

Descriptor Term:  
STUDENT SEX OFFENDERS

Descriptor Code:  
4.3550

Legal References: Americans With Disabilities Act, 42 U.S.C. 12132, 28 C.F.R. Part 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., 34 C.F.R. Part 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 14-208.18, -25A; 115C-332, -332.1; 115C, art. 9; 115C-378, -391

Cross References: 5.0220/7.4878 Registered Sex Offenders

Pursuant to Session Law 2008-117, *The Jessica Lunsford Act for North Carolina* (the "Act"), AND N.C.G.S. § 14-208.18 the General Assembly of North Carolina has recognized that sex offenders often pose a high risk of engaging in sex offenses after being released from incarceration or commitment and that the protection of students from sex offenders while on school property and at school-sponsored activities serves an important governmental interest. The board is committed to the safety of students and other persons on school property. In order to maintain a safe school environment, the superintendent and all school personnel shall enforce the provisions of this policy at all times.

A. STUDENT SEX OFFENDER ON SCHOOL PROPERTY

In accordance with N.C.G.S. §14-208.18, a student enrolled in any school within the school system who (1) is required to register under the North Carolina Sex Offender and Public Protection Program AND (2) has been convicted of any offense set forth in N.C.G.S. Chapter 14, Article 7A, or has been convicted of any offense where the victim of the offense was under the age of 16 at the time of the offense (hereinafter referred to as "Student Sex Offender"), is expressly forbidden to knowingly be present on any property owned or operated by the school system, including school buildings, athletic fields, playgrounds, parking lots, school buses, activity buses or other property of any kind (hereinafter referred to as "school property") for any reason, including attendance at sporting events or other school-related functions, whether before, during or after school hours. In addition, Student Sex Offenders may not attend or be present at any student function or field trip on or off of school property which is 1) school-sponsored or 2) otherwise under the official supervision or control of school personnel.

Provided, however, any Student Sex Offender who is receiving educational services on school grounds must comply with the requirement that he or she be supervised by school personnel at all times.

B. EDUCATIONAL SERVICES FOR STUDENT SEX OFFENDERS

1. The board may expel any Student Sex Offender. The board shall hold a hearing to determine whether to expel any Student Sex Offender OR whether to provide the student with educational services. The decision to expel the Student Sex Offender shall be based on the standard established by G.S. 115C-391(d)(2).
2. If permitted by the board, a Student Sex Offender who is eligible to attend public school under G.S. 115C-378 may be present on school property subject to any conditions and restrictions imposed by the board.
3. Prior to expelling a Student Sex Offender pursuant to G.S. 115C-391(d)(2), the board shall consider whether there is an alternative program offered by the school system that

may provide educational services to the Student Sex Offender.

4. If the board of education determines that a Student Sex Offender will be provided educational services on school property, the Student Sex Offender must remain under direct supervision of school personnel at all times while on school property.
5. If a student subject to this policy violates the conditions and restrictions placed upon the student by the board, school administrators and the board shall follow established student discipline procedures and impose appropriate disciplinary measures, up to and including expulsion.
6. If a student subject to this policy is a child with disabilities, he or she will be provided educational services in compliance with federal and state law.