

NOTICE TO DISTRICT OF RELEASE OF SEX OFFENDER

I. Introduction

The Berlin Central School District Board of Education recognizes that the New York State Division of Parole has promulgated guidelines that provide for notification to a school district when a person convicted of being a sex offender is to be released to a residence in that school district. The Board further recognizes that the guidelines apply only to sex offenders whose conditions of release entail special conditions, and that the guidelines' stated intent is to "enable school administrators and/or staff to help know if the released person is not complying with the directive to stay away from children, schools, or other areas where children congregate."

The Board understands that said notification will contain identifying information that may enable employees of the District to identify the released person in the event that she/he enters onto, or comes in proximity to, District property. The Board therefore wishes to see that this information is distributed and handled in a responsible manner. The Board hereby establishes as policy for the District the following uniform response by Berlin District personnel to receipt by the District of such notification from the Division.

II. Parties Designated to Receive Division of Parole Information

- A. In the event that the administration of the Berlin Central School District hereafter receives a Notification to School Personnel from the Division of Parole, the Superintendent of Schools or her/his designee shall relay said information within 24 hours to the following District personnel:
 - i. Principals;
 - ii. Through each principal, such staff members in the building as may regularly or routinely greet or encounter members of the public who visit the building;
 - iii. The supervisor of transportation, who shall provide the information to all bus drivers;
 - iv. The supervisor of buildings and grounds, who shall provide the information to the custodians on duty at any time when children are in the building;
 - v. District security personnel;
 - vi. Building shared decision making teams;

- vii. The athletic director and all coaches; and
- viii. Other supervisory personnel designated by the Superintendent.

- B. All other staff members shall be informed of the availability of the information provided by the Division of Parole.
- C. All staff in the District shall be directed not to disclose further such information as is provided by the Division of Parole, except to other staff members of the District who have a need to know it, or as directed by the Superintendent of Schools.

III. Procedure If Suspicious Person Observed

- A. All staff in the District shall be directed to notify her/his supervisor immediately if she/he observes any suspicious person in an area where children congregate or otherwise may be found.
- B. Any supervisor in the District shall, upon observing any such suspicious person, or upon being informed of any such suspicious person's presence, immediately contact the office of the Superintendent and local law enforcement authorities.
- C. Any staff member who observes an individual she/he believes to be a paroled sex offender in any area where children congregate or otherwise may be found shall immediately contact the office of the Superintendent and local law enforcement authorities.

IV. District Notice to Other School Facilities Users

The Superintendent or her/his designee shall identify all groups that make regular use of District facilities with children in attendance (e.g., day care providers), including the identity of the directors of such programs, and shall send a list of all such groups, with each group's address, to the Division of Parole; and with such list the Superintendent or her/his designee shall request in writing that the Division send the notification package to each group. The letter to the Division shall ask for confirmation that the information has been sent to these groups. If the Division refuses to provide the information to these groups, then the Superintendent or her/his designee shall send that information to the adult leader of each such group.

V. Confirmation That Information Provided to All Local Law Enforcement Authorities

Upon receipt by the District of the aforesaid information, the Superintendent or her/his designee shall confirm either in writing or, where feasible, by telephone that the Division has provided the information the District has received to all law enforcement authorities having jurisdiction within the District. If any such authority has not received the information, then the Superintendent or her/his designee shall forward the information that the District has received to such authority.

VI. Referral of Requests for Additional Information

The District shall refer all inquiries for further specific information to the Division of Parole.

VII. Additional Classroom Instruction Authorized

If, after consulting with building level personnel and others, the Superintendent determines that classroom instruction is warranted on safety techniques beyond what is required by the Commissioner's Regulations on the avoidance of child sexual abuse, then the Board hereby authorizes such instruction to take place. No additional staff shall be hired for this purpose by the District without prior express authorization by the Board.

VIII. Compliance with Freedom of Information Law Requirements

Duly received Freedom of Information Law (FOIL) requests for sex offender information provided to the District by the Division of Parole shall be handled in the same manner, and under the same rules, as any other FOIL request; except that there shall be reasonable steps taken to ensure that the information provided according to any

FOIL request does not identify the parolee's address, place of employment, telephone number, or any other personal and identifying information. The parolee's name and photograph may also be withheld if, as with an individual convicted of incest, release of such information would constitute an unwarranted invasion of the victim's personal privacy.

IX. Consultation with School District Legal Counsel

In the event that further questions about this policy or the matters with which it deals arise, such questions shall be referred through the Superintendent to the District's legal counsel.

X. Administrative Regulations

The Superintendent shall have the authority to develop and implement such regulations, rules, and procedures as she/he deems necessary in order to implement this policy. Any such regulations, rules, or procedures shall be published and distributed to the Board and appropriate District personnel.

References

103 P.L. 322, Sec. 170101(d)(3)

Stoneking v. Bradford Area School Dist., 882 F.2d 720 (2d Cir. 1989)

Doe v. Taylor Independent School Dist., 975 F.2d 137 (5th Cir. 1992)

Mirand v. City of New York, 84 NY2d 44 (1994)

Public Officers Law Secs. 87(2)(b); 89(2)(b)

8 NYCRR 100.2~)(1)(i)

Advisory Opinion, Committee on Open Govt., Jan. 10, 1995