

Student Sex Offenders

Definition

The term “juvenile sex offender” means a person who was between fourteen (14) years of age to eighteen (18) years of age at the time the qualifying sex offense was committed and who:

1. On or after July 1, 1998, was adjudicated delinquent under the juvenile corrections act for an action that would be a sex offense if committed by an adult, including the crime, attempt, solicitation, or conspiracy to commit the following: sexual abuse of a child under sixteen (16) years of age; ritualized abuse of a child; sexual exploitation of a child; possession of sexually exploitative material for other than a commercial purpose; lewd conduct with a minor child; sexual battery of a minor child sixteen (16) or seventeen (17) years of age; male rape; crime against nature; forcible sexual penetration by use of a foreign object; or
2. As of July 1, 1998, is serving formal probation, a period of detention, or commitment to the department of juvenile corrections as the result of sentencing imposed under Idaho Code Section 20-520 for an action as described in item one (1) above; or
3. Was adjudicated delinquent in another state for an action that is substantially equivalent to the offenses described in item one (1) of this enumerated list and is subject on or after July 1, 1998, to Idaho court jurisdiction under the interstate compact on juveniles; or
4. Is required to register in another state for having committed a sex offense in the state regardless of the date of the offense or its adjudication.

Notification to School District

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 sex offender. The superintendent 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 designee shall make 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 designee shall determine the appropriate educational placement for student sex offenders except those identified as having a disability. When determining educational placement, the Superintendent or his/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 student sexual offender in District schools. If the Superintendent or designee determines that, in the best

interest of District schools, the student sexual offender should be placed in an alternative educational setting, the District shall pay for the costs associated with this placement.

Convicted juvenile 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.

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

Staff

Staff members are to be alert to and inform school officials of any behavior by a juvenile 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 education, to provide supportive services, and to avoid any acts of harassment or vigilantism against the student. Although federal and state laws and rules permit the release of information concerning a student registered sex offender, discretion should be exercised when discussing or disseminating information about the student. Whenever possible, the school community should encourage and support timely and appropriate intervention toward the expected outcome that a juvenile offender's conduct will be rectified so the student will commit no further offense and will develop into a responsible, self-controlled adult.

Written Notice

If deemed necessary to protect students, staff, or other individuals, the district may provide written notice that a particular student is on the juvenile sex offender registry. The notice will be provided by sending a letter to the parents/guardians of students whose health and safety may need to be protected. The notice will identify the student and will contain the following cautionary statement:

The information contained in this notice was received from the superintendent of public instruction in compliance with Juvenile Sexual Offender Registration Notification and Community Right-to-Know Act, Idaho Code § 18-8401, *et seq.* The district is not able to guarantee the completeness and accuracy of the registry information. Any individual who uses the information to commit a crime, or cause physical harm to any person, or damage to property is guilty of a misdemeanor, and subject to imprisonment in the county jail for a period not to exceed one (1) year, or by a fine not to exceed one thousand dollars (\$1,000), or both.

Exemption for Civil Liability

School district personnel do not have a duty to inquire, investigate or disclose any information regarding registered sex offenders enrolled in the district, nor will school district personnel be held liable for failure to disclose any information regarding registered sex offenders to any person or entity. School district personnel who, acting without malice or criminal intent, obtain or disseminate information under the Juvenile Sex Offender Act are immune from civil liability for any damages claimed as a result of such disclosures made or received.

Penalties for Misuse of Information

School district personnel will not use information obtained pursuant to the Juvenile Sex Offender Act to commit a crime or to cause physical harm to any person or damage to property. Misuse of information regarding a juvenile sex offender may result in an individual being found guilty of a misdemeanor and subject to imprisonment for no more than one (1) year and/or a fine of not more than \$1,000.

Legal Reference: I.C. §18-8402 Findings
 I.C. §18-8403 Definitions
 I.C. §18-8408 Providing List To Superintendent Of Public Instruction
 I.C. § 18-8412 Exemption from Civil Liability
 I.C. §18-413 Penalties for Vigilantism or other misuse of information
 I.C. §33-205 Denial of School Attendance

Procedure History:

Adopted on: August 10, 2009

Revised on: January 14, 2013