

STUDENT SEX OFFENDERS

Pursuant to Session Law 2008-117, *The Jessica Lunsford Act for North Carolina* (the "Act"), 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 Avery County Board of Education desires to implement rules to effectuate the purposes of the Act.

A. STUDENT SEX OFFENDER ON SCHOOL PROPERTY

A student who is enrolled in the school system and is a registered sex offender subject to policy 5023 Registered Sex Offenders, 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 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.

A student subject to policy 5023 Registered Sex Offenders, 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. If permitted by the board, a student who is subject to Section A of this policy and 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.
2. The board will hold a hearing to determine whether to expel the student or provide the student with educational services. The decision to expel the student will be based on the standard established by G.S. 115C-391(d)(2).
3. Prior to expelling a student pursuant to G.S. 115C-391(d)(2), the board will consider whether there is an alternative program offered by the school system that may provide educational services to the student.
4. If the board of education determines that a student will be provided

educational services on school property, the student must be under the supervision of school personnel at all times.

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 will 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.

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, art. 9; 115C-378, -391

Cross References:

Adopted: 12/8/08