

1 The Transylvania County Board of Education (the “board”) is committed to the safety of
2 students and other persons on school property. In order to maintain a safe school environment,
3 the superintendent and all school personnel shall enforce the provisions of this policy at all times.

4
5 **A. DEFINITIONS**

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7 For purposes of this policy, the following definitions apply.

8
9 1. **Registered Sex Offender**

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11 A registered sex offender is a person who (1) is required to register under the Sex
12 Offender and Public Protection Registration Program and (2) has committed any
13 of the following: an offense in G.S. 14, art. 7B; a federal offense or offense
14 committed in another state, which if committed in this state, is substantially
15 similar to an offense in G.S. 14, art. 7B; an offense in which the victim was under
16 the age of 18 years at the time of the offense; or an offense in violation of G.S.
17 14-190.16, 14-190.17, or 14-190.17A or any federal offense or offense committed
18 in another state, which if committed in this state, is substantially similar to an
19 offense in violation of G.S. 14-190.16, 14-190.17, or 14-190.17A.

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21 2. **School Property**

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23 School property is defined as any school grounds or any property owned or
24 operated by the school system where minors frequently congregate.

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26 **B. REGISTERED SEX OFFENDERS BANNED FROM ALL SCHOOL PROPERTY**

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28 In accordance with G.S. 14-208.18, ~~registered sex offenders all persons, who (1) are~~
29 ~~required to register under the Sex Offender and Public Protection Program AND (2) have~~
30 ~~been convicted of (a) any offense in Article 7B of Chapter 14 of the General Statutes, (b)~~
31 ~~any federal offense or offense committed in another state, which if committed in this~~
32 ~~state, is substantially similar to an offense in Article 7B, or (c) any offense in which the~~
33 ~~victim was under the age of 18 years at the time of the offense, are expressly forbidden to~~
34 ~~knowingly be present on any school property owned or operated by the school system,~~
35 ~~including school buildings, athletic fields, playgrounds, parking lots, school buses,~~
36 ~~activity buses, or other property of any kind for any reason, including attendance at~~
37 ~~sporting events or other school-related functions, whether before, during, or after school~~
38 ~~hours. In addition, registered sex offenders subject to G.S. 14-208.18 may not attend or~~
39 ~~be present at any student function or field trip on or off school property that is (1) school-~~
40 ~~sponsored or (2) otherwise under the official supervision or control of school personnel.~~
41 This policy applies to all ~~registered covered~~ sex offenders regardless of their relationship
42 to or affiliation with a student in the school system. ~~(Refer to the North Carolina~~
43 ~~Attorney General’s publication *The North Carolina Sex Offender & Public Protection*~~
44 ~~*Registration Program*, p.13, for a description of which offenders are subject to G.S. 14-~~

45 ~~208.18 and, thus, this policy.)~~

46

47 **C. ENFORCEMENT**

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49 All school personnel must immediately report to a school administrator the presence or
50 suspected presence of a known or suspected registered sex offender on school property.
51 School administrators and other supervisory personnel shall report to the superintendent
52 and law enforcement when they reasonably believe that a registered sex offender is or has
53 been on school property or at a school event.

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55 School administrators also shall notify the superintendent or designee of any known
56 student or parent or guardian of a student at their school who is suspected to be a
57 registered sex offender.

58

59 **D. EXCEPTIONS**

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61 A person who is banned from school property under G.S. 14-208.18 may be on school
62 property only under the following circumstances.

63

64 1. Students

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66 Students who are **registered sex offenders** ~~subject to G.S. 14-208.18~~ may be on
67 school property only in accordance with policy 4260, Student Sex Offenders.

68

69 2. Voters

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71 ~~Voters who are subject to G.S. 14-208.18 and~~ **Registered sex offenders who** are
72 eligible to vote may be present on school property for the sole purpose of voting if
73 the school property is being used as a voting place. **The voter must not be outside**
74 **the voting enclosure other than for the purpose of entering and exiting the voting**
75 **place. If the voting place is a school, the voter must notify the principal of the**
76 **school that he or she is registered under the Sex Offender and Public Protection**
77 **Registration Registry Program and the voter must remain at all times in the**
78 **portion of the school being used as the polling place. The voter must leave school**
79 **property grounds immediately after voting.**

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81 3. Parents or Guardians

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83 a. ~~An individual who is subject to this policy and~~ **A registered sex offender**
84 **who** is the parent or guardian of a student enrolled in school may be on
85 school property only for the following reasons:

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87 1) to attend a scheduled conference with school personnel to discuss
88 the ~~child's~~ **student's** academic or social progress; or

89
90 2) at the request of the principal or designee, for any reason relating
91 to the welfare or transportation of **the student** ~~his or her child~~.

92
93 b. ~~For each visit authorized by the principal in accordance with subsection~~
94 ~~(a) above, In order to visit school property for one of the reasons~~
95 ~~authorized by subsection (a) above, the parent or guardian must provide~~
96 ~~notify the principal with prior written notice of his or her registration on~~
97 ~~under the Sex Offender and Public Registration Registry Program and~~
98 ~~notice of his or her presence at school. Notice of his or her presence at~~
99 school includes the nature and specific times of the visit.

100
101 c. For each visit authorized by subsection (a) above, the parent or guardian
102 must arrange to meet a staff member at the edge of school property, check
103 in at the principal's office upon arrival and departure, and remain under
104 the direct supervision of school personnel at all times. If school personnel
105 are not available to supervise the parent or guardian during any visit, then
106 the parent or guardian will not be permitted to enter or remain on school
107 property.

108
109 d. For each visit authorized by subsection (a) above, the parent or guardian
110 must comply with all reasonable rules and restrictions placed upon him or
111 her by the principal, including restrictions on the date, time, location, and
112 length of meeting.

113 114 E. CONTRACTUAL PERSONNEL

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116 ~~In order to ensure compliance with this policy, each contract executed by the board must~~
117 ~~include a provision that requires the other party to the contract to conduct an annual~~
118 ~~check of the State Sex Offender and Public Protection Program and the State Sexually~~
119 ~~Violent Predator Registration Program on all employees who may be sent to perform~~
120 ~~tasks on or deliver products to school property. Persons who are subject to Section A of~~
121 ~~this policy may not be sent onto school property for any reason.~~

122
123 ~~In addition, each time the board enters into any contract or agreement for contracted~~
124 ~~services that involve direct interaction with children, the contract must include a~~
125 ~~provision that~~ **Each contract executed by the board must include a provision** requiring
126 the other party to the contract to conduct an annual check of the **State Sex Offender and**
127 **Public Protection Registration Program, the State Sexually Violent Predator Registration**
128 **Program, and the National Sex Offender Registry** ~~on~~ **for all contracted employees whose**
129 **contractual job with the board requires or may result in direct interaction with students,**
130 **including but not limited to any employee whose contractual job duties include: (1)**
131 **delivering services directly to students; or (2) performing tasks on or delivering products**
132 **to school property** ~~who may have direct contact with children.~~

133
134 The contract must specify that ~~N~~no contractor or employee of a contractor registered
135 with the State Sex Offender and Public Protection **Registration** Program, the State
136 Sexually Violent Predator **Registration** Program, or the National Sex Offender Registry
137 may have direct interaction with children. This provision applies to contracts with a
138 single individual.

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140 Legal References: G.S. ch. 14, art. 7B, 14-~~190.16, -190.17, -190.17A~~, -208.18, -208.19; 115C-
141 332, -332.1

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143 Cross References: School Safety (policy 1510/4200/7270), Student Sex Offenders (policy 4260),
144 Visitors to the Schools (policy 5020), Recruitment and Selection of Personnel (policy 7100)

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146 ~~Other References: *The North Carolina Sex Offender & Public Protection Registration Programs*,
147 North Carolina Department of Justice (September 2014), available at <http://ncdoj.gov/Protect-Yourself/Find-Sex-Offenders/SexOffenderRegPrograms.aspx>~~

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150 Adopted: August 15, 2016

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152 Revised: November 21, 2016; **[DATE]**