

SUPERVISION OF LOW RISK JUVENILE SEX OFFENDERS

3.43.1

Pursuant to Annalyn's Law, the Superintendent shall be notified by local law enforcement when a low risk juvenile sex offender is enrolled or attending school within the board's jurisdiction for the purpose of appropriate supervision during the school day/school activities.

Section 1. Definitions In this policy, these terms shall have the following meanings:

(a) "Plan" refers to the "individualized student safety plan" developed following the Student's adjudication and/or enrollment in the school to serve as a behavior contract between contract between the Student and the School.

(b) "School" refers to "all school property and school-sponsored functions including, but not limited to, classroom instructional time, assemblies, athletic events, extracurricular activities, and school bus transportation" related to the Student's current school of record.

(c) "Student" refers to "the low risk juvenile sex offender" designated by a juvenile court judge as having a low risk of re-offense.

(d) "Teachers and staff with supervision over the student" or "Supervision team" refers to school officials or staff who have a specific responsibility for the Student, including the school principal, the Student's assigned teachers and/or coaches, the Student's counselor, and if applicable, the Student's bus driver, during the subject school year and who will be privy to information regarding the Student's status. Teachers and staff with only passing and/or general contact with the Student shall not be privy to information regarding the Student's status. (e) "Victim" refers to the victim, if known by and attending the same school as the Student, of the offense for which the Student was adjudicated delinquent.

Section 2. Notification

(a) Current Students

In the event a currently enrolled Student is adjudicated delinquent and designated "low risk" by the juvenile court, local law enforcement is expected to notify the local Superintendent and principal of the Student's school in writing.

(b) Newly Enrolled Students

In the event a Student seeks to enroll in the district as a new student, and that Student has been previously designated as a low risk juvenile sex offender, local law enforcement is expected to notify the local Superintendent and principal of the Student's school in writing.

(c) Students That Change Schools Within the District

In the event a currently enrolled Student transfers to another school in the district or is promoted to another school in the district, the principal of the original school should notify designated law enforcement of the change as soon as practicable.

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Following that notification, the principal of the original school should orally or in writing brief the principal of the new school regarding the original Plan and the transferring Student's status and circumstances. Regardless, the principal of the prior school must provide the Student's records and Safety Plan to the principal of the new school as soon as practicable.

The new principal should review the Plan and meet with the Student, the Student's parent or guardian, and the anticipated new Supervision Team to determine whether the current terms are sufficient or should be adjusted based on the Student's circumstances.

(d) School Staff Changes

In the event the principal or a member of the Supervision Team leaves his position or is no longer responsible for supervising the Student, a replacement team member should be named, if necessary and appropriate, and briefed by the principal or the most senior member of the Supervision Team regarding the Student's status and Plan.

The Student, his parent or guardian, and other members of the Supervision Team should be notified of changes to the Supervision Team within a reasonable timeframe.

Section 3. Plan Development and Maintenance

Upon proper notification from law enforcement, the Student's principal or designee will call together the anticipated Supervision Team to meet with the Student and/or the Student's parent or guardian to develop an appropriate Plan. This meeting should take place within 10 school days or as soon as practicable. In the event the Student's parent or guardian is unable or unwilling to meet, the principal or designee and the Supervision Team should meet with the Student within a reasonable timeframe to develop an appropriate Plan.

In the event the Victim attends the same school as the Student, the plan should include measures to reduce the likelihood of Victim and Student interaction.

The terms of the Plan and any updates to it must be memorialized in writing and approved by the principal or designee before being distributed to the Student and the Student's parent or guardian, as well as the Supervision Team.

The principal or designee should meet with the Student, the Student's parent or guardian, and the Supervision Team at least annually, but as often as deemed necessary by the principal or designee to assess the Student's status and to determine whether adjustments should be made to the Plan.

Section 4. Supervision

The Student will be subject to the Student Code of Conduct & any other conditions deemed necessary by the principal/designee as incorporated in the Student's Plan.

Members of the Supervision Team should report any suspected violations of the Plan to the principal or designee.

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The school officials and staff responsible for supervising the Student on a daily basis should do so in a manner that is discrete and unobtrusive.

Section 5. Students with Disabilities

Discipline of Students with disabilities will be subject to applicable limitations and requirements imposed by the Individuals with Disabilities Education Act and/or Section 504 of the Rehabilitation Act and implementing regulations.

Section 6. Violations of the Plan

In the event the Student violates the Student Code of Conduct or the Plan, the Student may be subject to discipline pursuant to board policy and/or reassessment of the Plan's conditions.

Section 7. Challenges to the Plan

In the event the Student and/or his parent or guardian object to conditions of the Plan or the application of a sanction, a challenge must be submitted in writing to the Superintendent or his designee to consider whether adjustment of the Plan or response modification is warranted. The Superintendent's decision shall be final. A response that constitutes disciplinary action will adhere to the applicable School disciplinary policies and procedures and the Student will be afforded process due thereunder.

Section 8. Confidentiality

Information received by school officials or staff related to the Student's delinquent status must be treated as confidential from other students, staff members, officials and stakeholders. Any document identifying the Student's status should be safeguarded from unintentional disclosure by the members of the Supervision Team. Any school official or school employee who improperly discloses the Student's status to any other person may be subject to school discipline and/or criminal charges as provided by law.

Section 9. Retaliation

Members of the Supervision Team should make every effort to treat the Student with the same respect and courtesy to which every student is entitled. The Team is reminded that the Student has been deemed by the juvenile court as not likely to reoffend and should be encouraged to fully integrate into the student body as a successful student. Mistreatment of any student may be cause for discipline.

Section 10. Procedures

The Superintendent shall have the authority to develop appropriate training and additional procedures for staff members in furtherance of this policy.

REFERENCES:

CODE OF ALABAMA No. 2018-528, Ala. Code § 16-1-51.1 (1975)

HISTORY:

ADOPTED: OCTOBER 8, 2020

FORMERLY: NEW