

Math and Science Academy

Adopted: December 7 2006

Revised: October 30, 2008

Revised: October 30, 2009

Revised: November 4, 2010

906 COMMUNITY NOTIFICATION OF PREDATORY OFFENDERS

[Note: School board adoption of a policy regarding a predatory offender notification is discretionary. The Sex Offender Community Notification Act, Minn. Stat. § 244.052, imposes duties on law enforcement agencies but does not impose mandatory notification duties on school districts except as set forth in Paragraph IV.B.6., below.]

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

- A.** It is the policy of MSA to provide information to staff regarding known predatory offenders that are moving into the school district so that they may monitor school premises for the safety of the school, its students, and employees. Staff will be notified as appropriate and have access to Offender Fact Sheets.
- B.** The director, in cooperation with appropriate school transportation officials, will evaluate bus routes and bus stops. Bus drivers will have access to Offender Fact Sheets. If necessary, bus 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 director, shall prepare or provide safety information for distribution to students regarding protecting themselves from abuse, abduction, or exploitation. MSA will prepare a list of available resources. Staff will provide safety information to students on how to protect themselves against abuse, abduction, or exploitation. The director may ask a police liaison officer or local law enforcement officials for assistance in providing instruction to staff and students.

III. DEFINITIONS

- A.** The "Sex Offender Community Notification Act," Minn. Statute § 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.** “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. (Minn. Statute § 244.052, Subds. 2, 3)

C. “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 reoffense.

(Minn. Statute § 244.052, Subd. 3(e))

D. “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 MSA.
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. MSA, private schools, day care centers, and other institutions serving 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.

(Minn. Statute § 244.052, Subd. 4)

- E.** “Offender Fact Sheet” is a data sheet compiled by the 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 MSA.
 2. Level III Offender Fact Sheets will be distributed at a community meeting conducted by the local law enforcement agency.
- F.** “Law enforcement agency” means the law enforcement agency having primary jurisdiction over the location where the offender expects to reside upon release. (Minn. Statute § 244.052, Subd. 1(3))
- G.** “Criminal history conviction data” is public data on a convicted criminal which is compiled by the State Bureau of Criminal Apprehension (BCA). (Minn. Statute § 13.87)

IV. PROCEDURES

A. Level II Notification

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 MSA’s care while they are on or near the school’s premises or under the control of MSA, the school will take the following steps:

1. The director shall notify the law enforcement agencies within the school district that all appropriate Level II and Level III notifications are to be provided at least to local schools.
2. The director of MSA, 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, administrators, teachers, coaches, paraprofessionals, custodians, clerical and office workers, food service workers, volunteers, and transportation providers.
3. MSA 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 director may determine whether to send a letter to parents with general information regarding release of the Level II offender and a copy of the criminal history conviction data that the school district 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 MSA if it determines the release is for the purpose of securing the school and protecting individuals under MSA’s care while they are on or near school premises.
4. The director 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 school or protect students.

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

[Note: The Department of Administration issued an opinion confirming that the Predatory Offender Fact Sheet contains private data or not public data. However, it is the department's opinion that a school district may release any information contained in the notification to anyone, including staff, students, parents, and guardians, if it determines that the release of data will help secure the school or protect students.]

B. Level III Notification

1. The director shall notify the law enforcement agencies within the school district that all Level III notifications of community meetings are to be provided to the local schools.
2. When a Level III predatory offender is released into a community, generally the local law enforcement agency will notify the school district 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 MSA receives this information, the director shall determine on a case-by-case basis whether the 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 director or another MSA representative designated by the director shall attend the community notification meeting.
5. When MSA receives information that a Level III predatory offender is moving into the school district, in addition to following the procedures specified above, the school shall follow the procedures outlined for a Level II notification.
6. If the predatory offender is participating in programs offered by the school district that require or allow the person to interact with children other than the person's children, the director shall notify parents of children in the school district of the contents of the Offender Fact Sheet.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. § 244.052 (Community Notification)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
42 U.S.C. § 14071 16901 *et seq.* (Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program)
Dept. of Admin. Advisory Op. No. 98-004

Cross References: MSA Policy 414 (Mandated Reporting of Child Neglect or Physical or

Sexual Abuse)
MSA Policy 515 (Protection and Privacy of Pupil Records)
MSA Policy 903 (Visitors to School District Buildings and Sites)