Regulation of the Chancellor

Number: **A-418**

Issued: 8/5/08

Category: **STUDENTS**

Subject: SEX OFFENDER NOTIFICATION

SUMMARY OF CHANGES

This regulation supersedes Chancellor's Regulation A-418 dated April 11, 2006.

Changes:

- Updates regulation to reflect the current Department of Education organization.
- Provides website to download sample letters in English and other translated versions.

ABSTRACT

This regulation updates and supersedes Chancellor's Regulation A-418 dated April 11, 2006. It addresses the procedures for sharing information about convicted sex offenders with schools and parents, pursuant to New York's Sex Offender Registration Act.

I. SAFETY REMINDER

A. All principals should take steps, including instructing staff, to remind students and parents of safety tips for interacting with strangers, including, but not limited to the following:

- Students should never go home with strangers.
- Students should never talk to strangers.
- Students should not take things from strangers.
- If students are approached by strangers and are still near the school, they should be encouraged to return to the school and immediately inform a staff member.
- Young students should be escorted to and from school.
- Older children should be encouraged to walk/travel to school in groups whenever possible.

B. At the start of the school year, principals are required to inform parents about the various means through which information about registered sex offenders may be obtained, including:

1. The New York State Division of Criminal Justice Services, accessible by telephone at 1-800-262-3257 and on the internet at http://www.criminaljustice.state.ny.us. The New York State Division of Criminal Justice Services' website also can be accessed via the Department of Education's website, http://schools.nyc.gov/default.aspx, through the Office of School and Youth Development home page.
2. The subdirectory of level three registered sex offenders is maintained at the NYPD, One Police Plaza, Room 110 C, New York, NY 10038.
3. The school, in a file maintained in a designated location at the school and in the Parent Coordinator's office.
4. A sample informational letter to parents is attached (Attachment No. 1). This sample letter, along with translated versions of this letter, may be found at: http://schools.nyc.gov/RulesPolicies/ChancellorsRegulations.default.htm.

II. BACKGROUND

A. Under the New York Sex Offender Registration Act, convicted sex offenders are required to register with the New York State Division of Criminal Justice Services for ten or more years after the offender has committed his/her crime. Local law enforcement is authorized to notify entities with "vulnerable populations," such as schools, that an offender who is deemed to be at risk of repeating an offense has moved into a nearby area. The Act authorizes those who receive this information to disseminate it further.

B. Receipt of Notification from the New York City Police Department

The NYPD borough commander or his/her designee in each of the patrol boroughs of New York City is authorized to notify school districts of information concerning sex offenders designated either as moderate or high risk of a repeat offense who are required to register with the New York State Division of Criminal Justice Services. Notifications from the borough commander/designee will be provided to the Safety Administrator ("SA") at the Integrated Service Center, D75 Citywide Programs, D79 Alternative Academies and Programs, and Children First Network for the borough in which the sex offender resides.

C. Contents of the NYPD Notification

The Notification from the NYPD (the "Notification") may include, among other things, the following information: the zip code into which the offender has moved,[1] the name of the registered sex offender, a description of the crime which the registered sex offender committed, any special terms or conditions placed upon the registered sex offender as a condition of his/her parole, and a copy of a photograph of the registered sex offender, which can be reproduced on a photocopying machine.

The NYPD has advised the Department that it does not disclose any information about sex offenders beyond what is contained in the Notification communicated to school officials.

Any information that the NYPD provides the Department is public information.

III. ACTIONS TO BE TAKEN BY THE SAFETY ADMINISTRATOR UPON RECEIPT OF THE NOTIFICATION

A. The SA shall create an official file into which he/she is to place the contents of all Notifications received from the NYPD borough commander or his/her designee.

B. The SA shall provide a copy of the Notification to all schools, including annexes and District 75, District 79 and Children First Network school/program sites, physically located within the district(s) covering the zip code in which the sex offender resides.

C. The SA shall advise the Executive Director of the Integrated Service Center supporting the district(s) that an individual who is required to register with New York State's Division of Criminal Justice Services under the provisions of the Sex Offender Registration Act has moved into the district(s).

IV. ACTIONS TO BE TAKEN BY THE PRINCIPAL UPON RECEIPT OF A NOTIFICATION

A. The principal or designee shall create an official school file to place the contents of all Notifications. This file shall be maintained in a manner and location that is accessible to staff and parents.

B. If the principal receives a Notification directly from the NYPD or any other source, the principal shall notify the SA and provide the SA a copy of the Notification.

C. The principal shall alert appropriate school staff, including the school safety supervisor, the parent coordinator, and the custodian of the receipt of the Notification and shall inform staff that they should familiarize themselves with the contents of the Notification, including the photograph of the registered sex offender, if included with the Notification. Copies of the Notification must, at a minimum, be provided to the school safety supervisor, the parent coordinator, staff who supervise outdoor activities (e.g., recess or physical education) and the custodian.[2]

D. The principal shall advise staff that if they see a sex offender who is the subject of a Notification engage in suspicious conduct, they should immediately notify the principal who shall call 911, or in the event of an emergency, the staff member should call 911 directly and then notify the principal.

E. The principal shall alert the program director or site supervisor of any District 75 Citywide Program and/or District 79 Alternative Academies and Program operating a program within the confines of the principal's school and share with the program director/site supervisor the contents of the Notification.

F. Principals of schools located within the same zip code as the zip code in which the sex offender resides are required, within two weeks of receipt of the Notification, to provide to all parents at the school a copy of the Notification, including the photograph of the sex offender.

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[1] The exact home address of the registered sex offender will not be provided.

[2] Immunity from civil liability is granted to all officials reporting such matters as long as those officials are acting in good faith and are not grossly negligent in their actions.

A sample letter that may be used to notify parents is attached to this regulation as Attachment No. 2. This sample letter along with translated versions of the letter may be found at: http://schools.nyc.gov/RulesPolicies/ChancellorsRegulations/default.htm

G. The Principal/Program Director shall provide the Parent Association president or designated member of the executive board with any Notifications received by the school within two weeks of the principal's receipt of the Notification.

H. The Principal/Program Director may notify groups which regularly use the school and have children in attendance after hours and on weekends about the receipt of Notifications.

I. If principals receive information about sex offenders from sources other than their SA, they should notify the SA in order to determine whether he/she has received a Notification for distribution and for further instructions about how to proceed.

V. ADDITIONAL PROCEDURES WITH SUGGESTIONS AND LIMITATIONS

A. Parent Coordinators must maintain their copies of Notifications in a manner that is accessible to parents.

B. Outreach efforts should be made to the parent association and others in a school's educational community to assuage any concerns that receipt of such Notification might have. Educational leaders and parents should be informed that receipt of the Notification is not cause for immediate alarm, but rather is an effort to enlist them in the fight against potential abuse.

VI. INQUIRIES

A. Legal questions regarding this regulation should be directed to the attorney on call at the Office of Legal Services, who can be reached at 212-374-6888.

B. Other questions about this regulation should be directed to:

Telephone: 212-374-4368	*Office of School and Youth Development* N.Y.C. Department of Education 52 Chambers St – Room 218 New York, NY 10007	Fax: 212-374 5751

Department of Education

SAMPLE LETTER

Dear Parents and Members of the P.S./I.S./J.H.S./H.S. _____ Community:

Welcome to our school community. This notice is to remind you of the importance of taking steps to keep your child safe when he or she is involved in outdoor activities, including traveling to and from school. The following are some safety tips that we hope you will share with your children:

- Students should never go home with strangers.
- Students should never talk to strangers.
- Students should not take things from strangers.
- If students are approached by strangers and are still near the school, they should be encouraged to return to the school and immediately inform a staff member.
- Young students should be escorted to and from school.
- Older children should be encouraged to walk/travel to school in groups whenever possible.

The teachers at our school will also remind students the importance of not responding to strangers and actions each child should take if approached by a stranger, including reporting it to responsible adults.

In addition, over the course of the school year, we may receive from the New York City Police Department notification under the New York State Sex Offender Registration Act that a registered sex offender has moved into the region where our school is located. Copies of all the notifications we receive will be kept accessible to parents in the Parent Coordinator's Office as well as the _____ office. You also can find information about registered sex offenders on the NYS Division of Criminal Justice Services website, located at http://www.criminaljustice.state.ny.us or by calling 1-800-262-3257, or through the subdirectory of level three (high risk) registered sex offenders maintained at the NYPD, One Police Plaza, Room 110 C, New York, New York. The website can also be accessed through the Department of Education's website, www.nycenet.edu, through the Office of School Intervention and Development home page. Finally, if our school is located in the same zip code where the sex offender resides, we will provide copies of the notification to all parents of children in our school.

These procedures are part of our continuing effort to provide a safe environment for all children in this school.

Sincerely,

Principal/Program Director

Department of Education

SAMPLE LETTER

Dear Parents and Members of the P.S./I.S./J.H.S./H.S. _____ Community:

Our school has received a notification from the New York City Police Department that a "registered sex offender" has moved to a residence in zip code _____. The purpose of the notification is to inform entities with vulnerable populations of the presence of a person who poses a potential danger. As principal of this school, I have relayed this information to appropriate school staff and by this letter seek to inform you.

Our school will keep information about this registered sex offender on file in the _____ office as well as the Office of the Parent Coordinator. In addition, information about registered sex offenders is available on the NYS Division of Criminal Justice Services website, located at http://www.criminaljustice.state.ny.us or by calling 1-800-262-3257, or through the subdirectory of level three (high risk) registered sex offenders maintained at the NYPD, One Police Plaza, Room 110 C, New York, New York. The website can also be accessed through the Department of Education's website, www.nycenet.edu, through the Office of School Intervention and Development home page.

Enclosed you will find a copy of the photograph of this registered sex offender. Security procedures at the schools will be strictly enforced, including visitor control procedures.

The teachers at our school reinforce with students the importance of not responding to strangers and actions each child should take if approached by a stranger, including reporting it to responsible adults. I would ask that each of you discuss these issues with all the children in your home. It is not our intention to alarm the children, but to help them develop skills to better protect themselves from the potential danger of speaking to or going off with a stranger.

These procedures are part of our continuing effort to provide a safe environment for all children in this school.

Sincerely,

Principal/Program Director

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