

NON-STUDENT REGISTERED SEX OFFENDERS

Part One – Non-Student Registered Sex Offenders.

No person, other than a student who is enrolled in the Spearfish School District 40-2 (“District”) who is registered as a sex offender under SDCL Chapter 22-24B, may knowingly be present on the facilities or grounds owned, leased or controlled by the District (the AProperty@) except for the limited circumstances stated in this policy. A student enrolled in the District who is registered as a sex offender under SDCL Chapter 22-24B shall be subject to Board Policy Code 5040.

If any District employee becomes aware of any non-student registered sex offender’s presence on District Property, he/she shall immediately inform the Superintendent or designee. If the registered non-student sex offender is not on District Property pursuant to a waiver issued under Part Three of this policy, the Superintendent or designee shall direct the individual to leave the District Property immediately. The Superintendent or designee shall request assistance from local law enforcement authorities if the individual resists this directive. If the non-student registered sex offender repeats this restriction of being present on District Property, the Superintendent or designee may confer with legal counsel to take appropriate legal action.

Part Two - Registered Sex Offenders Who Are Parents or Legal Guardians of Enrolled Students.

This policy applies with equal force to a registered sex offender who is the parent or the legal guardian of a student enrolled in the District except for the limited circumstances stated in this policy in Part Three.

Part Three - Written Waiver Request; Conditions of Waiver Approval.

1. The Superintendent or designee, or School Board, may waive, subject to any restriction, limitation, or condition that the Superintendent or School Board may elect to impose, enforcement of this policy on a case by case basis based upon receipt of a written Waiver Request (Form A) from a registered sex offender. This may include consideration of the statutory exemption from, or a Court-approved petition for exemption from, the Community safety zone regulations of SDCL Chapter 22-24B, to allow access for voting, or in case of a Court Order to allow access. Waiver Request forms may be obtained by contacting the district administrative office. If a waiver is approved, it will be issued on the Waiver Approval (Form B).

2. Under no circumstances is any registered sex offender permitted to loiter on District Property in violation of SDCL 22-24B-22(2) and 24.

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3. If the registered sex offender is the parent or the legal guardian of a student enrolled in the District and has submitted a Waiver Request:

(A) The Superintendent or designee may waive, subject to any restriction, limitation, or condition, enforcement of this policy on a Waiver Approval for the sole purpose of the parent or the legal guardian to drop-off and pick-up the student on District Property or for the parent to attend parent-teacher conferences held on District Property.

(B) The Superintendent may waive, subject to any restriction, limitation, or condition, enforcement of this policy on a Waiver Approval for the sole purpose of the parent or the legal guardian to attend school events on District Property where the parent's/legal guardian's student/ward participates, but only under exceptional situations, such as, but not limited, to graduation.

(C) A Waiver issued under this Section 3 to a parent or legal guardian shall be valid only for up to one year each (September 1 to August 31st). If the registered sex offender parent or legal guardian seeks renewal of the Waiver he or she must submit a new Waiver Request under Paragraph 1 of this Part Three above each year.

4. Any other Waiver Request by a registered sex offender will first be reviewed by the Superintendent, and if the Superintendent recommends approval, the Superintendent shall submit the waiver to the Board of Education with a recommendation, subject to the Board's right, in its sole discretion, to approve or deny the waiver or to impose further restrictions, limitations or conditions on the Waiver Approval. The Waiver Approval shall clearly state the termination date of the Waiver, and a Waiver shall only be valid for up to one year each (September 1st to August 31st), but may be renewed by a subsequent Waiver Request for additional periods of up to one year each.

5. Any holder of a Waiver Approval may come to the District Property for the stated business only, and when entering the building the Waiver Approval holder must first report to and check in at the front office only. When finished, the Waiver Approval holder must immediately leave District Property. While on District Property, the Waiver Approval holder must present picture identification to District personnel when so requested to assure proper identification. The Waiver holder must be in possession of the Waiver Approval form any time the Waiver holder is on District Property.

6. The Superintendent may deny any Waiver Request without submission of the request to the Board of Education, and the Superintendent's decision shall not be subject to appeal.

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7. Upon issuance of any Waiver Approval, the Superintendent and designee, and the School Board, retain the right to revoke or modify the waiver. If the Waiver Approval was issued by the Superintendent or designee, the Superintendent or designee may revoke or modify the Waiver Approval. Except in the case of a violation under No. 7 below, if the Waiver Approval was issued by the Board of Education, the Superintendent will recommend action to the Board, and the Board may revoke or modify the Waiver Approval.

8. If the registered sex offender violates any of the conditions established in the Waiver Approval or otherwise poses a risk to any student in the opinion of the Superintendent or designee, the Superintendent or designee may immediately revoke the Waiver Approval and shall direct the individual to leave the District Property immediately. The Superintendent or designee shall request assistance from local law enforcement authorities if the individual resists this directive.

Part Three - South Dakota Registered Sex Offender Registry.

The State of South Dakota maintains a registry of registered sex offenders for public information. Any interested person is encouraged to contact a local law enforcement agency or the South Dakota Attorney General's Office for further information or to access the registry. Persons using the registry are reminded to obey all laws concerning misuse of the information obtained.

This policy does not impose any duty upon any District employee to review the sex offender registry for individuals who may come upon District Property.

A copy of this policy shall be included in the District Student Handbook.

Adopted	<u>May 12, 2008</u>
Reviewed	<u>January 10, 2011</u>
Reviewed	<u>December 2019</u>