

**INDIAN AFFAIRS
DIRECTIVES TRANSMITTAL SHEET**

(modified DI-416)

DOCUMENT IDENTIFICATION NUMBER 30 IAM 16	SUBJECT BIE School Policy for Sexual Offenders, K-12	RELEASE NUMBER #12-31
FOR FURTHER INFORMATION Bureau of Indian Education		DATE 1/23/13

EXPLANATION OF MATERIAL TRANSMITTED:

BIE seeks to create an environment that protects the safety and welfare of students and employees in BIE-operated facilities. To achieve this goal, it is necessary for a policy to be in place which guides school Principals and administrators when addressing sex offenders.



Brian Drapeaux
Acting Director, Bureau of Indian Education

FILING INSTRUCTIONS:

Remove: None

Insert: 30 IAM 16

INDIAN AFFAIRS MANUAL

Part 30

Education (Management)

Chapter 16

BIE School Policy for Registered Sexual Offenders, K-12

Page 1

- 1.1 Purpose.** The Bureau of Indian Education (BIE) seeks to create an environment that protects the safety and welfare of students. To achieve this goal, it is necessary for a policy to be in place which guides school principals and administrators when addressing registered sex offenders.
- 1.2 Scope.** This policy applies to all BIE-operated K-12 schools and dormitories, school principals, and administrators. It is recommended that tribal/contract and grant schools implement a similar policy.
- 1.3 Policy.** BIE-operated schools must abide by the following protocols when dealing with sexual offenders on BIE school premises.

A. Premise or School Property

Adult individuals that are registered as sex offenders in any state or tribal jurisdiction that requires a registered sex offender refrain from contact with children are prohibited from the premises of any BIE-operated school, including buildings and grounds under the jurisdiction of the BIE, except as provided below. In addition, adult individuals registered as sex offenders, as noted above, are prohibited from the premises of other school and/or non-school properties when being used for school activities and recreation.

B. Parents or Guardians as Registered Sex Offenders

A parent of a school-aged child who has been identified by the relevant court as a sex offender is required to identify themselves and their child to the school principal at the time the child is enrolled. Upon notification and investigation, the principal, with the Education Line Officer's (ELO) or school superintendent's agreement, may modify the process of parental inclusion in relation to direct educational programming and reports, such as parent and teacher conferences. Modifications might include providing another location or phone or computer access to reports and interaction with the instructional staff. School principals shall speak with the parent upon learning of their status as a registered sex offender to communicate the restrictions of this policy while promoting open dialogue between the parent and the school. Written documentation, such as a letter, will be forwarded to the ELO or superintendent, and a copy of the modifications will be given to the offender. The school principal shall take all appropriate measures to protect the privacy of the registered sex offender and student.

C. Notification Procedures

State law designates law enforcement as the entity responsible for notifying the community of the presence in the neighborhood of a registered sex offender. However, staff does have a duty to report to school personnel any suspicion of a registered sexual offender. Neither this policy nor state law impose any duty upon education administrators or any other employees of the educational system to review the sex offender registry for individuals who may come on the property. Parents and

others may receive up-to-date information regarding registered sex offenders at the Dru Sjodin National Sex Offender Public Website:

(<http://www.nsopw.gov/Core/Conditions.aspx>).

If any employee of the BIE school system becomes aware of any registered sex offender's presence on the property, he or she shall immediately inform the ELO or superintendent, school principal, or school administrator in charge of the facility or school function, who shall direct the individual to leave the premises immediately. Such parties shall request assistance from local law enforcement authorities if the offender resists the directives. If the registered sex offender repeatedly enters the school property, such parties should confer with law enforcement regarding possible legal action.

1.4 Authority.

A. Statutes and Regulations

- 1) P.L. 109-248, Adam Walsh Child Protection and Safety Act of 2006

B. Guidance

- 1) State, tribal and/or local sexual offender criminal code

1.5 Roles and Responsibilities

- A. **Associate Deputy Director, BIE** is responsible for distribution of this policy to ELOs or school superintendents; an annual review of the policy; and for monitoring the ELO's adherence to the BIE School Policy for Sexual Offenders, K-12.
- B. **ELO** is responsible for monitoring the school principals for compliance with the BIE School Policy for Sexual Offenders, K-12.
- C. **School Principals** are responsible for upholding the BIE School Policy for Sexual Offenders, K-12.