

SEX OFFENDER

The Jackson Public School District's Board of Trustees is committed to providing a safe and orderly educational environment conducive to teaching and learning. This Board directs the superintendent to develop guidelines and/or administrative procedures, subject to board approval, that comply with MS Code Section 45-33-26, as shown below.

SEX OFFENDERS PROHIBITED FROM SCHOOL BUILDINGS AND PROPERTY

1. Unless exempted under subsection (2), it is unlawful for a person required to register as a sex offender under Section 45-33-25:
 - a. To be present in any school building, on the real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) are present in the building, on the grounds or in the conveyance; or
 - b. To loiter within five hundred (500) feet of a school building or real property comprising any school while persons under the age of eighteen (18) are present in the building or on the grounds.
2.
 - a. A person required to register as a sex offender who is a parent or guardian of a student attending the school and who complies with subsection (3) may be present on school property if the parent or guardian is:
 - i. Attending a conference at the school with school personnel to discuss the progress of the sex offender's child academically or socially;
 - ii. Participating in child review conferences in which evaluation and placement decisions may be made concerning the sex offender's child regarding special education services;
 - iii. Attending conferences to discuss other student issues concerning the sex offender's child such as retention and promotion;
 - iv. Transporting the sex offender's child to and from school
 - v. Present at the school because the presence of the sex offender has been requested by the principal for any other reason relating to the welfare of the child.
 - b. Subsection (1) of this section shall not apply to a sex offender who is legally enrolled in a particular school or is participating in a school-sponsored educational program located at a particular school when the sex offender is present at that school.
3.
 - a. To exercise the exemption under subsection (2), a parent or guardian who is required to register as a sex offender must notify the principal of the school of the sex offender's presence at the school unless the offender: (i) has permission to be present from the superintendent or the school board, or (ii) the principal has granted ongoing permission for regular visits of a routine nature.
 - b. If permission is granted by the superintendent or the school board, the superintendent or school board president must inform the principal of the school where the sex offender will be present. The notification includes the nature of the sex offender's visit and the hours when the sex offender will be present in the school, and the sex offender is responsible for notifying the principal's office upon arrival and upon departure. If the sex offender is to be present in the vicinity of children, the sex offender must remain under the direct supervision of a school official.
4. For this section, the following terms shall have the meanings ascribed unless the context requires otherwise:

- a. "School" means a public or private preschool, elementary school, or secondary school.
 - b. "Loiter" means standing or sitting idly, whether in or out of a vehicle or remaining in or around school property without a legitimate reason.
 - c. "School official" means the principal, a teacher, any other certified employee of the school, the superintendent of schools, or a member of the school board.
5. A sex offender who violates this section is guilty of a misdemeanor and subject to a fine not to exceed One Thousand Dollars (\$1,000.00), incarceration not to exceed six (6) months in jail or both.
 6. It is a defense to prosecution under this section that the sex offender did not know and could not reasonably know that the property or conveyance fell within the proscription of this section.
 7. Nothing in this section shall be construed to infringe upon the constitutional right of a sex offender to be present in a school building that is used as a polling place for voting.

SOURCE: Jackson Public School District, Jackson, Mississippi

LEGAL REF.: Miss. Code Ann. § 45-33-27

DATE: August 3, 2021