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To: Members of the Board of Education
From: Doug Larson
Re: Second Reading
Date: September 28, 2016

Policy and Legal Services will present one Second Reading during the next Board of Education meeting. A summary of the policy's content is provided.

Article V.A.4. Convicted Sex Offenders on School Property

The Board voted to approve this policy on first reading with the condition that the list of acceptable instances in which a parent or guardian who is on the sex offender registry be allowed to enter a school be modified to include cases of medical or health-related emergencies. The list has been modified to include that category. I also added some language to clarify, consistent with statute, that the prohibition is in force while students are present at school.

Article V.A.4. Convicted Sex Offenders on School Property

A. Statement of Purpose

The Board of Education is authorized by Utah law (~~Utah Code 53A-3-402~~) to own and operate property, to make and enforce rules for the control and management of the District schools, and to “do all other things necessary for the maintenance, prosperity, and success of the schools.” Although ~~the Board is a public body, and~~ District property is ~~consequently~~ publicly owned, District schools are not simply open to the public. The Board is able to regulate public access to schools and school property.

The Utah Criminal Code defines certain sexual offenses against children, and the Utah Code of Criminal Procedure requires the Utah Department of Corrections to develop, operate, and maintain a registry of persons who have been convicted of those offenses.

The Board of Education finds that conviction of a sexual offense against a child is incompatible with ~~unfettered~~ access to school property and school children, regardless of whether sentences have been served or probations have ended. The purpose of this policy is to regulate the access of persons who have been convicted of sexual offenses against children to school property and school children.

B. Statement of Policy

1. Pursuant to Utah law, schools are protected areas, and individuals identified as sex offenders—those required to register with the state due to a conviction for a sexual offense against a child—are not allowed to be in a protected area on foot or in a vehicle except in circumstances where a sex offender must be present in order to carry out necessary parental responsibilities. As such, ~~individuals who have been convicted of a sexual offense against a child~~ adult sex offenders shall not be allowed on school property for any reason during the school day or during school-sponsored or school-related activities other than the following circumstances where a parent or legal guardian’s presence is required:
 - a. student registration;
 - b. parent-teacher conferences;
 - c. a scheduled meeting to consider a student’s Individualized Education Plan (IEP) or Section 504 Plan;
 - d. to sign paperwork or provide information to the school needed for a service or program;
 - e. to check out a student from school as needed;
 - f. a medical or health-related emergency; or
 - g. in other circumstances in which the school requires the presence of the parent.
2. Necessary parental responsibilities *do not* include attendance at school programs, performances, sporting events, school assemblies, or any other curricular or extracurricular activities where the parent’s presence is not required. Under no circumstances are sex offenders to be allowed to volunteer in schools or for

school activities, whether the contemplated volunteer service would be supervised or unsupervised.

32. Any sex offender that desires access to school property to carry out necessary parental responsibilities during a school-sponsored or school-related activity must first contact the principal of the school and request permission to enter onto school property. If permission is granted, the individual shall be supervised by school administration or a designee who shall remain within eyesight of the sex offender at all times while on campus.

4. ~~When~~If a principal identifies a parent or legal guardian of a student in the school, or an individual whom the parent or legal guardian of a student has authorized to have access to the student at school, as a ~~registered~~ sex offender, the principal shall send the individual a copy of this policy and a letter which states:

I have received information that you are on the state sex offender registry. Enclosed please find a copy of the policy of the Board of Education. Although the school encourages you to support your child's active participation in your child's education, pursuant to state statute, you are not allowed to enter onto school property except in circumstances where your presence is required to carry out necessary parental responsibilities. in which your presence is cannot just "show up" at school. Prior to coming to the school, however, you are required to make an appointment with school administration. Someone from the school administration, or someone assigned by the administration will remain is to be with or within eyesight of you the sex offender at all times while on campus. when the sex offender is on campus during the regular school day. Attendance at public functions outside of the regular school day is at the reasonable discretion and regulation of the principal.

Failure to comply with the direction of this letter may result in a criminal charge of trespass **or other penalties prescribed by Utah State law.**

~~3. Principals shall make reasonable efforts to allow patron sex offenders to participate meaningfully in the education of their children.~~

5. Students who are sex offenders shall communicate with the office of Prevention and Student Placement before registering or attending school each year. A student behavior plan, student contract, alternative placement, and/or other conditions or restrictions may be imposed on the student while attending school.

6. As per state law, sex offender registry information is shall not to be publicized or used to harass or threaten sex offenders or members of their families.

REFERENCES:

Utah Code, 53A-3-402

Utah Code, 77-27-21.7

October 2016