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# Memo

**To** Board of Education

**From** Marion McWilliams, General Counsel

**Board Meeting Date** November 14, 2018

**Subject** Amendment to Board Policy – Business and Noninstructional Operations – BP 3515.5 Sex Offender Notification

**Action Requested and Recommendation** Approval of updates to the Oakland Unified School District Board Policy BP 3515.5 Sex Offender Notification

**Background** Periodically modifications to board policies are recommended to align with changes in law or recommended best practices. The proposed modifications to the board policies reflect the District’s standards.

**Discussion** Policy is updated, including adding a reference to the Department of Justice’s internet website.

The changes to the policy are shown on the attachment. The proposed deletions are indicated with **blue strikeouts**. The recommended additions are shown in **red**.

**Fiscal Impact** No direct funding implications

**Attachments** Amendment to Board Policy BP 3515.5 Sex Offender Notification

# OAKLAND UNIFIED SCHOOL DISTRICT

## Board Policy

### Business and Noninstructional Operations

BP 3515.5

#### Sex Offender Notification

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.

To protect the district and its employees from liability, employees shall disseminate sex offender information in good faith, and only in the manner and to the extent authorized by the law enforcement agency.

The Superintendent or designee may annually notify parents/guardians of the availability of ~~the CD-ROM regarding information about~~ registered sex offenders ~~and recommend that they utilize the information contained on the~~ Department of Justice's internet website.

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 1240 - Volunteer Assistance)*

*(cf. 1250 - Visitors/Outsiders)*

*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

*(cf. 3515 - Campus Security)*

*(cf. 5142 - Safety)*

#### Role of District Police/Security Department

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. ~~In order to ensure the accuracy of any information, the~~ The district police/security department shall consult with local law enforcement and the Superintendent or designee prior to any such dissemination.

*(cf. 3515.3 - District Police/Security Department)*

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

~~The district police/security department may request copies of the current CD-ROM of registered sex~~

offenders from the Department of Justice.

*Legal Reference:*

**EDUCATION CODE**

32211 Threatened disruption or interference with classes; offense

35160 Authority of boards

35160.1 Board authority of school districts

48981 Parent/guardian notifications; methods

**PENAL CODE**

290 Registration of sex offenders

290.4 Sex offender registration; compilation of information; ~~900 number~~

290.45 Release of sex offender information

290.46 Making information about certain sex offenders available via the Internet

290.9 Addresses of persons who violate duty to register

290.95 Disclosure by person required to register as sex offender

626.8 Disruptive entry or entry of sex offender upon school grounds

626.81 Sex offender; permission to volunteer at school

830.32 School district and community college police

3003 Parole, geographic placement

**UNITED STATES CODE, TITLE 42**

14071 Jacob Wetterling Crimes Against Children and Sexually Violent Offender

Registration Program Act

**ATTORNEY GENERAL OPINIONS**

82 Ops.Cal.Atty.Gen. 20 (1999)

*Management Resources:*

**WEB SITES**

California Department of Justice: ~~<http://www.caag.state.ca.us>~~

[Megan's Law mapping: http://www.meganslaw.ca.gov](http://www.meganslaw.ca.gov)

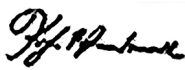
7/14/04; 11/14/18A (if adopted)



11/15/18

Aimee Eng

President, Board of Education



11/15/18

Kkyla Johnson-Trammell

Secretary, Board of Education

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## Board Policy

### Business and Noninstructional Operations

BP 3515.5

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To protect the district and its employees from liability, employees shall disseminate sex offender information in good faith, and only in the manner and to the extent authorized by the law enforcement agency.

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

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 1240 - Volunteer Assistance)*

*(cf. 1250 - Visitors/Outsiders)*

*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

*(cf. 3515 - Campus Security)*

*(cf. 5142 - Safety)*

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*ATTORNEY GENERAL OPINIONS*

*82 Ops.Cal.Atty.Gen. 20 (1999)*

*Management Resources:*

*WEB SITES*

*California Department of Justice, Megan's Law mapping: <http://www.meganslaw.ca.gov>*

*7/14/04; 11/14/18A (if adopted)*