

## New Sex Offender Law: Summary for Schools

The 2009 Iowa Legislature adopted new laws related to Iowa's Sex Offender Registry (SOR). This bill makes a number of changes to Iowa's sex offender statute and moves Iowa toward compliance with the federal Adam Walsh Act. While there are some new details about who has to register, etc., generally the law prevents those on the sex offender registry for a sex offense against a minor from being present on school grounds.

No policy is required as a result of the new law and one shouldn't be needed, as the law is fairly specific. But it is clear that principals need some guidance about when and how to approve or deny an individual on the SOR's (hereinafter "registrant") request to be on school grounds. IASB worked with the Iowa Department of Education and the School Administrators of Iowa (SAI) to develop the following guidance for principals. The document is available on the three Web sites at the following links:

Iowa Association of School Boards link: <http://www.ia-sb.org/PolicyLegal.aspx>

Iowa Department of Education link: <http://www.iowa.gov/educate/>

School Administrators of Iowa link: <http://www.sai-iowa.org/>

In this Special Report is a summary of the law, pointers for principals and a form principals can use when determining whether to grant access to registrants who have committed a sex offense against a minor.

The items relevant to school officials are as follows:

1. *Students.* There was no change to the law (IOWA CODE section [282.9](#)) that requires boards of school districts to determine the educational placement of a resident student who is required to be on the SOR. Also, county sheriffs are still to inform school officials when a student or other person residing in the district is to register. There is still no requirement (nor is there a prohibition) for a school district to disseminate the information available on the Sex Offender Registry Web site to parents and staff.

However, a student registrant whose conviction involved a sex offense against a minor must have permission to be on the property of another school. While the law is not clear about this, IASB, SAI, and the DE agree that student members of a school team (or choir, band, speech ensemble, etc.) do not need permission when participating with their team at another school as the student is representing his/her school while on the trip and is under the supervision of staff during the trip. In such instances, school officials should consider contacting administrators of the visited school prior to the trip, to notify them of the student registrant's participation on the school team. However, a student registrant who desires to attend another school as a spectator or to attend any function at which the student is not part of the student's school's team (choir, band, ensemble, etc.) must have permission from the other school's principal.

2. *Residency.* An registrant convicted of an aggravated offense against a minor is still prohibited from residing within 2,000 feet of a school, but the law has been clarified that this does not apply to the following:
  - a. Registrants who are minors.
  - b. Registrants who had established a residence before July 1, 2002.
  - c. Registrants who established a residence before a new school was built near that residence (i.e., registrants do not have to move if a school builds by them).
3. *Non-students.* Registrants whose conviction involved a sex offense against a minor<sup>1</sup> are now prohibited from the following:
  - a. Being present on school property or being in any school vehicle when the vehicle is transporting students, unless enrolled as a student at the school, without the consent of the principal or designee (hereinafter “principal.”) The law does not address criteria for granting such written permission. The law does not address how narrow or how broad such permission may be. See below for more guidance on this provision.
  - b. Loitering<sup>2</sup> within 300 feet of the school’s boundary, unless enrolled as a student at the school.
  - c. Being employed by, a volunteer at, or acting as a contractor at a school (public and nonpublic).

There is no provision in the law for making an exception via written consent for “b” or “c.” Registrants whose conviction involved a sex offense against a minor are absolutely prohibited from being on school property, and any vendor or contractor of the school should ensure that they do not allow an employee who is subject to this prohibition to be present on school property. There is no exception for contractors doing work only when students are not present (such as summertime). There is no exception for contractors doing work on a building not populated by students (such as the bus barn or a new attendance center).

4. *Exceptions.* A registrant may do the following:
  - a. Be on school property for the purpose of voting for the time reasonably necessary to vote;
  - b. Transport a child or ward of the registrant to and from school for the time reasonably necessary for this task.
5. *Additional restrictions.* A school board is prohibited from passing a resolution or policy that would impose any additional restrictions. So, even though registrants convicted of a sexual offense against a minor are prohibited from being on school grounds, (see #3

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<sup>1</sup> Principals cannot deny access to registrants who have not committed a sexual offense against a minor so will need to determine the type of offense. The following link to the Sex Offender Registry details the offenses of registrants and whether their crime was or was not a sexual offense against a minor; <http://www.iowasexoffender.com/>.

<sup>2</sup> “Loiter” is defined in the law as “remaining in a place or circulating around a place under circumstances that would warrant a reasonable person to believe that the purpose or effect of the behavior is to enable a sex offender to become familiar with a location where a potential victim may be found, or to satisfy an unlawful sexual desire, or to locate, lure, or harass a potential victim.”

above), a board could not adopt a policy prohibiting all registrants from being on school grounds.

6. *Resources.* The information on the Sex Offender Registry Web site is a public record so it can be discussed and disseminated as needed.
  - a. The link to the SOR is: <http://www.iowasexoffender.com/>. This is the Web site available to the public. This link may be placed on a school or school district's Web site.
  - b. Questions should be referred to local law enforcement or the Iowa Division of Criminal Investigation at 515-725-6050 or at [dps-sorinfo@dps.state.ia.us](mailto:dps-sorinfo@dps.state.ia.us).
  - c. The full bill is available at: <http://coolice.legis.state.ia.us/Cool-ICE/default.asp?category=billinfo&service=billbook&GA=83&hbill=SF340>

### **Criteria for Granting or Denying Consent**

*Criteria:* Principals have full discretion to determine whether to grant permission for a registrant to be on school grounds. Principals should use their common sense, knowledge of their community, and information from law enforcement, regarding the underlying offense, to make these decisions. Some issues to consider:

- The victim – is he or she a student and likely to be at the event?
- Relatives of the victim – are relatives of the victim likely to be at the event?
- The crime itself – how recent is it?
- Is the event a special occasion such a graduation, honors banquet, etc.?
- Does local law enforcement have an opinion on whether the principal should grant approval?
- District's ability to control the environment in which the registrant will be present (e.g., will the district have enough staff present to supervise the registrant?)?
- What staff members need to know about the registrant's presence on school grounds and their duties while the registrant is on school grounds?
- Does staff know what to do if they have concerns when a registrant acts inappropriately?
- Recognition that the child of the registrant will be present and to remember that when dealing publicly with the registrant.

The above is not an exhaustive list; principals may include any reasonable terms and conditions.

*Frequency, conditions:* Principals must individually tailor each written permission to fit the registrant seeking permission. There is no "one size fits all" permission form. Thus, an principal may require a registrant to seek permission for each and every occasion OR may give permission limited to "all home athletic events" or "all music concerts at Home High School" and require the registrant to seek separate permission for any other occasion OR may give a blanket permission to cover all occasions. The last option should be used very sparingly, if at all. Also, remember to include in the permission such items as the following:

- (1) Have the registrant check in with a designated person at each event;
- (2) Give the registrant parameters regarding time (arrive no sooner than x minutes prior to start of event and leave no later than x minutes after event ends, for example);
- (3) Prohibit the registrant from using school restrooms;

- (4) Prohibit the registrant from being anywhere else on school property other than where the registrant should be for the event or occasion;

The above is not an exhaustive list; school principals may include any reasonable terms and conditions.

Included with this document is a form principals can use when asked to grant consent. The registrant will fill out the form detailing when and where the registrant wants to be and also acknowledging he/she will comply with the principal's orders. It also requires the registrant to acknowledge that it is within the principal's discretion to grant consent. It also notifies the registrant that he/she must have the form on them when they are on school grounds. The form gives numerous options for responses from the principal and should be edited to meet a local district's needs. The completed form should be kept on file in the principal's office for the school year in which permission was granted.

## Registrant Request Form

This form shall be used to document the Principal's response to an individual's, on the Sex Offender Registry (SOR) (hereinafter "registrant") request to come onto school grounds.

*[Requests will be considered only from registrants who are the parent/legal guardian of a student or the person designated by the parent/legal guardian to have access to the student.]*

Registrants whose request is granted shall keep a copy of this completed form with them each time they come onto school grounds.

### **To be Completed by Registrant**

Full Name \_\_\_\_\_ Phone Number \_\_\_\_\_  
*(first, middle, last)*

Address \_\_\_\_\_ Email Address \_\_\_\_\_

Requested Visit Date \_\_\_\_\_ Building or location to be visited \_\_\_\_\_

Reason for request *(check at least one)*:

- Confer with school staff concerning my child's academic, disciplinary or placement, including matters required by federal or state law.
- Attend a school activity [*in which my child is participating.*] *(activity name)* \_\_\_\_\_
- Attend a nonschool sponsored activity which is *(activity name)* \_\_\_\_\_

Registrant recognizes that permission to be on school grounds is at the discretion of the principal, or designee. Permission is granted for the sole reason, time, location, etc. listed below. Registrant recognizes that he/she is not permitted to be in any location, including restrooms, other than that listed below.

Signature \_\_\_\_\_ Date \_\_\_\_\_

### **Principal's Response**

- Registrant is required to provide additional information as follows:
- Registrant must follow check-in and check-out requirements as follows:
- Registrant must be directly supervised while on school grounds by the following individual(s) designated by the Principal:*
- Registrant is restricted to the following designated location(s) on schools grounds:
- Registrant may only be on school grounds during the following time period:
- Request by registrant to be on school grounds is denied.

Principal's Signature \_\_\_\_\_ Date \_\_\_\_\_

The completed form shall be kept on file at school. A copy of this completed form shall be provided to the registrant.

*Note – The italicized wording in brackets is optional language school districts may want to consider when determining whether to limit permission to just those registrants who are also parents and not grant consent to other relatives or friends.*