

Policy 0725-10

Student Sex Offenders

Definition

“Student sex offender” shall mean a student who has been adjudicated delinquent or convicted of and placed on probation for a dangerous offense such as sexual conduct with a minor, sexual assault, molestation of a child, or continual sexual abuse of a child.

Notification to School Districts

The Superintendent of Public Instruction is required by State law to notify a school district or private school regarding the enrollment of a registered juvenile or student sex offender. The Superintendent of Public Instruction is also required to notify the District or school of the offender’s probationary status or treatment status, if known. The Superintendent of the District or his or her designee shall contact with the State Department of Education in order to receive regular updates of this information.

Educational Placement

The Superintendent of the District or his or her designee shall determine the appropriate educational placement for juvenile or student sex offenders except those identified as having a disability. When determining educational placement, the Superintendent or his or her designee shall consider such factors as the safety and health of the student population. The Superintendent or designee shall develop guidelines for managing each juvenile or student sexual offender in District schools. If the Superintendent or designee determines that, in the best interest of District schools, the student or juvenile sexual offender should be placed in an alternative educational setting, the District shall pay for the costs associated with this placement.

Convicted juvenile or student sex offenders shall not attend a school attended by their victims or a victim’s sibling. The offender and his or her parent or guardian shall be responsible for providing transportation or covering other costs related to the offender’s attendance at another school.

An IEP team shall determine the educational placement of a juvenile or student sexual offender with a disability. The student or juvenile with a disability is entitled to all the due process procedures available to a student or juvenile with a disability under the Individuals with Disabilities Education Act. The IEP team shall develop procedures for managing each student or juvenile sexual offender with a disability that attends a District school. If the IEP team determines that the student or juvenile sexual offender should be placed in an alternative educational setting, the District shall pay for the costs associated with this placement.

Staff offender that creates an abnormal risk to members of the school community. However, each circumstance involving a student probationary juvenile offender attending a District school shall be evaluated on a case-by-case basis. Whenever possible without placing other students or adult members of the school community at risk, reasonable efforts should be made to continue the student's or juvenile's education, to provide supportive services, and to avoid any acts of harassment or vigilantism against the student or juvenile. Although federal and State laws and rules permit the release of information concerning a student or juvenile registered sex offender, discretion should be exercised when discussing or disseminating information about the student. Whenever possible, the student community should encourage and support timely and appropriate intervention toward the expected outcome that a student or juvenile offender's conduct will be rectified so the student or juvenile will commit no further offense and will develop into a responsible, self-controlled adult.

Reference: Idaho Code 18-8301 Sexual Offender Registration Notification and Community Right-to-Know-Act, Idaho Code 18-8402 Findings, Idaho Code 18- 8403 Definitions, Idaho Code 18-8408 Providing List to Superintendent Of Public Instruction, Idaho Code 18-8412 Exemption from Civil Liability, Idaho Code 18-8413 Penalties for Vigilantism of Other Misuse of Information, Idaho Code 33-205 Denial of School Attendance, Idaho Code 18-8329 Adult Criminal Sex Offenders- Prohibited Access to School Children