Technical Academies of Minnesota

Adopted: Orig. 6/6/2023
Revised:

906 COMMUNITY NOTIFICATION OF PREDATORY OFFENDERS

I. PURPOSE

The purpose of this policy is to assist charter school staff members in responding to a notification by a law enforcement agency that a convicted predatory offender is moving into the charter school so that they may better protect individuals in the school's care while they are on or near the charter school premises or under the control of the charter school.

II. GENERAL STATEMENT OF POLICY

A. The policy of the charter school is to provide information to staff regarding known predatory offenders who are moving into the charter school so that they may monitor charter school premises for the safety of the charter school, its students, and employees. Staff will be notified as appropriate and have access to Offender Fact Sheets.

B. The charter school Climate and Operations Committee, in cooperation with appropriate charter school transportation officials, will evaluate van routes and van stops. Van drivers will have access to Offender Fact Sheets. If necessary, van stops may be moved if they place children in close proximity to a predatory offender who has been convicted of crimes against children of similar ages.

C. The charter school Climate and Operations Committee shall prepare or provide safety information for distribution to students regarding protecting themselves from abuse, abduction, or exploitation. The charter school will prepare a list of available resources. Staff will provide safety information to students on how to protect themselves against abuse, abduction, or exploitation. Charter school officials may ask their police liaison officer or local law enforcement officials for assistance in providing instruction to staff and students.

D. Minnesota Statutes, section 244.052, as amended, allows law enforcement agencies to disclose information about certain predatory offenders when they are released into the community. The information disclosed and to whom it is disclosed will depend upon their assessment of the level of risk posed by the predatory offender.

III. DEFINITIONS

A. "Criminal history conviction data" is public data on a convicted criminal which is compiled by the State Bureau of Criminal Apprehension (BCA).

B. "Law enforcement agency" means the law enforcement agency having primary jurisdiction over the location where the offender expects to reside upon release.

C. "Notification or Disclosure by Law Enforcement Agency"

1. Risk Level I – The local law enforcement agency may disclose certain information to other law enforcement agencies and to any victims of or witnesses to the offense committed by the offender. There will be no disclosure to charter schools.

2. Risk Level II – In addition to those notified in Level I, a law enforcement agency may notify agencies and groups the offender is likely to encounter that the offender is about to move into the community and provide to those agencies and groups an Offender Fact Sheet on the offender. Public schools, private schools, daycare centers, and other institutions that primarily serve those likely to be victimized by the predatory offender are included in a Level II notification.

3. Risk Level III – In most cases, the local law enforcement agencies will hold a community meeting and distribute an Offender Fact Sheet with information concerning and a photograph of the soon-to-be-released Level III offender.

D. "Offender Fact Sheet" is a data sheet compiled by the Minnesota Department of Corrections or local law enforcement agency. The Offender Fact Sheet contains both public and private data including a photograph and physical description of the predatory offender, as well as the general location of the offender's residence.

1. A local law enforcement agency will generally provide Offender Fact Sheets for Level II predatory offenders directly to the charter school.

2. Level III Offender Fact Sheets will be distributed at a community meeting conducted by the local law enforcement agency.

E. "Risk Level Assessment" is the level of danger to the community as established by the Minnesota Department of Corrections following a review by a committee of experts. The level of risk assigned to a soon-to-be-released offender determines the scope of notification.

F. "Risk Levels"

1. "Level I" – Risk Level I is assigned to a predatory offender whose risk assessment score indicates a low risk of reoffense.

2. "Level II" – Risk Level II is assigned to a predatory offender whose risk assessment score indicates a moderate risk of reoffense.

3. "Level III" – Risk Level III is assigned to a predatory offender whose risk assessment score indicates a high risk of re-offense.

IV. PROCEDURES

A. Minnesota Statutes, section 244.052, as amended, allows law enforcement agencies to disclose information about certain predatory offenders when they are released into the community. The information disclosed and to whom it is disclosed will depend upon their assessment of the level of risk posed by the predatory offender.

B. <u>Level II Notification</u>

In keeping with the statutorily designated purpose that Offender Fact Sheets are to be used by staff members to secure the school and protect individuals in the charter school's care while they are on or near the charter school's premises or under the control of the charter school, the charter school will take the following steps:

1. The Office Manager shall notify the law enforcement agencies that all appropriate Level II and Level III notifications are to be provided at least to the Personnel Committee.

2. Upon notification of the release of a Level II predatory offender, the Office Manager shall forward the Offender Fact Sheet to all Personnel Committee Members and transportation, food service, and buildings and grounds staff.

3. Personnel Committee members in close proximity to the Level II predatory offender's residence shall meet with staff and show the Offender Fact Sheet to persons within the buildings who supervise students or who would be in a position to observe if the Level II offender was in or around the school. This includes but is not limited to teachers, coaches, paraprofessionals, custodians, clerical and office workers, food service workers, volunteers, and transportation providers.

4. The charter school shall request criminal history conviction data on the Level II predatory offender from its local law enforcement agency. On a case-by-case basis, the Personnel Committee may determine whether to send a letter to parents with general information regarding the release of the Level II offender and a copy of the criminal history conviction data that the charter school obtained from its local law enforcement agency. The offender fact sheet contains data classified as private or not public under Minnesota law and may only be distributed to parents, students, or others outside the charter school if it determines the release is for the purpose of securing the schools and protecting individuals under the charter school's care while they are on or near school premises.

5. The Personnel Committee shall cause the Offender Fact Sheet to be posted in each building in an area accessible to staff and employees but not the general public unless a determination has been made that public posting will help secure the charter school or protect students.

6. The charter school shall not distribute or provide access to Level II Offender Fact Sheets to parents, students, or others outside the charter school unless a determination has been made that dissemination of the data will help secure the charter school or protect students.

C. Level III Notification

1. The Office Manager shall notify the law enforcement agencies that all Level III notifications of community meetings are to be provided to the Personnel Committee.

2. When a Level III predatory offender is released into a community, generally the local law enforcement agency will notify the charter school of the time and location of the community meeting at which the Level III Offender Fact Sheet will be distributed to the community.

3. When the charter school receives this information, the Office Manager shall determine on a case-by-case basis whether the charter school will notify parents and students of the time, date, and location of the community meeting.

4. When notified of a Level III predatory offender community meeting the Personnel Committee shall attend the community notification meeting.

5. When the charter school receives notice under Minnesota Statutes, section 244.052, paragraph (b), clause (3), that a level III predatory offender resides or works in the surrounding community, notice to parents must be made as provided in this paragraph. If the predatory offender identified in the notice is participating in programs offered by the charter school that require or allow the person to interact with children other than the person's children, the Office Manager must notify parents with children at the charter school of the contents of the notice received pursuant to this section. The immunity provisions of subdivision 7 apply to persons disclosing information under this paragraph.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 244.052 (Predatory Offenders; Notice)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
34 U.S.C. § 20901 *et seq.* (Jacob Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender Registration and Notification Program)
Dept. of Admin. Advisory Op. No. 98-004

Cross References: MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)

MSBA/MASA Model Policy 903 (Visitors to Charter School Buildings and Sites)