

The Transylvania County Board of Education (the “board”) is committed to the safety of students, school employees, and other persons on school property. In order to create and maintain a safe school environment and to comply with G.S. 14-208.18, the board establishes the following policy provisions.

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 5022, Registered Sex Offenders, is expressly prohibited from (1) knowingly being present on any property owned or operated by the school system, including school buildings, athletic fields, playgrounds, parking lots, buses, and other property, and (2) attending school-sponsored or school-related activities, except to the extent the student is permitted to be on school property to receive educational services.

A student subject to policy 5022, 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 in accordance with subsection B.4.b. of policy 4353, Long-Term Suspension, 365-Day Suspension, Expulsion.
3. Prior to expelling a student pursuant to G.S. 115C-390.11(a)(2), the board will consider whether there are alternative education services that may be offered to the student.
4. If the board determines that a student will be provided with educational services on school property, the student must be supervised by school personnel at all times.
5. If a student subject to this policy violates the conditions and restrictions placed on the student by the board, school officials will impose disciplinary consequences consistent with the terms of the conditions and restrictions placed on the student’s admission or as otherwise provided in Section D of policy 4300, Student Behavior Policies, and any applicable provisions of the Code of Student Conduct.
6. If a student subject to this policy is a student with disabilities, he or she will be provided with educational services in compliance with federal and state law.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12131 *et seq.*, 28 C.F.R. pt. 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 14-208.18, -208.19; 115C art. 9; 115C-378, -390.2, -390.11(a)(2)

Cross References: School Safety (policy 1510/4200/7270), Alternative Learning Programs/Schools (policy 3470/4305), Student Behavior Policies (policy 4300), Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety (policy 4333), Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353), Registered Sex Offenders (policy 5022)

Adopted:

NEW