



**FOREST LAKE AREA SCHOOLS  
FOREST LAKE, MN 55025**

**November 6, 2014**

**AGENDA ITEM: 10.3**

**TOPIC: Community Notification of Sex Offenders Policy #707**

**BACKGROUND:** The purpose of this policy is to assist school administrators and staff members in responding to a notification by a law enforcement agency that a convicted sex offender is moving into the school district so that they may better protect individuals in the school's care while they are on or near the school district premises or under the control of the school district.

**PROCESS:** The School Board Policy Committee has reviewed this policy. It is now being presented to the School Board for consideration with the changes noted.

**RECOMMENDATION:** First reading of this policy.

## COMMUNITY NOTIFICATION OF SEX PREDATORY OFFENDERS

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~~[NOTE: School board adoption of a policy regarding a sex offender notification is discretionary. The statute, Minn. Stat. § 244.052 does not impose any mandatory duty on school districts. The statute imposes duties on law enforcement agencies. However, the school district may wish to adopt a policy if it intends to respond to these notifications from local law enforcement agencies. School districts are cautioned that the procedures contained in this policy are not mandatory or required by the statute and may impose liability upon the school district if they are not properly followed. Accordingly, before this policy is adopted, the school district should consider carefully whether it wishes to undertake the responsibilities outlined herein.]~~

### I. PURPOSE

The purpose of this policy is to assist school administrators and staff members in responding to a notification by a law enforcement agency that a convicted sex predatory offender is moving into the school district so that they may better protect individuals in the school's care while they are on or near the school district premises or under the control of the school district.

### II. GENERAL STATEMENT OF POLICY

- A. ~~It is~~ The policy of this the school district is to provide information to staff regarding known sex predatory offenders that are moving into the school district so that they may monitor school premises for the safety of the school, its students, and employees. Staff will be notified as appropriate and have access to Offender Fact Sheets if law enforcement has provided such a Fact Sheet to district administration.
- B. The superintendent, in cooperation with appropriate school transportation officials, will evaluate bus routes and bus stops. Bus drivers will have access to Offender Fact Sheets if law enforcement has provided such a Fact Sheet to district administration and if those drivers have been determined to have a need to view such a Fact Sheet according to procedures in this policy. If necessary, bus stops may be moved if they place children in close proximity to a sex predatory offender who has been convicted of crimes against children of similar ages.
- C. The superintendent, in conjunction with the building principal or designee, shall prepare or provide safety information for distribution to students regarding protecting themselves from abuse, abduction, or exploitation. The school district will prepare a list of available resources. Staff will provide safety information to students on how to protect themselves against abuse, abduction, or exploitation. School officials may ask their police liaison officer or local law enforcement officials for assistance in providing instruction to staff and ~~for~~ students.
- D. In all circumstances where the district receives notification from law enforcement of a predatory offender's release or relocation, the district will consider the appropriateness and advisability of issuing a 'no trespass' order to the offender.

### III. DEFINITIONS

(These definitions are compiled from the provisions of Minn. Stat. § 244.052)

- A. The "Predatory Offender Community Notification Act", Minn. Stat. § 244.052, as amended, allows law enforcement agencies to disclose information about certain sex predatory offenders when they are released into the community. The information disclosed and to whom it is disclosed will depend upon their assessment of the level of risk posed by the sex offender.

- B. "Risk Level Assessment" is the level of danger to the community as established by the Minnesota Department of Corrections following a review by a committee of experts. The level of risk assigned to a soon-to-be-released offender determines the scope of notification. (Minn. Stat. § 244.052, subs. 2, 3)
- C. "Risk Levels"
1. Level I - Risk Level I is assigned to a ~~sex~~ predatory offender whose risk assessment score indicates a low risk of reoffense.
  2. Level II - Risk Level II is assigned to a ~~sex~~ predatory offender whose risk assessment score indicates a moderate risk of reoffense.
  3. Level III - Risk Level III is assigned to a ~~sex~~ predatory offender whose risk assessment score indicates a high risk of reoffense.
- (Minn. Stat. § 244.052, subd. 3(e))
- D. "Notification or Disclosure by Law Enforcement Agency"
1. Risk Level I - The local law enforcement agency may disclose certain information to other law enforcement agencies and to any victims of or witnesses to the offense committed by the ~~sex~~ offender. There will be no disclosure to school districts.
  2. Risk Level II - In addition to those notified in Level I, a law enforcement agency may notify agencies and groups the ~~sex~~ offender is likely to encounter that the offender is about to move into the community and provide to those agencies and groups an Offender Fact Sheet on the ~~sex~~ offender. School districts, private schools, day care centers, and other institutions serving those likely to be victimized by the ~~sex~~ predatory offender are included in a Level II notification.
  3. Risk Level III - In most cases, the local law enforcement agencies will hold a community meeting and distribute an Offender Fact Sheet with information concerning and a photograph of the soon-to-be-released Level III ~~sex~~ offender.
- (Minn. Stat. § 244.052, subd. 4)
- E. "Offender Fact Sheet" is a data sheet compiled by the Department of Corrections or local law enforcement agency. The Offender Fact Sheet contains both public and private data including a photograph and physical description of the ~~sex~~ predatory offender, as well as the general location of the ~~sex~~ offender's residence. Whether or not an Offender Fact Sheet is provided to the district is controlled by statutory requirements or lies within the judgment of the appropriate law enforcement agency.
- ~~1. A local law enforcement agency will generally provide Offender Fact Sheets for Level II sex predatory offenders directly to the school district.~~
  - ~~2. Level III Offender Fact Sheets will be distributed at a community meeting conducted by the local law enforcement agency.~~
- F. "Law enforcement agency" means the law enforcement agency having primary jurisdiction over the location where the ~~sex~~ offender ~~will~~ expects to reside upon release. (Minn. Stat. § 244.052, subd. 1(e 3)).
- G. "Criminal history conviction data" is public data on a convicted criminal which is compiled by the State Bureau of Criminal Apprehension (BCA). (Minn. Stat. § 13.87)

#### IV. PROCEDURES

##### A. Level II Notification

In developing the following procedures, the district notes that an offender's Level I or Level II registration status is NOT public information. In keeping with the statutorily designated purpose that Offender Fact Sheets are to be used by staff members to secure the school and protect individuals in the school district's care while they are on or near the school district's premises or under the control of the school district, the school district will take the following steps:

1. The superintendent shall notify the law enforcement agencies within the school district that all appropriate (as determined by law enforcement) Level II ~~and Level III~~ notifications are to be provided at least to the superintendent of schools.
2. Upon notification of the release of a Level II ~~sex predatory~~ offender, the superintendent shall forward the Offender Fact Sheet (if provided by law enforcement) to all building principals and central office administrators. This would include transportation, food service and buildings and grounds supervisors.
3. Principals of schools in close proximity to the Level II ~~sex predatory~~ offender's residence shall meet with staff and show the Offender Fact Sheet (if provided by law enforcement) to persons within the buildings who supervise students or who would be in a position to observe if the Level II ~~sex~~ offender was in or around the school. This includes, but is not limited to, administrators, teachers, coaches, paraprofessionals, custodians, clerical and office workers, food service workers, volunteers and transportation providers. The provisions in this paragraph do not include staff members receiving a copy of the Offender Fact Sheet.
4. ~~The Director of Personnel and Administration~~ school district shall request criminal history conviction data on the Level II ~~sex predatory~~ offender from its local law enforcement agency ~~in July of each year.~~ On a case- by- case basis, the superintendent may determine whether to send a letter to parents with general information regarding release of the Level II ~~sex~~ offender and a copy of the criminal history conviction data that the school district obtained from its local law enforcement agency. ~~**The school district shall not distribute or provide access to the Offender Fact Sheet to parents, students or others outside the school district as it contains private data under Minnesota law.**~~ The Offender Fact Sheet contains data classified as private or not public under Minnesota law and will not be shown or distributed to parents, students, or others outside the school district unless it determines the release is for the purpose of securing the schools and protecting individuals under the school district's care while they are on or near school premises. This determination will only be made in consultation with the appropriate law enforcement agency.
5. The building administrator shall retain a copy of any ~~cause the~~ Offender Fact Sheet that may have been provided by the law enforcement agency. The Offender Fact Sheet will be available for viewing by other staff members whose positions involve a need to view it in order to secure the school and protect individuals under the school district's care while they are on or near school premises. ~~to be available to employees in each building—~~Generally, an Offender Fact Sheet will not be posted in any building. If, in consultation with the appropriate law enforcement agency, the district determines posting of the Offender Fact Sheet to be necessary to secure the school or protect students, then the Offender Fact Sheet will only be posted in an area accessible to staff and employees but not to the general public.

6. The school district shall not distribute or provide access to Level II Offender Fact Sheets to parents, students, or others outside the school district ~~employees. The building administrator should advise parents and other concerned parties to contact the local law enforcement agency unless a determination has been made that dissemination of the data will help secure the school or protect students. This determination will only be made in consultation with the appropriate law enforcement agency.~~

B. Level III Notification

1. The superintendent shall notify the law enforcement agencies within the school district that all Level III notifications of community meetings are to be provided to the superintendent of schools.
2. When a Level III ~~sex~~ predatory offender is released into a community, generally the local law enforcement agency will notify the school district of the time and location of the community meeting at which the Level III Offender Fact Sheet will be distributed to the community.
3. When the school district receives this information, the superintendent shall determine on a case-by-case basis whether the school district will notify parents and students of the time, date, and location of the community meeting.
4. When notified of a Level III ~~sex~~ predatory offender community meeting, the superintendent or another school district administrator designated by the superintendent shall attend the community notification meeting.
5. When the school district receives information that a Level III ~~sex~~ predatory offender is moving into the school district, in addition to following the procedures specified above, the school district shall follow the procedures outlined for a Level II notification.
6. If the predatory offender is participating in programs offered by the school district that require or allow the person to interact with children other than the person's children, the superintendent shall notify parents of children in the school district of the contents of the Offender Fact Sheet.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. § 244.052 (Community Notification)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
42 U.S.C. § 14071 16901 et seq. (Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program)  
Dept. of Admin. Advisory Op. No. 98-004

**Cross References:** MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA/MASA Model Policy 903 (Visitors to School District Buildings and Sites)

ADOPTED: 4/6/1998  
 REVISED: xx/xx/2014