

# **CSBA Sample**

## **Administrative Regulation**

### **Sex Offender Notification**

AR 3515.5

#### **Business and Noninstructional Operations**

\*\*\*Note: Pursuant to Penal Code 290.45, a law enforcement agency may notify the general public, by whatever means it deems necessary, about the presence of a sex offender in the community. As amended by AB 1323 (Ch. 722, Statutes of 2005), Penal Code 290, 290.4, and 290.45 no longer distinguish between "high risk" and "serious" sex offenders, and instead authorize notification whenever law enforcement determines that it is necessary to ensure public safety. As amended by AB 1323, Penal Code 290.45 allows this community notification to be made by whatever means the law enforcement agency considers appropriate, including television, newspaper, or the Internet.\*\*\*

\*\*\*Note: The following optional regulation provides a plan for communicating information received from law enforcement. CSBA recommends that districts work closely with local law enforcement in order to help develop a coordinated response to the situation, and revise this regulation accordingly to reflect district practice.\*\*\*

The Superintendent or designee shall develop a plan for receiving and communicating information about registered sex offenders residing within district boundaries. He/she shall ensure, at a minimum, that the following components are part of the plan:

1. The Superintendent or designee shall appoint a staff member to serve as liaison with law enforcement regarding these matters.
2. The Superintendent or district liaison shall, at the beginning of each school year, contact local law enforcement to coordinate the receipt of information. Law enforcement shall be informed that all notifications and correspondence should be directed to the liaison as well as the individual school sites. A letter shall be sent annually to local law enforcement, identifying the name, phone number, and address of the liaison.
3. The Superintendent or district liaison shall collaborate with law enforcement in order to alert children to the dangers of sex offenders, develop a system for distributing information about sex offenders, and train school staff and parents/guardians about the roles and responsibilities of both the district and law enforcement.
4. The Superintendent or liaison shall, at the beginning of each school year, notify parents/guardians of the district's willingness and intention to work with law enforcement on this matter and shall explain the appropriate roles and responsibilities of both the district and law enforcement.

This communication shall also explain:

- a. The reporting requirements pursuant to Penal Code 290 and 290.45, including the fact that law enforcement is the agency best able to assess the relative danger of a sex offender
- b. The ability of the parents/guardians to contact law enforcement for additional information and to view the information on the Megan's Law Internet website

\*\*\*Note: Penal Code 290.45, as amended by AB 1323 (Ch. 634, Statutes of 2005), provides that law enforcement may authorize school districts to disclose sex offender information to additional persons upon a determination by law enforcement that this further disclosure will enhance public safety. Penal Code 290.45, as amended, requires law enforcement to identify the appropriate scope of further disclosure, which may not include placement of the information on a district Internet website.\*\*\*

5. When law enforcement notifies the district of the residency or employment of a sex offender within district boundaries, the Superintendent or district liaison shall consult with law enforcement about the appropriate scope of the disclosure. When authorized by law enforcement, the Superintendent or liaison may disclose information about a sex offender to the following staff:

- a. The principal of the school which is in the attendance area of the sex offender's residence or place of employment
- b. Teachers and classified personnel at that school, including staff responsible for visitor registration

(cf. 1250 - Visitors/Outsiders)

- c. Principals and staff at adjacent schools, as appropriate
- d. Security staff
- e. Bus drivers
- f. Yard supervisors

6. Any staff member who receives information directly from law enforcement regarding registered sex offenders shall immediately contact the Superintendent or liaison in order to help ensure that the district is able to respond appropriately.

\*\*\*Note: AB 113 (Ch. 463, Statutes of 2005) amended Penal Code 3003 to prohibit certain sex offenders released on parole from residing within one-half mile of school grounds. Previously, Penal Code 3003 had prohibited such offenders from living within one-quarter mile of a school.\*\*\*

7. If an identified sex offender is seen on or near school grounds or around any student, staff shall immediately contact the district liaison. A staff member may also inform local law enforcement.

\*\*\*Note: Pursuant to Penal Code 290.45, any person who convicted of using sex offender information to commit a felony will receive a five-year prison term; any person who uses this information to commit a misdemeanor will be fined at least \$500 and not more than \$1000.\*\*\*

#### Notification to Parents/Guardians

\*\*\*Note: Pursuant to Penal Code 290.45, as amended by AB 1323 (Ch. 634, Statutes of 2005), law enforcement determines the appropriate scope of the disclosure of sex offender information when necessary to protect public safety. In some circumstances, law enforcement may determine that notification should be provided to the parents/guardians of students attending a specific school. In order to help ensure that parents promptly receive the information and that students are not unduly alarmed, CSBA recommends that notifications not be sent home with students. District should also consult legal counsel as appropriate.\*\*\*

\*\*\*Note: The following optional section should be modified to reflect district practice.\*\*\*

When law enforcement has determined that parents/guardians should be notified regarding the presence of a sex offender in the community, the Superintendent or district liaison shall collaborate with local law enforcement in order to determine an appropriate response. This response may include:

1. An article in a school or parent council newsletter notifying parents/guardians that law enforcement information about registered sex offenders is available at the local law enforcement agency headquarters and/or at the school office. This article shall encourage parents/guardians to contact local law enforcement and access the Department of Justice's (DOJ) Megan's Law Internet website for additional information.

2. A mailing, at law enforcement's expense, prepared by law enforcement, and printed on law enforcement letterhead and envelopes, notifying parents/guardians of the presence of registered sex offenders. This notification shall encourage parents/guardians to contact local law enforcement and access the DOJ's Megan's Law Internet website for additional information.

3. A mailing of a letter, at district expense, prepared by law enforcement and printed on law enforcement letterhead and envelopes, notifying parents/guardians of the presence of registered sex offenders. This notification shall encourage parents/guardians to contact local law enforcement and access the DOJ's Megan's Law Internet website for additional information.

\*\*\*Note: Pursuant to Penal Code 626.81, a principal may permit a registered sex offender who is not a family member of a student attending the school to enter school premises to volunteer at the school, provided that parents/guardians are notified as provided below. For further information,

see AR 1240 - Volunteer Assistance.\*\*\*

Whenever the principal has granted permission to a person who is required to register as a sex offender pursuant to Penal Code 290 to come into a school building or upon school grounds to volunteer at the school, he/she shall notify the parent/guardian of each student at that school, at least 14 days in advance using one of the methods specified in Education Code 48981, that a registered sex offender has been granted such permission, the date(s) and times for which permission has been granted, and the parent/guardian's right to obtain information regarding the person from a designated law enforcement agency. (Penal Code 626.81)

(cf. 1240 - Volunteer Assistance)

(cf. 5145.6 - Parental Notifications)

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