

CVUSD Board Policy

BP 3515.5

Business and Noninstructional Operations

Sex Offender Notification

Note: Penal Code 290.45 specifies that when a law enforcement agency reasonably suspects that children may be at risk from a registered sex offender, the agency may notify educational institutions. However, the law does not stipulate procedures for districts to follow when so notified. Penal Code 290.45 also provides that any person who receives such sex offender information from a law enforcement agency may only disclose that information in the manner and to the extent authorized by the law enforcement agency. Districts should act reasonably and responsibly if the information is received and should collaborate with local law enforcement in order to determine the most responsible means of communication. See the accompanying administrative regulation. Because school personnel are not equipped to assess the relative danger of offenders, it is recommended that districts consult with legal counsel when developing their planned response to the receipt of sex offender information.

In order to protect students while they are traveling to and from school, or attending school or a school-related activity, the Governing Board believes it is important that the district respond appropriately when a law enforcement agency notifies the district about registered sex offenders who may reside or work within district boundaries.

The Superintendent or designee shall establish an ongoing relationship with law enforcement officials to coordinate the receipt and dissemination of such information. To the extent authorized by law, the Superintendent or designee also shall establish procedures for notifying appropriate staff as necessary.

Note: Penal Code 290.45 grants the district and its employees immunity from civil liability for the good faith dissemination of any sex offender information received from a law enforcement agency, as long as the dissemination is in the manner and to the extent authorized by the law enforcement agency.

To protect the district and its employees from liability, employees shall disseminate sex offender information in good faith, and only in the manner and to the extent authorized by the law enforcement agency.

Note: AB 488 (Ch. 745, Statutes of 2004) amended Penal Code 290.46 to make information about certain sex offenders, including their home addresses, available to the public via the Internet. Previously, the information was available only through a CD-ROM which the public had to view at law enforcement agency offices. Assembly Concurrent Resolution 72 (Resolution Ch. 122, 1998) strongly encourages districts to include in the annual notification to parents/guardians information regarding the availability of Megan's Law information. The following paragraph is optional and may be revised to reflect district practice.

The Superintendent or designee may annually notify parents/guardians of the availability of information about registered sex offenders on the Department of Justice's Internet website.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1240 - Volunteer Assistance)

(cf. 1250 - Visitors/Outsiders)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 3515 - Campus Security)

(cf. 5142 - Safety)

Legal Reference:

EDUCATION CODE

32211 Threatened disruption or interference with classes; offense

35160 Authority of boards

35160.1 Board authority of school districts

PENAL CODE

290 Registration of sex offenders

290.4 Sex offender registration; compilation of information

290.45 Release of sex offender information

290.46 Making information about certain sex offenders available via the Internet

290.9 Addresses of persons who violate duty to register

290.95 Disclosure by person required to register as sex offender

626.8 Disruptive entry or entry of sex offender upon school grounds

830.32 School district and community college police

3003 Parole, geographic placement

UNITED STATES CODE, TITLE 42

14071 Jacob Wetterling Crimes Against Children and Sexually Violent Offender

Registration Program Act

ATTORNEY GENERAL OPINIONS

82 Ops.Cal.Atty.Gen. 20 (1999)

Management Resources:

WEB SITES

California Department of Justice, Megan's Law mapping: <http://www.meganslaw.ca.gov>

CSBA: (2/99 11/03) 3/05

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