) feet from the property line of school grounds in this state, including properties posted with a notice that

they are used by a school, when children under the age of eighteen (18) years are present and are involved in a school activity or when children are present within thirty (30) minutes before or after a scheduled school activity.

3. Be in any conveyance owned or leased by a school to transport students to or from school or a school-related activity when children under the age of eighteen (18) years are present in the conveyance.
4. Reside within five hundred (500) feet of the property on which a school is located, measured from the nearest point of the exterior wall of the offender's dwelling unit to the school's property line, unless the individual's residence was established prior to July 1, 2006.

Exceptions

This prohibition does not apply to the following:

1. A student in attendance at the school.
2. An individual residing at a state licensed or certified facility for incarceration, health or convalescent care.
3. An individual exercising his or her right to vote in public elections during non-school hours.
4. An individual taking delivery of his mail through an official post office located on or in the vicinity of school grounds.
5. An individual staying at a homeless shelter or residing at a recovery facility if the shelter or facility has been approved for sex offenders by the county sheriff or municipal police chief.

Other individuals wishing to access school grounds must contact the school District office annually prior to the individual's first visit of the school year and obtain written permission from the District to be on the school grounds or upon other property posted with a notice that the property is used by a school. The Superintendent or designee may grant a limited exception to an individual who:

1. Is dropping off or picking up a child or children and the person is the child(ren)'s parent or legal guardian, unless limited by court order.
2. Is attending an academic conference or other scheduled extracurricular school event with school officials present when the offender is a parent or legal guardian of a child who is participating in the conference or extracurricular event, unless limited by court order.

3. Is temporarily on school grounds, during school hours, for the purpose of making a mail, food, or other delivery.
 - a. The delivery person's employer is responsible for contacting the District and obtaining permission for the individual to be on school premises. The Superintendent or designee may grant admission to such individual, deny admission, provide direct supervision, or require that the delivery person's employer provide appropriate supervision.
4. Has a legitimate need to access the school or building, as determined by the Superintendent or designee.

The decision to grant or deny the request for an exception, and/or impose other restrictions, is not appealable to the Board. Any decision to grant the request for an exception may be revoked by the School District for any reason at any time, with or without notice. The decision will be based upon review of all of the relevant circumstances, including the risk to the morals, health, and safety of other students, employees, and patrons.

The District reserves the right to refuse entry on school grounds to any person or organization that does not have legitimate business at the school and to request any unauthorized person or persons engaging in unacceptable conduct to leave the school grounds.

Report to Law Enforcement

District administrators will immediately report to law enforcement any registered sex offender or person required to register under the sex offender registration act who has not been granted permission pursuant to this policy and who is observed or known to be on the premises, or loitering within five hundred (500) feet of the property line of a school or other location when children are present and involved in a school activity or when children are present within thirty (30) minutes before or after a scheduled school activity.

Exemption from Civil Liability

The District and its personnel do not have a duty to inquire, investigate or disclose any information regarding registered sex offenders, nor will School District personnel be held liable for failure to disclose any information regarding registered sex offenders to any other person or entity. School District personnel who, acting without malice or criminal intent, obtain or disseminate information under the Sexual Offender Registration Notification and Community Right-To-Know Act will be immune from civil liability for any damages claimed as a result of such disclosures made or received.

Notice

Notices will be placed at all public entrances to the property and will be at least one hundred (100) square inches, refer to Idaho Code Section 18-8329, and include the term “registered sex offender”. The District will work with the property owner of any non-school location at which school activities will occur to post notices that the property is being used by a school, pursuant to Idaho Code Section 18-8329.

Legal Reference:

I.C. § 33-512(4) and (11) – Governance of Schools
I.C. § 18-8301, et seq. – Sexual Offender Registration Notification and Community Right-to-Know Act
I.C. § 18-8325 – Exemption from Civil Liability
I.C. § 18-8329 – Adult Criminal Sex Offenders – Prohibited Access to School Children – Exceptions

Adopted: February 2015