

**MIDDLETON SCHOOL DISTRICT #134
POLICY AND PROCEDURE MANUAL
SECTION 3000 – Students**

JUVENILE SEX OFFENDERS.....POLICY 3007

Pursuant to the Juvenile Sex Offender Act, the State Superintendent of Public Instruction will notify the District regarding the enrollment of a registered juvenile sex offender in the District. The State Superintendent of Public Instruction will also notify the District, or a school in the District, of the offender’s probationary status or treatment status, if known.

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/female 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.

ADMINISTRATIVE ACTION

If the Principal or designee becomes aware that a juvenile sex offender is enrolled in a District school, the Principal or designee will take the following action:

1. Request information regarding the student’s juvenile record and any information regarding the offense committed, adjudication, probationary status and treatment status from the department of law enforcement and/or the superintendent of public instruction.
2. Convene a meeting to determine what administrative action, if any, should be taken; the sole purpose of any such administrative action will be to protect the health and safety of all students.

The meeting will include individuals deemed necessary by the Principal or designee, including, but not limited to, the juvenile's teacher(s), school counselor, probation officer, and other individuals whose expertise may assist the principal in determining the safety risk posed by the juvenile. The Principal may also seek input from the juvenile and/or his or her parent/guardian. Among other administrative actions discussed, the members of the meeting may discuss whether written notice to other parents/guardians that a particular student is on the juvenile sex offender registry is warranted (see the section titled "Written Notice" in this policy). The meeting will occur as soon as possible, but in no case more than five (5) school days from when the principal or designee first becomes aware that a juvenile sex offender is enrolled in a district school.

After reviewing all factors, the Principal will determine what action, if any, the school will take to supervise a juvenile sex offender under this policy. The Principal will notify, in writing, the juvenile's parent/guardian of the determination and advise them that they may request a review by the board. The Principal's determination may be reviewed by the board, if requested by the parent/guardian within ten (10) days. The Board's decision is final.

Pending a decision as to what administrative action, if any, will be taken, the juvenile sex offender will be closely supervised at all times by a one-to-one aide or other means as appropriate. Decisions about administrative actions regarding juvenile sex offenders will be made on a case-by-case basis. The Principal will convene a meeting to review the administrative actions regarding juvenile sex offenders annually or more frequently, if determined to be necessary by the Principal.

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 FROM 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.

SPECIAL EDUCATION

An Individualized Education Program (IEP) team will take appropriate action when dealing with a juvenile sex offender in these situations:

1. The student has a valid IEP.
2. The district determines that an evaluation is necessary to determine whether the student qualifies for special education and related services.
3. The parent/guardian requests that the student be evaluated for special education and related services.

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LEGAL REFERENCE:

Idaho Code Sections

18-8401, *et seq.*

18-8301, *et seq.*

18-8323

ADOPTED: 10/08/02 (Implementation July 2003)