

Send out to BOE

POLICY

2014 7670
1 of 3
Students

SUBJECT: ~~NOTIFICATION OF~~ SEX OFFENDERS

Notification of Sex Offenders

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In accordance with ~~New York State's~~ Sex Offender Registration Act ("Megan's Law"), the Board of Education ~~of the Homer Central School District (the "Board")~~ supports the New York State Department of Criminal Justice Services (~~DCJS~~) in its effort to inform the community in certain circumstances of the presence of individuals with a history of sex offenses, particularly against children, in the school locality. This policy is enacted in order to minimize the possibility that the sex offender will come in contact with school-age children, and to assist law enforcement agencies in preventing further criminal activity from occurring. Furthermore, the ~~Homer Central School District (the "District")~~ shall cooperate with local police authorities and the local community in promoting and protecting the safety and well-being of its students.

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~~For the purpose of this policy, a registered sex offender (hereinafter "sex offender") is any person who is currently registered as a Level 1, Level 2 or Level 3 offender under Megan's Law, who is listed on a similar registry of sex offenders in any other state, or who has ever been listed on any such New York or state registry whose conviction involved a crime committed against an individual under the age of eighteen (18). "School property" means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of the schools and other facilities of the Board.~~

It is the policy of the Board ~~of Education~~ to disseminate all information which the District receives from local ~~police-law enforcement~~ authorities in conjunction with Megan's Law to designated staff members who might have possible contact with the ~~sex~~ offender during the course of their school ~~duties~~ duties, including, but not limited to, Building Principals, supervisors, teachers, office personnel, coaches, custodians, bus drivers, and security personnel. The Superintendent reserves the right to automatically disseminate such information to additional members of the staff, designated supervisors of non-school groups that regularly use District facilities and have children in attendance, parents/guardians of District students, and other community residents who, in the opinion of the Superintendent, have an immediate need to be notified of such data in order to protect the safety of ~~our~~ District students.

All staff members shall be informed of the availability of the information received by the District pursuant to Megan's Law upon written request to the applicable Building Principal or supervisor. (Community residents shall be notified of the availability of this information, with written requests directed to the District Office.)

Staff members shall inform their immediate supervisor if they observe within ~~the school building, on school grounds~~ school property, at school activities, or at or near bus routes any individual whose description matches the information which was provided to the District by local law enforcement authorities. Such law enforcement ~~officals~~ authorities will be notified of this information by the District as appropriate.

Information that is disseminated to the ~~School~~ District pursuant to Megan's Law may be disclosed or not disclosed by the District in its discretion. Any information which the ~~School~~ District receives regarding a sex offender from a source other than the ~~New York State~~ Sex Offender Registry, and which is maintained independent of the requirements of Megan's Law, will be available from the

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District, upon written request, in accordance with the requirements of the Freedom of Information Law.

Special Circumstances Whereby Sex Offenders May Enter Upon School Grounds Property

In order to protect the safety of children on school property, the Superintendent is authorized to establish specific conditions for regulating the presence and conduct of sex offenders on school property. A sex offender not otherwise legally prohibited from entering school property must notify the Superintendent of his/her status as a sex offender and abide by any conditions or limitations on access to school property as imposed by the Superintendent.

A sex offender may only enter school property for legitimate reasons. A sex offender may have a legitimate reason to be on school property if:

1. The sex offender is a lawfully registered student of the District;
2. The sex offender is a lawful student participant in a school-sponsored event;
3. The sex offender is an employee of the District or of an entity contracted by the District;
4. The sex offender is a parent or legal guardian of a student of the District and enters the facility for the purpose of attending his or her child's or dependent's event or activity;
5. The facility is the sex offender's designated polling place and he or she enters the facility for the limited purpose of voting; or
6. The sex offender enters the facility for the limited purposes authorized by the Superintendent.

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The Superintendent may, in his or her discretion, impose such further restrictions as may be appropriate, taking into consideration both the need to protect the safety of children on school property and the need or right of the sex offender to be on school property for legitimate reasons.

The Superintendent is authorized to prohibit from entering or remaining on school property any sex offender who fails or refuses to comply with the restrictions imposed by the Superintendent pursuant to this policy.

This policy shall not supersede the provisions of Penal Law § 65.10(4-a) and Executive Law § 259-c(14) respecting any sex offender who is subject to a mandatory condition of probation or conditional discharge that such offender shall refrain from knowingly entering into or upon any school property except with the written authorization of the sex offender's probation officer and the Superintendent, as provided by such laws.

As a mandatory condition of the sentence for sex offenders placed on probation or conditional discharge whose victim was under the age of eighteen (18) or who has been designated a Level 3 sex offender, the court requires that such sentenced offender refrain from knowingly entering into or upon school grounds or any other facility or institution primarily used for the care or treatment of persons under the age of 18 (eighteen) while one or more of such persons are present.

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SUBJECT: ~~NOTIFICATION OF SEX OFFENDERS~~ (Cont'd.)

~~However, by exception, entrance upon the premises shall be provided to the sentenced sex offender under the following conditions subject to the written authorization of his/her parole officer and the Superintendent or chief administrator of the facility for the limited purposes authorized by that person:~~

- ~~a) The offender is a registered student, participant or employee of the facility;~~
- ~~b) The offender is an employee of an entity contracted by the facility; or~~
- ~~e) The offender has a family member enrolled in the facility.~~

Implementation

Administrative regulations shall be developed to implement this policy.

Correction Law Article 6-C
Executive Law ~~§~~ 259-c(14)
Penal Law ~~§~~ 65.10(4-a)
Penal Law § 140.15(2)
Public Officers Law ~~Section-§~~ 84 et seq.