

P6-09-018 Protection from Sex Offenders

Henrico County Public Schools recognizes the danger that sex offenders may potentially pose to student safety. In order to protect students while they travel to and from school, attend school, or are at school-related activities, each school shall designate an administrative staff member to register with Virginia State Police to request and receive electronic notification of the registration or reregistration of any sex offenders in the same or contiguous zip codes as the school. Such requests and notifications shall be made according to the procedure established by the Virginia Department of State Police.

A. Notification

The school division will annually notify the parent/**legal guardian** of each student of the availability of information in the Sex Offender and Crimes Against Minors Registry and the location of the Internet website (<http://sex-offender.vsp.virginia.gov/sor/>) so that the parents/**legal guardians** and employees can be aware of where registered sex offenders live in their neighborhood. Sex offender registry information should be provided to employees who are most likely to observe unauthorized persons on or near school property, including, but not limited to: school bus drivers, employees responsible for visitor registration, employees responsible for bus duty, security staff, coaches, playground supervisors, and maintenance personnel. When registry information is disseminated to employees it shall include a notice that such information should not be shared with others and may only be used for the purposes discussed below. Employees who share registry information to others without authorization may be disciplined.

B. Dissemination

HCPS recognizes that it is the responsibility of local law enforcement to notify the community of potential public danger. Therefore, the division will not disseminate registry information to parents/**legal guardians**. When the Superintendent or designee determines it is necessary, due to the perceived danger posed by the presence of a registered sex offender, alternative arrangements may be made for bus and walking routes to and from school, recess and physical education periods, or any other activity in order to protect division students.

C. Use of Sex Offender Registry Information

Registry information shall only be used for the purposes of the administration of law enforcement, screening current or prospective school division employees or volunteers, and for the protection of school division students and employees. Registry information shall not be used to intimidate or harass others.

If a notified employee sees a registered sex offender on or near school property, around any school division student, or attending any school division activity, the principal or his/her designee shall be notified immediately. The principal will immediately notify the Office of School Safety and Emergency Management, and may, in his/her discretion, notify local law enforcement.

The names of school volunteers shall be screened by the site-based School Volunteer Coordinator against the National Sex Offender Public Registry. For screening of volunteers, refer to P11-10-002, "Volunteers Program." If a match is found, the principal shall notify the **HCPS Emergency Manager** ~~Coordinator of School Safety~~, who shall confirm the match with the Virginia State Police. If a match is confirmed for a volunteer, the **HCPS Emergency Manager** ~~Coordinator~~ will notify the School Board attorney and the principal. The **HCPS Emergency Manager** ~~Coordinator~~ shall inform the individual, in writing, that he or she may not serve as a volunteer. The notice shall provide the reason with reference to this policy.

The names of coaches, student teachers, counselor interns, shall be screened against the registry information by Human Resources staff. The names of practicum students, observation students, and

administrative interns shall be screened against the registry information by school principals or designees. If a match is found, the principal or Human Resources staff shall notify the **HCPS Emergency Manager Coordinator**, who shall confirm the match with the Virginia State Police and notify the School Board attorney. If a match is confirmed, the principal or Human Resources staff shall inform the individual, in writing, that he or she may not serve in the respective capacity. The notice shall provide the reason with reference to this policy.

Each time sex offender registry information is received, the principal shall review it to determine if a school division employee is registered. If a match is found, the principal shall notify the Office of Human Resources. Human Resources staff shall notify the **HCPS Emergency Manager Coordinator**, who shall confirm the match with the Virginia State Police and notify the School Board attorney. If the match is confirmed, the Superintendent shall notify the School Board. The School Board shall take appropriate action to comply with state law, which may include termination of employment.

Before hiring any person, the Office of Human Resources shall determine whether the prospective employee is a registered sex offender. If a match is indicated, Human Resources staff will notify the Office of School Safety and Emergency Management, who shall confirm the match with the Virginia State Police and notify the School Board attorney. If the prospective employee is confirmed as a registered sex offender, he or she shall not be hired by the division.

When the school division learns that a parent/**legal guardian** of an enrolled student is a registered sex offender, other than a **Tier III violent** sex offender, the parent/**legal guardian** will be notified in writing by the **HCPS Emergency Manager Coordinator**, that he or she is barred from being present at school or at school functions without the express written approval of the student's principal. Prior to granting any such approval, the principal must consult with the appropriate instructional director, the **HCPS Emergency Manager Coordinator**, and the School Board attorney. Such approval must be obtained in advance of the proposed visit and will state the conditions under which the parent/**legal guardian** may be present. When a parent/**legal guardian** who is a registered sex offender is permitted at school or at school functions, he or she will be monitored to ensure that he or she does not come into contact with any children other than his or her own children.

When the school division learns that any person other than the parent/**legal guardian** of an enrolled student is a registered sex offender, other than a **Tier III violent** sex offender, seeks to be present at school or at school functions, he or she will be notified by the **HCPS Emergency Manager Coordinator** in writing that he or she is barred from being present at school or at school functions without the express written approval of the principal of the school the person seeks to visit or which sponsors the event the person seeks to attend. Prior to granting any such approval, the principal must consult with the appropriate instructional director, the **HCPS Emergency Manager Coordinator**, and the School Board attorney. Such approval must be obtained in advance of the proposed visit and will state the conditions under which the person may be present. One of the conditions will be that the person will be monitored to ensure the safety of students, staff, and others.

Notwithstanding any other provision of this policy, any person who has been convicted of a sexually **Tier III violent** offense, as defined in § 9.1-902 of the Code of Virginia, is prohibited from being present at school functions, and is prohibited from entering or being present on Henrico County school property at any time, unless

- * he is a lawfully registered and qualified voter and is coming upon such property solely for purposes of casting his vote;
- * he is a student enrolled at the school; or
- * he has obtained a court order allowing him to enter and be present upon such property, has obtained prior permission of the School Board or its designee for entry within all or part of the scope of the lifted ban, and is in compliance with the School Board's terms and conditions and those of the court order.

Violent sex offenders, as defined in § 9.1-902, who have obtained a court order as provided in § 18.2-370.5 (C) B of the Code of Virginia may request permission from the School Board, or the Superintendent, by submitting a written request to the Superintendent for permission to enter and be present on school property. Persons requesting permission shall provide such further information as may be required by the School Board and/or the Superintendent. The School Board or Superintendent may deny or grant permission, subject to whatever restrictions they deem appropriate.

As a condition of awarding a contract for the provision of services that require the contractor or his employees to have direct contact with students on school property during regular school hours or during school-sponsored activities, the School Board shall require the contractor to provide certification that all persons who will provide such services have not been convicted of a felony or any offense involving the sexual molestation or physical or sexual abuse or rape of a child. In addition, all contracts that may involve an employee of the contractor having any contact with a child shall contain the following language:

"The contractor shall not send any employee or agent who is a registered sex offender to any School Board property. Monthly, the contractor shall check the registry to determine if any employee is registered."

D. Requests for Registry Information

Anyone requesting registry information from the school division shall be referred to the State Police.

Last Revised August 2015

Refs: Code of Virginia §§ 9.1-902, 9.1-194, 9.1-918, 18.2-370.5, 19.2-390.1, 22.1-79, 22.1-296.1

Commonwealth v. Doe, 278 Va. 223 (2009)

Refer to Policy [11-10-002](#), "Volunteers Program"

Refer to Regulation [11-10-002](#), "Guidelines for Volunteers"