

Adopted January 26, 1999
Revised: February 28, 2012
Reviewed: March 11, 2014
Reviewed: November 12, 2019



906 COMMUNITY NOTIFICATION OF PREDATORY OFFENDERS

[Note: School board adoption of a policy regarding a predatory offender notification is discretionary. The Sex Offender Community Notification Act, MINN. STAT. § 244.052, imposes duties on law enforcement agencies but does not impose mandatory notification duties on school districts except as set forth in Paragraph IV.B.6., below

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 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. The policy of the school district is to provide information to staff regarding known sex 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.
- 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 necessary, bus stops may be moved if they place children in close proximity to a sex 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/or students.

III. DEFINITIONS

- A. The "Sex Offender Community Notification Act," Minn. Stat. § 244.052, as amended, allows law enforcement agencies to disclose information about certain sex 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 offender whose risk assessment score indicates a low risk of re-offense.
 - 2. "Level II" -- Risk Level II is assigned to a sex offender whose risk assessment score indicates a moderate risk of re-offense.
 - 3. "Level III" -- Risk Level III is assigned to a sex offender whose risk assessment score indicates a high risk of re-offense.

(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 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 offender, as well as the general location of the sex offender's residence.
 - 1. A local law enforcement agency will generally provide Offender Fact Sheets for Level II sex 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 reside upon release. (Minn. Stat. § 244.052, subd. 1(c))
- 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 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 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 offender, the superintendent shall forward the Offender Fact Sheet 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 offender's residence shall meet with staff and show the Offender Fact Sheet 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.
4. The school district shall request criminal history conviction data on the Level II sex offender from its local law enforcement agency. 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 offender fact sheet contains data classified as private or not public under Minnesota law and may only be distributed to parents, students or others outside the school district if 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.

5. The building administrator shall cause the Offender Fact Sheet to be posted in each building in an area accessible to staff and employees but not the general public unless a determination has been made that public posting will help secure the school or protect students.
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 unless a determination has been made that dissemination of the data will help secure the school or protect students.

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 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 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 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. § 16901 *et seq.* (Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program)
 Dept. of Admin. Advisory Op. No. 98-004

Cross References: CHSD Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
CHSD Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adult)
CHSD Policy 515 (Protection and Privacy of Pupil Records)
CHSD Policy 903 (Visitors to School District Building & Sites)