



CAMPUS PROCEDURES REGARDING VISITORS WHO ARE REGISTERED SEX OFFENDERS

Purpose

The purpose of this policy is to protect the students from contact with visitors who are registered sex offenders. This policy is also in response to the requirement of laws governing School Districts found in the Texas Education Code, Section 38.022 (d).

This policy also provides guidance to Administrators, Counselors, and all staff members on procedural implementation of this law. The administration reserves the authority to determine the most appropriate procedure, as dictated by circumstance, in the implementation of this policy.

City of Graham Ordinance No. 1045

- Policy for Sex Offenders is attached at the end of this document
- Once the requirements are met per City of Graham Ordinance No. 1045, the GISD policy will kick in.

Parental Rights

The School cannot remove parental rights from a convicted sex offender. However, enhanced supervision will help ensure that children are protected. Should a registered sex offender be the parent or guardian of a child at a campus, the following procedures will be implemented:

- If the parent has legitimate business with the teacher, counselor, or their child, then the teacher, counselor, or child will be brought to the office and the business of the parent attended to under the supervision of a campus administrator.
- If the business is after school hours, an appointment may be made through the school office for an administrator (or administrative designee) to escort the parent to the appointed place of the conference.
- If the administrator's judgment so dictates, the administrator should remain present during the conference and escort the parent back to the

office after the conference is concluded.

- If the administrator or designee does not stay for the conference, the teacher (or other adult the conference is with) shall escort the parent back to the office.

Escort by District Personnel

An administrator, or designee, will accompany the convicted sex offender when on campus. A convicted sex offender must not be allowed to enter into certain areas alone. These areas include such spaces as classrooms, restrooms, conference rooms, offices, and other areas where children may go to seek adult assistance.

Access to Common Areas of the Campus

- Access to common areas of the campus, such as the cafeteria, library, and restrooms should be stringently controlled.
- Should a registered sex offender need to enter such an area, entry should be limited to hours when children are not present. Otherwise, escort by district personnel is required.
- Attendance by a registered sex offender at sporting events, band concerts, etc. can be reviewed on an individual basis by the campus administrator.
- Generally, registered sex offenders are required by law to stay away from such events. Verification with local law enforcement is within the purview of the administration.
- Should an offender be identified in attendance on a campus and such attendance is prohibited by law, the authorities will be called to attend to the offender.

Access to Classroom

- Registered sex offenders will not be allowed access to classrooms when children are present.
- Should the circumstance arise that the campus administrator feels that access to a classroom is required, the person will be escorted by district personnel as described above.

Drop off and Release of Students

- Registered sex offenders who are parents or guardians and need to drop students off for school or pick them up may do so, but should remain in their vehicles and duty personnel should watch them carefully.

Eligibility to Serve as Volunteers

- Registered sex offenders will not be allowed to volunteer for the school.

Other Relevant Issues

The first priority of the school district is to ensure the safety of its students and staff. Toward this end, the access of registered sex offenders is discouraged, and where possible, prohibited. The administration should regularly (each six weeks) check the registry of sex offenders and notify the staff of their identity. The identity of sex offenders is not confidential, however, students who have registered sex offenders in their family should not be made to feel that they have done something wrong nor should they feel ashamed of themselves.

There may be instances when registered sex offenders are students. This will usually be at the High School. When this happens, the administration must act with prudence and take the necessary precautions to protect the safety of the campus. This may include assignment to DAEP for the duration of their High School career, if deemed necessary.

AN ORDINANCE OF THE CITY OF GRAHAM, TEXAS DEFINING CERTAIN TERMS; MAKING IT UNLAWFUL FOR CERTAIN SEXUAL OFFENDERS TO RESIDE WITHIN 1000 FEET OF PREMISES WHERE CHILDREN GATHER; PROVIDING EXCEPTIONS TO THE ORDINANCE; PROHIBITING PROPERTY OWNERS FROM RENTING REAL PROPERTY TO CERTAIN SEXUAL OFFENDERS; PROHIBITING CERTAIN SEXUAL OFFENDERS FROM ENGAGING IN CERTAIN ACTIVITIES; PROVIDING FOR THE POSTING OF A NOTICE AT RESIDENCE OF SEX OFFENDERS; PROVIDING PENALTIES FOR VIOLATIONS OF THE ORDINANCE; REPEALING ORDINANCES OR PART OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND FINDINGS OF FACT.

WHEREAS, the City of Graham, Texas, (herein the "City"), being a Home Rule city having authority to utilize police power regulation for the health, safety and general welfare of the citizens of the City; and,

WHEREAS, the City Council is deeply concerned about the numerous and recent occurrences in our state and elsewhere, whereby convicted sex offenders who, having been released from custody, have injured children and repeated the unlawful acts for which they had been originally convicted; and,

WHEREAS, the City Council finds from the evidence the recidivism rate for released sex offenders is alarmingly high, especially for those who commit their crimes on children; and,

WHEREAS, the City is becoming an increasingly attractive place for families with young children; and,

WHEREAS, the City Council finds that establishing a policy to restrict the residential property available for residence of sex offenders and restrict access to areas of the City where young children gather and frequent will provide better protection for children gathering in the City; and

WHEREAS, Article 42.12(13B) of the Texas Code of Criminal Procedure, provides a 1,000 foot safety zone for children, as a condition of probation for those convicted of certain sexual offenses; and

WHEREAS, the laws of the State of Texas, including those found in Chapter 51 of the Texas Local Government Code, and the City Charter provide the City authority to adopt ordinances for the good government, peace, order, and welfare of the municipality;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM, TEXAS:

SECTION ONE

Findings of Fact and Intent

1. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact. Further, the City Council finds that sexual offenders that use physical violence and who are convicted of preying on children are sexual predators who present an extreme threat to the health, safety and welfare of children. Sexual offenders are likely to repeat offenses and, if so, use physical violence. Repeat offenders have many more victims than are ever reported, and are prosecuted for only a fraction of their actual sexual offenses. Children not only lack the ability to protect themselves, but are vulnerable to being enticed into situations where they can become victims of sexual predators. The City Council believes that additional measures should be taken to keep known sexual offenders from having access to children in areas children generally feel safe.
2. This type of criminal behavior by sexual offenders through violence and victimization of children exerts real costs to society at large, and while incalculable, are clearly exorbitant.
3. It is the intent of this ordinance to serve the city's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City by creating safe areas around locations where children regularly congregate in concentrated numbers. These child safety areas should restrict the presence of Registered Sex Offenders. They should also prohibit Registered Sex Offenders from establishing temporary or permanent residences in close proximity to these protected areas and should further prohibit their presence in child protected areas.

SECTION TWO

Definitions and Applicability

1. The following words, terms, and phrases; when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning;
 - (a) Child. For purposes of this Ordinance, a child shall mean any person who is less than seventeen (17) years of age.
 - (b) Childcare Facility. A facility, which provides care, training, education, custody or supervision for at least seven (7) children who are not related by blood, marriage, or adoption to the owner or operator of the facility, for part of the 24-hour day, at least three (3) days per week, whether or not the facility is operated for profit or charges for the services it offers.
 - (c) Child Safety Zone. Is defined as but not limited to:
 - (1) Public parks;
 - (2) Private and public schools;
 - (3) Public library;
 - (4) Amusement arcades or video arcades;

- (5) Indoor and outdoor amusement centers or amusement parks, or carnivals, circuses, fairs or fair grounds;
- (6) Public, commercial and semi-private swimming pools;
- (7) Child care facilities or child care institutions;
- (8) Public or private youth soccer, football or baseball field ;
- (9) Crisis center or shelter;
- (10) Skate park or rink;
- (11) Public or private youth center;
- (12) Movie theater;
- (13) Bowling alley; or
- (14) S outing facilities.

(d) Immediate Family Member. Immediate Family Member shall mean a child or grandchild less than seventeen (17) years of age or a minor over whom the Registered Sex Offender has conservatorship, legal custody or guardianship through formal Court Order.

(e) Park Containing Playground Equipment. Any outdoor facility located on public property that is intended for recreation, is open to the public, and contains apparatus intended for the recreation of children, such as slides or swing sets.

(f) Permanent Residence. Permanent Residence means a place where the person abides, lodges or resides for 14 or more consecutive days.

(g) Public or Private Youth Center. Any recreational facility, public swimming pool or gymnasium that:

- (1) Is intended primarily for use by persons who are 17 years of age or younger; and
- (2) Regularly provides athletic, civic or cultural activities to such persons.

(h) Resident. To live, dwell, abide, stay, or lodge for a period of more than one day.

(i) School. A private, public, or charter elementary or secondary school.

(j) Temporary Residence. Temporary Residence means a place where the person abides, lodges or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides resides or lodges for a period of 4 or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

2. This article applies only to a person who is:

- (a) Required to register as a sex offender under Chapter 62, Texas Code of Criminal Procedure, because of a reportable conviction or adjudication involving a victim younger than seventeen (17) years of age; or
- (b) Civilly committed as a sexually violent predator under Chapter 841, of the Health and Safety Code, and subject to outpatient treatment and supervision under that

Chapter.

SECTION THREE

Sexual Offenders Residence Prohibition: Penalties: Exceptions

1. Registration. If a person is required to register on the Department of Public Safety's Sex Offender Database because of a violation involving a victim who was less than seventeen (17) years of age, it is unlawful for that person to establish a permanent residence or temporary residence within 1,000 feet of any premises where children commonly gather, including a school, day care facility, playground, public or private youth center, public swimming pool, or video game facility, as those terms are defined in Article 481.134 of the Health and Safety Code of the State of Texas. It shall be prima facie evidence that this Ordinance applies to such a person if the person's record appears on the Database and the Database indicates that the victim was less than seventeen (17) years of age.
2. Distances Defined. For the purpose of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent or temporary residence to the nearest property line of the premises where children commonly gather, as described herein, or in the case of multiple residence on one property, measuring from the nearest wall of the building or structure occupied or the parking/driveway, which ever is closer to the nearest property line of the premises where children commonly gather, as described herein.
3. Penalties. Any person who violates this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed TWO THOUSAND DOLLARS (\$2,000.00) for each day such violation continues.
4. Exceptions. Nothing in this ordinance shall be interpreted to modify or reduce the State's child safety ban. A person, as described in subsection (a), residing within 1,000 feet of those

places where children commonly gather does not commit a violation of this ordinance if any of the following apply:

- (a) The Resident established the permanent or temporary residence and has complied with all the sex offender registration laws of the State of Texas, prior to the date of the adoption of this ordinance.
- (b) The person was a minor when he/she committed the offense and was not convicted as an adult.
- (c) The person is a minor.
- (d) The premises where children commonly gather, as specified herein, within 1,000 feet of the person's permanent or temporary residence was opened after the person established the permanent or temporary residence and complied with the all sex

offender registration laws of the State of Texas.

- (e) The person proves that the information on the Database is incorrect and that, if corrected, this Ordinance would not apply to the person.
- 5. A Resident to whom the Section applies that moves from a residence where they were previously exempt and establishes residence for a period of 30 days in another location may not move back to that prior location and claim the prior exemption.

SECTION FOUR

Property Owners Prohibited from Renting Real Property to Sexual Offenders; Penalties

- t. It is unlawful to let, rent or otherwise allow possession of any lot, place, structure or part thereof, manufactured home, trailer, or other building inside the City with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to the terms of this Section Three of this Ordinance.
- 2. Penalties. Any person, firm or corporation who violates this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed TWO THOUSAND DOLLARS (\$2,000.00) for each day such violation continues.

SECTION FIVE

Sexual Offenders Prohibited from Entering Child Safety Zones

- 1. It shall be unlawful for a Registered Sex Offender to knowingly enter a Child Safety Zone as defined in this Ordinance.
- 2. It shall be unlawful for a Registered Sex Offender to knowingly loiter in a public street or way that is within three hundred feet (300') of a Child Safety Zone, as defined in Section Three, Paragraph 2 of this Ordinance.
- 3. It shall be an affirmative defense to the violation of Section Five of this Ordinance that:
 - (a) The Registered Sex Offender is required to enter such Child Safety Zones to deliver and pick up an immediate family member; and
 - (b) The immediate family member has no other alternative way to be delivered to and from such Child Safety Zone; and
 - (c) The Registered Sex Offender has notified the Chief of Police of the City of the necessity of entering the Child Safety Zone and has received a variance from the Chief of Police setting out the location and times of the day that such ingress and egress of the prohibited area is permitted by the variance.

4. Any person to whom this Section applies and who violates this Section of the Ordinance shall be guilty of a misdemeanor and upon conviction shall be guilty of a fine not to exceed TWO THOUSAND DOLLARS (\$2,000 .00) for each violation.

SECTION SIX

Engaging in Activities to Entice Children to Enter Residential Premises and Required Posting of Notice

1. Registered Sex Offender shall not, between the hours of 4:00 p.m. and 11:00 p.m. on each October 30th and 31st of any calendar year, or any other date set by the city for trick-or-treaters, leave an exterior porch light on or otherwise invite trick-or-treaters to solicit the permanent or temporary residence of such Registered Sex Offender.
2. On such dates and times set forth in Paragraph I of this Section, every Registered Sex Offender as defined in this Ordinance and who has a permanent or temporary residence inside the City shall place at the front door of such residence a notice that such structure has a Registered Sex Offender residing on the premises.
3. The Notice shall contain the following statement:

NOTICE: REGISTERED SEX OFFENDER IN RESIDENCE

and shall be on a sign or placard that shall not be less than eight inches (8") x ten inches (10"). The letters of the words of the notice shall be in bold letters not less than one inch (1") tall. The notice shall be fastened to the wall of the structure not more than two feet (2') from the front door entrance of the residence.

4. Any resident who is a Registered Sex Offender, as defined in this Ordinance, who fails to post a notice as required in this Section shall be guilty of a misdemeanor punishable by fine of not more than TWO THOUSAND DOLLARS (\$2,000.00) for each day such required notice is not posted by the resident at his residence in accordance with this Section.

SECTION SEVEN

Repeal of Ordinances in Conflict

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION EIGHT

Severability

Should any section or part of this ordinance be held unconstitutional,

illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

SECTION NINE

Effective Date

This ordinance shall take effect immediately from and after its final passage and publication in accordance with the provisions of the Charter of the City.

SECTION TEN

Open Meetings

It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED FOR FIRST READING on this the 17th day of *December*, 2015.

PASSED AND APPROVED FOR SECOND READING on this the 14th day of **January**, 2016.