

SEX OFFENDER REGISTRY NOTIFICATION

The Virginia State Police (“State Police”) maintains a publicly accessible Sex Offender and Crimes against Minors Registry (“sex offender registry”) pursuant to Virginia Code §9.1-900, *et seq.*, to assist law-enforcement agencies and others in protecting their communities and families from repeat sex offenders and to protect children from becoming victims of criminal offenders. Offenders required to register pursuant to Virginia Code §9.1-902 include individuals convicted of “sexually violent offenses” as defined by Virginia Code §9.1-902, and those convicted of certain other violent and/or sexual offenses.

The School Board has established this policy in accordance with Virginia Code §22.1-79.3 in order to protect the safety of Division students and to provide procedures for Division staff regarding convicted sex offenders.

I. RESPONSIBILITIES OF ALL DIVISION EMPLOYEES

A. Dissemination of Sex Offender Registry Information

Sex offender registry information should be provided to employees who are most likely to observe unauthorized persons on or near school property including but not limited to:

- school bus drivers;
- employees responsible for visitor registration;
- employees responsible for bus duty;
- security staff;
- coaches;
- playground supervisors; and
- maintenance personnel.

When registry information is disseminated, it shall include a notice that such information should not be shared with others and may only be used for the purposes discussed below. Employees who share registry information with others may be disciplined.

The Albemarle County Public School Division recognizes that it is the responsibility of local law enforcement to notify the community of potential public danger. Therefore, the division will not disseminate registry information to parents.

B. Requests for Registry Information

Anyone requesting registry information from the school division shall be referred to the State Police.

C. Use of Sex Offender Registry Information

Registry information shall only be used for the purposes of the administration of law-enforcement, screening current or prospective school division employees or volunteers and for the protection of school division students and employees. Registry information shall not be used to intimidate or harass others.

D. Registered Sex Offender Sighted

If an employee sees a registered sex offender on or near school property, around any school division student, or attending any school division activity, the Superintendent /Designee shall be notified immediately. The Superintendent/Designee may, in his or her discretion, notify local law-enforcement.

II. RESPONSIBILITIES OF PRINCIPALS AND SCHOOL STAFF

A. Notification of Sex Offender Registrants in School Attendance Areas

The Albemarle County Public School Division recognizes the danger sex offenders pose to student safety. Therefore, to protect students while they travel to and from school, attend school or are at school-sponsored or school-related activities, each school in the Albemarle County Public School Division shall request electronic notification of the registration or reregistration of any sex offender in the same or contiguous zip codes as the school. Such requests and notifications shall be made according to the procedure established by the State Police.

B. School Volunteers and Student Teachers

1. For purposes of this policy, “volunteer” means a non-Division employee volunteering at a school or school-sponsored activity who has direct access to students, such as a classroom volunteer, field trip chaperone, or extracurricular club sponsor. “Volunteer” does not include individuals serving at one-time, large-scale school events such as, for example, dances, proms, graduation parties and science fairs.
2. Each staff member shall submit to the Principal the name and address of each volunteer the staff member is or may be using as soon as the person is identified, unless the sex offender registry information has been provided by the volunteer or his/her sponsoring organization.
3. The Principal/Designee shall screen each student teacher and volunteer’s name and address against the registry information. If a match is found, the Principal/Designee shall notify the Superintendent, who shall confirm the match.
4. If the match is confirmed, the Superintendent/Designee shall inform the individual, in writing, that he or she may not serve as a school volunteer or student teacher. The notice shall provide the reason with reference to this policy and Policy KNA. The Superintendent/Designee shall also inform the Principal and employees that the individual may not be used as a volunteer.

C. School Division Employees.

Each time sex offender registry information is received, the principal shall review it to determine if a school division employee is registered. If a match is found, the Superintendent/Designee shall confirm or disprove the match with local law enforcement. If the match is confirmed, the Superintendent/Designee shall notify the School Board. The School

Board will take the appropriate action to comply with state law, which may include termination of employment.

D. Sexually Violent Offenders

1. Adults who have been convicted of a sexually violent offense, as defined in Virginia Code §9.1-902, may be present on school property during school hours, school-related or school-sponsored activities, on any school bus, or on any property, public or private, when such property is solely being used by an elementary or secondary school for a school-related or school-sponsored activity only if they meet one of the following conditions (see Policy KNA):
 - a. He/she is a lawfully registered and qualified voter, and is coming onto school property solely for purposes of casting his vote;
 - b. He/she is a student enrolled at the school; or
 - c. He/she has obtained a court order allowing him to enter and be present upon school property, has obtained the permission of the School Board for entry within all or part of the scope of the ban lifted by the court, and is in compliance with terms and conditions imposed by the School Board and the court's order.
2. Students who are registered sex offenders may not be precluded from attending school.
3. When a principal learns that an adult who is listed on the sex offender registry seeks to come onto school property during school hours or during school-sponsored or school-related activities, the following steps shall be taken:
 - a. The principal shall contact the Superintendent/Designee and the School Board Attorney with information regarding the name and conviction of the individual.
 - b. If the individual was convicted of a sexually violent offense, written notice will be provided prohibiting the individual from coming onto school property during school hours or during school-sponsored or school-related activities unless and until one of the conditions specified in Virginia Code §18.2-370.5 has been met.
 - c. If the individual petitions the Albemarle County Circuit Court for an order permitting him or her to be on school property during school hours, school-sponsored or school-related activities, the School Board Attorney shall work with Division staff to respond to the petition and present the court's order, along with the Superintendent's recommendations, to the School Board for its deliberation in closed session. The School Board shall have final authority to decide whether the individual will be permitted to come onto school property during school hours or during school-sponsored or school-related activities and, if so, under what terms and conditions.

III. RESPONSIBILITIES OF THE SUPERINTENDENT/DESIGNEE

A. Annual Notification

At the beginning of each school year, the Albemarle County Public School Division shall notify parents and employees of this policy. The School Board will also annually notify the parent of each student enrolled in the school division of the availability of information in the Sex Offender and Crimes Against Minors Registry and the location of the Internet website (<http://sex-offender.vsp.virginia.gov/sor/>).

B. Applicants for Employment and Contractors

1. Before hiring any person, the Superintendent shall determine whether the prospective employee is a registered sex offender. If the prospective employee is a registered sex offender, he or she shall not be hired by the Division.
2. The Superintendent shall include language in all Division contracts that may involve an employee of the contractor having any contact with a student to ensure that contractors shall not send any employee or agent who is a registered sex offender to any school building or school property. Monthly, the contractor shall check the registry to determine if any employee is registered. .

C. Precautions to Protect Students

When the Superintendent/Designee determines it is necessary, because of the presence of a registered sex offender, alternative arrangements may be made for bus and walking routes to and from school, recess and physical education periods, or any other activity in order to protect division students.

Adopted: August 10, 2006

Amended: August 28, 2008; January 27, 2011; March 8, 2012; June 8, 2017

Legal Ref: Code of Virginia, 1950, as amended, §§ 22.1-79, 22.1-79.3, 9.1-914, 9.1-918, 18.2-370.5 and 19.2-390.1.

Commonwealth v. Doe 278 Va. 223 (Va. 2009)

Cross Ref: DJF, *Purchasing Procedures*
KNA, *Sex Offenders on School Property*
KNAJ, *Relations with Police Authorities*