

To Replace 10.26 STUDENT REGISTERED SEX OFFENDERS (attached)  
With updated Associated School Boards of South Dakota Version 3-21-2023

#### 10.26 STUDENT REGISTERED SEX OFFENDERS

The District is committed to the safety of students, employees and other persons on school property. In order to effect this commitment, the following policy is adopted.

If a student enrolled in the District is registered as a sex offender under SDCL 22-24B-2, the student, if age 18 or older, or the parent(s)/guardian(s) of a student age 17 or younger, shall inform the Superintendent or Building Principal of the student being registered as a sex offender. The Superintendent or designee will arrange a meeting for the student to include the student, the student's parent(s) or guardian(s) if the student is age 17 or younger, school resource officer, District administrators and guidance counselors, to determine the student's background, conditions of parole, the safety risk posed by the student, and any other relevant factors affecting the student and the safety of other District students. The student's parole or probation/court services officer will be invited to attend the meeting. If the student is age 18 or older, the student may invite, but is not required to invite, the student's parent(s)/guardian(s).

Students who are registered sex offenders shall not be denied the opportunity to receive a free education from the school district solely on the basis of being a registered sex offender. The school district may consider a student's status as a registered sex offender in determining the student's educational placement and program. The Superintendent or designee may establish restrictions for the student registered sex offender, which may include, but is not limited to, the following:

- A. No attendance at a building where there are daycare centers or younger students, and/or which are located near a private daycare, and/or buildings attended by the offender's adjudicated victim or a victim's sibling, and/or any other location that would violate the offender's parole or probation conditions; and/or
- B. A behavior contract with school officials, signed by the student if at least age 18 or by the student and parent(s)/guardian(s) if the student is age 17 or younger, which may include a prohibition on leaving campus during the school day; and/or
- C. Require periodic meetings with the school counselor and/or school resource officer; and/or
- D. Attendance in an alternative educational program or instruction through remote or distance learning.

If a student subject to this policy is a student with disabilities and/or who is eligible for special education and related services, the student's educational services placement and program will be provided in accordance with federal and state law.

Under no circumstances is any student registered sex offender permitted to loiter on District property in violation of SDCL 22-24B-22(2) and 24.

If the student registered sex offender violates any of the restrictions or conditions established by the District under this policy, or otherwise poses a risk to any student in the opinion of the Superintendent or designee, the Superintendent or designee may take immediate action to address the situation for the safety of other students or District employees.

The student, if at least age 18, or the parent(s)/guardian(s) of a student age 17 or younger, may appeal the placement and program provided to the student pursuant to this policy. If the placement and program was determined by the Superintendent's designee, the appeal shall be to the Superintendent. A decision by the Superintendent may be appealed to the School Board. A written appeal must be submitted within ten (10) school days of the designee's or Superintendent's decision.

First Read: May 11, 2023

Second Read:

Approval: