Policy 3515.5: Sex Offender Notification **Status:** ADOPTED

Original Adopted Date: 02/01/1999 | **Last Revised Date:** 12/01/2024 | **Last Reviewed Date:** 12/01/2024

CSBA NOTE: Penal Code 290.45 specifies that when a law enforcement agency reasonably suspects that children may be at risk from a registered sex offender, the agency may notify educational institutions. However, the law does not stipulate procedures for districts to follow when so notified. Penal Code 290.45 also provides that any person who receives such sex offender information from a law enforcement agency may only disclose that information in the manner and to the extent authorized by the law enforcement agency. Districts should act reasonably and responsibly if the information is received and should collaborate with local law enforcement in order to determine the most responsible means of communication; see the accompanying administrative regulation. Because school personnel are not equipped to assess the relative danger of offenders, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel when developing their planned response to the receipt of sex offender information.

In order to protect students while they are traveling to and from school, or attending school or a school-related activity, the Governing Board believes it is important that the district respond appropriately when a law enforcement agency notifies the district about registered sex offenders who may reside or work within district boundaries.

The Superintendent or designee shall establish an ongoing relationship with law enforcement officials to coordinate the receipt and dissemination of such information. To the extent authorized by law, the Superintendent or designee also shall establish procedures for notifying appropriate staff as necessary.

CSBA NOTE: Penal Code 290.45 grants the district and its employees immunity from civil liability for the good faith dissemination of any sex offender information received from a law enforcement agency, as long as the dissemination is in the manner and to the extent authorized by the law enforcement agency.

Any district employee to whom sex offender information is disclosed by a law enforcement entity shall disclose the information only when authorized by the law enforcement entity and in the manner authorized.

CSBA NOTE: Pursuant to Penal Code 290.46 ("Megan's Law") information about certain sex offenders, including their home addresses, is available to the public via the Internet. The district may choose to include notice regarding the availability of this information in its annual parent/guardian notification. The following paragraph is optional and may be revised to reflect district practice.

The Superintendent or designee may annually notify parents/guardians of the availability of information about registered sex offenders on the Department of Justice's Megan's Law website.

Role of District Police/Security Department

CSBA NOTE: The following optional section is for use by districts with district police/security departments. Penal Code 290.45 provides that a school district police/security department may be

a "designated law enforcement agency" for purposes of receiving information from the Department of Justice about registered sex offenders. As a "designated law enforcement agency," the school district police/security department may make the determination to release information about sex offenders to the school community, such as parents/guardians of students attending the school and other persons regularly present at the school site including students, employees, or volunteers.

In accordance with law, Board policy and administrative regulation, the district police/security department may disseminate information about registered sex offenders to the school community. The district police/security department shall consult with local law enforcement and the Superintendent or designee prior to any such dissemination.

When a registered sex offender's email address or username used for instant messaging or social networking or other internet identifier, as defined in Penal Code 290.024, is submitted to the district police/security department, such information shall only be used by the department or released to another law enforcement entity for the purpose of investigating a sex-related crime, a kidnapping, or human trafficking. No other disclosure shall be made or authorized by the department, except as required by a court order. (Penal Code 290.45)

The district police/security department shall maintain records of the means and dates of dissemination for five years. (Penal Code 290.45)