

POLICY TITLE: STUDENT REGISTERED SEX OFFENDERS – ENTRY ON SCHOOL PROPERTY		
ADOPTION/EFFECTIVE DATE: June 20, 2022	MOST RECENTLY AMENDED:	MOST RECENTLY REAFFIRMED:
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: STUDENTS		

I. Purpose

The purpose of this policy is to provide for the education of students who are registered sex offenders in accordance with requirements defined by Maryland Annotated Code §11- 722. A student registered as a sex offender is prohibited from entering onto school property or attending Maryland public schools. This policy serves to maintain a safe and secure learning environment for all students while also providing an education in accordance with state law for students who are registered sex offenders through other methods in a location other than public school property

II. Definitions.

For the purpose of this policy, the following definitions apply:

- A. Sex Offender – defined in The Sex Offender Notification Act (SORNA) section 111(1) is a person who was “convicted” of a sex offense. Hence, whether an individual has a sex offense “conviction” determines whether he or she is within the minimum categories for which the SORNA standards require registration.
- B. Student – an individual enrolled in a public school system or nonpublic school in the state who is 5 years of age or older and under 22 years of age.
- C. School Property – buildings, land that surrounds the buildings, and vehicles, that are owned or leased by a local school system

III. Statement of Policy.

A. Communication Procedures.

The following procedures shall be followed to ensure clear and transparent communication with the student and parent or guardian.

- i. Immediately upon becoming aware of a student who is a sex offender registrant, system and school level administrators should arrange a meeting with the student and parent or guardian, to advise them of the manner in which the student will be educated in accordance with State law, until such time that the student is no longer a sex offender registrant. It shall be made clear that the student continues to be a student of record (not withdrawn or expelled) and entitled to receive an education in accordance with State law but is not allowed to enter the property of any public or nonpublic elementary or secondary school.

The parent or guardian shall be provided with a primary contact person within the system who should make initial contact with the family and facilitate all future communications.

- ii. Students who have a 504 Plan or Individualized Education Program (IEP) must continue to receive the services and instructional modifications established through the 504 Plan or the IEP. An appropriate team meeting must be expedited to determine any required revisions to the 504 Plan or IEP are made to ensure the student's educational needs are met and the student continues to receive a Free and Appropriate Public Education (FAPE). The change in educational placement must be properly determined and the local school system must still ensure a student receives FAPE within the new learning environment.

B. Pathways to Meeting Graduation Requirements.

Students who are sex offender registrants shall be afforded the opportunity to meet all graduation requirements, including required assessments and student learning, within the same timeframe as other students. The following pathways may be used to meet graduation requirements, and school-based teams are encouraged to develop or refine additional pathways to graduation consistent with the school system's policies and procedures.

- i. Home and Hospital Teaching Program - A student who is a sex offender registrant and who meets the criteria for the Home and Hospital Teaching Program as provided in Code of Maryland Regulation 13A.03.05.03 may be educated following the Home and Hospital Teaching Program regulation as prescribed, and within the boundaries of this legislation.
- ii. Individual Virtual Learning - A student who is a sex offender registrant may be educated using an individual virtual learning program accessible to the student within a location other than school property. School and system leaders shall ensure, if assigning this pathway to graduation, that the student has the appropriate resources to successfully access learning including an appropriate electronic device, reliable internet access, necessary software and learning platforms, and access to adults for instructional and technology support, as needed.
- iii. A Regional Institute for Children and Adolescents (RICA) or A Nonpublic Educational Program – A student who is a sex offender registrant may be referred to be educated at RICA or a nonpublic program. The receiving program is given discretion within this legislation to accept or deny a student entry upon receiving knowledge of the student's status as a sex offender registrant. In the instance where a student is not accepted, the board must assign another method by which the student will be educated.
 - a. The student who is a sex offender registrant must notify an agent or employee of the nonpublic educational program of their requirement to register as a sex offender.

- b. The student who is a sex offender registrant is given specific written permission by an agent or employee of the nonpublic educational program to attend the program.

C. Plan for Transition.

School and system leaders shall be prepared to engage in strategic planning to transition a student back to the public-school environment at such time that a student is no longer a sex offender registrant by considering the following practices:

- i. Plan for increased communication among all stakeholders to develop strategies to:
 - a. prepare the student, involve school staff, and impacted peers as appropriate for the pending return,
 - b. determine appropriate interventions and supports to be implemented upon the student's return, and
 - c. monitor progress and make timely adjustments to interventions and supports to ensure the student's success.
- ii. Designate individuals to serve on a multi-disciplinary school based therapeutic support team that will facilitate the student's successful return.
- iii. Plan for and implement specific actions to support the student's social reintegration with peers and school staff.
- iv. Use of restorative approaches as a means of recognizing and addressing stakeholder questions and concerns.

D. Student Records.

The school system shall consult with local legal counsel regarding application of State and Federal student records laws before disclosing student record information regarding students who are subject to Criminal Procedure Article §11-722.

Board Approval Acknowledged By:



Sean W. Bulson, Ed.D.
Superintendent

Policy Action Dates					
ACTION DATE		ACTION DATE		ACTION DATE	
Adopted	06-20-22				

Responsibility for Policy Maintenance & References	
LAST EDITOR/DRAFTER NAME: Kimberly H. Neal	JOB POSITION OF LAST EDITOR/DRAFTER: General Counsel
PERSON RESPONSIBLE:	JOB POSITION OF PERSON RESPONSIBLE:
DESIGNEE NAME:	JOB POSITION OF DESIGNEE:
POLICY NUMBER PRIOR TO NOVEMBER 1, 2005:	

LEGAL REFERENCES¹

¹ All references are to specific federal or Maryland statutes or regulations. References are provided for convenience and informational purposes only and are not to be considered as exhaustive or as precluding Harford County Public Schools from relying upon any other statutes or regulations in support of a policy or procedure.