Prohibiting Registered Sex Offenders from Being at School: Assessing the Collateral Consequences of a Public Policy

Richard Tewksbury and Travis Humkey*

*Richard Tewksbury is Professor of Justice Administration at the University of Louisville and Travis Humkey is a graduate student in Justice Administration at the University of Louisville and is also a U.S. Marshall.
Abstract

The present study evaluates the collateral consequences of a legal prohibition imposed on individuals subject to sex offender registration and notification (SORN) The focus of this study is on one Kentucky state law (KRS 17.545.2) which requires that RSOs obtain written permission to be permitted on school grounds. A systematic random sample of public school principals in Kentucky were surveyed regarding how likely they were to grant permission to RSOs to be on school grounds for ten different school events. Results show that all types of schools principals are unlikely to grant permission, regardless of event or school type.
About the Authors

Richard Tewksbury is Professor of Justice Administration at the University of Louisville. He holds a PhD in sociology from The Ohio State University and is author of over 200 scholarly articles, chapters and reports. His research focuses on issues of sex offender registration and notification, institutional corrections and men’s sex, gender and sexuality.
E-mail: tewks@louisville.edu

Travis Humkey is a graduate student in Justice Administration at the University of Louisville and a U.S. Marshall. He holds a bachelor’s degree from Murray State University and is a U.S. Army veteran, having served in Iraq.
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Introduction

Criminal justice policy issues in the current environment commonly center around violent and sex crimes. In the last two decades there have been a number of new policy initiatives, many of which have focused on sexual offenders. Since the passage of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act of 1994 there have been increasingly stricter laws regulating sex offenders’ activities, registration requirements, residences and abilities to interact with both family and community members. However, there is little evaluation of the implementation, consequences or applications of these policies. The present study seeks to assess the implementation of one corollary policy emanating from sex offender registration.

Sex Offender Registration Laws

Following the Wettling Act, in 1996 Megan’s Law added the community notification element to the sex offender registration and provided the catalyst for online sex offender registration websites. The most recent major, federal law passed in regard to sex offenders is the Adam Walsh Child Protection and Safety Act (2006) that organizes sex offenders into a three-tier system with third tier registrants having the most rigorous registration requirements. Third tier RSOs are required to update or verify their information every three months and are registered for their lifetime. Under this act, failure to update information as required is a felony offense for RSOs. Lastly, the Adam Walsh Act created a federal sex offender registry and requires all states to follow uniform criteria for registrant information. In conjunction with stricter registration and
notification requirements, individual states (and some local communities) have also been passing increasingly stringent housing and activities restrictions for RSOs. One such restriction is illustrated by Kentucky’s requirement (enacted in 2010) that registrants obtain written permission from a school principal or school board prior to being on the grounds of a public school (KRS 17.545.2).

A primary goal of sex offender registration and notification (SORN) is to reduce the likelihood of sex offender recidivism by calling attention to offenders through sex offender websites, flyers, letters sent home with children and door-to-door notification. However, the efficacy of registration, notification and residency/activity restriction laws remains questionable, with research to date suggesting only nominal success.

Sex offender registration and notification laws have generally been shown to have little or no effect on recidivism. Schram and Milloy (1995) conducted a study in Washington State to examine if recidivism rates would differ between a group of sex offenders on the registry and a control group of sex offenders not registered. They found that the two groups did not have a statistically significant difference in recidivism with the former showing a rate of 19% and the later 22% (1995). In New Jersey Zgoba, Witt, Dalessandro and Veysey (2008) examined 21 years worth of sex offender data to assess the effects of Megan’s Law. Data including 10 years prior to and 10 years following the passage of SORN showed no significant effect on reducing the re-offences of sexual offenders (Zgoba, et al., 2008). Most recently Tewksbury and Jennings (2010) examined cohorts of Iowa sex offenders released from incarceration prior to and following implementation of sex offender registration and notification. Their results showed no differences in likelihood of recidivism for the two cohorts and no differences in number of offenses committed by recidivists. A number of other studies have also shown that SORN laws
have very few, if any, positive effects on the recidivism rates of sex offenders (Adkins, Huff and Stageberg, 2000; Freeman, 2009; Letourneau and Armstrong, 2008; Sandler, Freeman & Socia, 2008; Schram and Milloy, 1995; Zevitz, 2006).

There are a number of possible reasons sex offender registration and notification does not produce intended or desired results. One problem that likely contributes to registries having little or no impact on recidivism is that registries often are plagued by incomplete or incorrect information (Mercado, Alvarez and Levenson, 2008; Tewksbury, 2002). Also, inhibiting the possible positive effects of sex offender registration is that many people neither use nor have knowledge of them (Levenson, Brannon, Forney and Baker, 2007; Tewksbury and Lees, 2006, 2007). Tewksbury and Lees (2007) illustrated that RSOs themselves felt most community members paid little attention the registry.

**Collateral Consequences of Sex Offender Registration**

Not only has research failed to demonstrate intended, positive outcomes for sex offender registration, notification and residence restrictions, but so too has research demonstrated that SORN also produces undesired collateral consequences for RSOs. The most commonly documented collateral consequences affecting RSOs are difficulties finding housing and/or being forced to move as a result of registration and residence restrictions (Tewksbury and Mustaine, 2008; Levenson, Zgoba and Tewksbury, 2007; Zevitz and Farkas, 2000). Other consequences attributed to being on the registry include loss of a support system including family and friends, harassment and threats of violence, inability to find or maintain employment, and feelings of being vulnerable and stigmatized (Tewksbury, 2004, 2005; Tewksbury and Lees, 2006; Levenson and Cotter, 2006; Tewksbury and Zgoba, in press; Tewksbury and Mustaine 2009; Levenson and Hern, 2007). Registration has also been shown to contribute to high levels of
stress experienced by RSOs. Tewksbury and Mustaine (2009) showed that being registered caused moderate to high levels of stress in RSOs.

For RSOs, difficulties finding adequate housing can bring a great amount of stress into the reintegration process. One Kentucky study showed that 45% of RSOs reported a loss of housing or inability to find housing (Tewksbury, 2007). Other studies report even greater difficulties for RSOs seeking housing. Zevitz and Farkas (2000) showed that 83% of the RSOs interviewed in their Wisconsin study had trouble finding and/or maintaining housing. For some RSOs housing difficulties arise from landlords being unwilling to rent to them, while for others residency restriction laws which prohibit RSOs from living within 500-2500 feet of schools, daycares, parks (and sometimes school bus stops) make it all but impossible to find legal and affordable housing. One Orange County Florida study showed that if RSOs were banned from living within 1000 feet of schools, day cares and bus stops there would only be 4% of all of the land in the county available for them to legally reside (Zandbergen and Hart, 2006). If the distance were 2500 feet, RSOs would then face the task of finding housing in only 1% of all land in Orange County (2006). More recently, Zandbergen and Hart (2009), examined the affordable rental housing available to RSOs in Miami-Dade County under the 1,750 feet restriction. This study accounted for two different scenarios. In the first schools, daycares and parks were included and in the second school bus stops were added as well. Both scenarios used the purposed 1,750 feet residency restriction from these areas. They found that the purposed 1,750 feet restriction would seriously limit the affordable housing available to RSOs when only schools, daycares and parks were used. When they included bus stops they found affordable housing to be almost nonexistent. A 2009 residency restriction study conducted in South Carolina had similar finding. It showed that nearly half of all residential property in the four
counties of South Carolina used for the study would be restricted under the 1,000 foot restriction zone (Barnes, Dukes, Tewksbury and DeTroye, 2009).

Collateral consequences of SORN affect family members of sex offenders as well (Farkas and Miller, 2007; Levenson and Tewksbury, 2009; Tewksbury and Levenson, 2009). Here the importance is that legal restrictions affect individuals beyond offenders, impacting family members who constitute the primary support system that offenders have to rely on when seeking to successfully re-enter and reintegrate into communities. Focusing on how RSOs’ family members are affected by SORN, Levenson and Tewksbury (2009) found that many of the effects identified by family members of offenders were the same as those reported by the RSO themselves. Employment and housing concerns for RSOs were identified, as were verbal threats and harassment. Tewksbury and Levenson (2009) also showed that SORN of an offender is linked to increased levels of stress experienced by family members of RSOs.

Collateral consequences may be especially strong for children of sex offenders; Levenson and Tewksbury (2009) report that fully three-fourths of children of RSOs had lost friendships as a result of a parent’s status as a RSO. Additionally, 59% said that the other children at school treated them differently (Levenson and Tewksbury, 2009). Family members play an integral role in the re-socialization process for sex offenders being released from incarceration (Farkas and Miller, 2007). Higher stress for family members means more time spent trying to reduce their own stress levels and less helping the RSOs with their issues of reintegration (Tewksbury & Levenson, 2009). It is for this reason that additional research is needed in the realm of collateral consequences impacting not only the RSO but their families as well. Such things as the role a RSO plays as a parent could have negative effects on the children of RSOs, and additional stresses arising from a RSO’s efforts to fulfill their role as a parent may detract from one’s
ability to successfully re-enter and reintegrate into the community. When RSOs are restricted from being able to fully engage in their roles as parents, through activities such as attending school functions, being involved in their children’s school activities and going about “normal” parenting activities both they and their children are likely to experience increased stress, and successful community re-entry may be inhibited.

Present Study

The present study adds to the exploration and definition of collateral consequences experienced by RSOs and their family members as a result of SORN. In particular, the study looks at how legal restrictions may impact the level of participation or involvement a RSO parent may have in their children’s educational, extracurricular and social activities. Specifically, the present study examines the effects of one Kentucky state law (KRS 17.545.2) that requires a RSO parent to obtain written permission in order to be on school grounds for any event.

Methods

Data

The data for this study were collected in January and February of 2010 via mailed survey. The sample was composed of 238 schools in the Commonwealth of Kentucky selected via a systematic random sampling process of schools districts. The sampling frame (all 176 public school districts in Kentucky) was obtained from the Kentucky Department of Education website (www.education.ky.gov/). Using this frame, a 25% (n=42) systematic random sample of school districts was drawn. All schools (n=238) in the sampled districts were included in the final sample.

Once the sample was identified a 10-item survey, accompanied by a postage-paid return envelope, was sent through regular mail to the principals of the 238 schools. A follow-up
reminder postcard urging completion of the survey was also mailed 10 days following the initial mailing. The final sample is comprised of 83 school principals. This represents a response rate of 34.8%.

The demographics and experience of the participant principals are as follows. Across the responding principals, 51.2% are male and the respondents have a mean of 7.7 years of experience as principals (range of 1 to 22 years). The schools these principals represent are primarily elementary schools (59%), followed by high schools (21.7%) and middle schools (19.3%). The schools represented in the sample have a mean of 530 students; high schools have a mean of 727 students, middle schools 555 and elementary schools a mean of 450 students.

The authors’ university institutional review board reviewed the study.

**Instrument**

The instrument consists of a nineteen-question survey and includes basic background and demographic characteristics of principals and the schools they represent. The survey also assesses familiarity with the Kentucky state law that is addressed, KRS 17.545.2. The relevant part of this statute states:

“No registrant, as defined in KRS 17.500, nor any person residing outside of Kentucky who would be required to register under KRS 17.510 if the person resided in Kentucky, shall be on the clearly defined grounds of a high school, middle school, elementary school, preschool, or licensed day care facility, except with the advance written permission of the school principal, the school board, or the day care director that has been given after full disclosure of the person's status as a registrant or sex offender from another state and all registrant information as required in KRS 17.500.”

Respondents were asked if they were familiar with this law and whether they had received any training or school board directives related to implementing it.

Additionally, a four point Likert scale was used to measure participants’ responses to the 10 scenario-based questions. The scenarios consist of situations for which a principal might consider
giving written permission to RSOs to be on school grounds. Scenarios include, (1) attending a
parent/teacher conference, (2) attending a school play/concert in which the student is involved, (3)
attending a student academic award ceremony, (4) attending a graduation/year-end ceremony, (5)
attend a sporting event in which the student is participating, (6) attending a sports/activity award
ceremony, (7) chaperoning a school event or field trip, (8) serving as a volunteer in a classroom,
(9) attending a “bring your parent to school/lunch” day and (10) participating in a parent/teacher
organization meeting.

Additionally respondents were asked whether they personally know of any students’ parents
that are RSOs, whether they had received any requests from RSO parents to be on school
grounds, if so how many such requests they had granted, and whether they have received any
training or directives regarding KRS 17.545.2.

Data Analysis

Data is analyzed using both descriptive and inferential statistics.

Findings

Awareness, Training and Experience with Requests

Across the sample of principals, a total of 71.8% report that prior to receiving the survey
they were aware of KRS 17.545.2’s requirement that a registered sex offender receive written
permission prior to being on school grounds. Among elementary school principals 69.6% report
an awareness of the law, compared with 66.7% of middle school and 82.4% of high school
principals.

While a majority of principals report being aware of the law only 24.7% report having
received any training or school board directives related to the implementation of the law.
Elementary school principals were the most likely (46.9%) to report having received training, followed by 23.1% of middle school and 12.5% of high school principals.

When queried regarding knowledge of any student having a parent who is a registered sex offender, 42.2% of all principals report knowing of at least one student with a sex offender as a parent. More specifically, 44.9% of elementary, 31.3% of middle school and 44.4% of high school principals report that they are aware of at least one such student.

Only 12 principals (14.4%) report receiving a total of 27 requests from sex offender parents to attend an event on school grounds. Of these 27 requests, 14 were from elementary school parents, 6 from middle school parents and 7 from high school students’ parents. Only 11 (40.7%) of these requests were granted.

**School Events and Likelihood of Granting Permission**

Table 1 presents the results of how likely principals are to grant permission to a sex offender parent to be on school grounds for ten types of common situations. For each situation the table presents the mean likelihood score (the mean response to the item, scores below 2 indicate likelihood to *not* grant permission) and the percent of principals reporting that they “definitely would not allow” a sex offender parent to attend such an event. As shown, for no type of event is the sample likely to grant permission. The highest likelihood score is for a parent to attend a parent-teacher conference, followed by attendance at a graduation/year-end ceremony. Principals are especially strong in their convictions to not allow a registered sex offender parent to volunteer in a classroom or chaperone an event or field trip.

Table 2 presents these results highlighting responses of principals of elementary, middle and high schools. Few differences are seen across the principals of different types of schools. The only difference that is apparent is that high school principals are more likely than their
middle or elementary school colleagues to grant permission for a sex offender parent to attend a graduation ceremony. In fact, not a single high school principal reports that they would definitely not allow a parent to attend a graduation. Additionally, high school principals are less likely to report that they would definitely not grant permission for a parent to attend either a sports event or sports award ceremony in which the parent’s child was participating. For all other types of events there are no differences in likelihood of the principal granting permission for the parent to attend.

<table>
<thead>
<tr>
<th>Type of School Event</th>
<th>Mean Likelihood Score</th>
<th>% Definitely Would Not Allow</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attend parent/teacher conference</td>
<td>1.96</td>
<td>8.6 (n=7)</td>
</tr>
<tr>
<td>Attend a play/concert where student is involved</td>
<td>1.46</td>
<td>17.1 (n=14)</td>
</tr>
<tr>
<td>Attend academic award ceremony</td>
<td>1.54</td>
<td>17.1 (n=14)</td>
</tr>
<tr>
<td>Attend graduation/year-end ceremony</td>
<td>1.75</td>
<td>11.1 (n=9)</td>
</tr>
<tr>
<td>Attend sporting event where student is involved</td>
<td>1.39</td>
<td>19.0 (n=15)</td>
</tr>
<tr>
<td>Attend a sports/activity award ceremony</td>
<td>1.41</td>
<td>21.5 (n=17)</td>
</tr>
<tr>
<td>Chaperone a school event or field trip</td>
<td>0.16</td>
<td>86.6 (n=71)</td>
</tr>
<tr>
<td>Volunteer in a classroom</td>
<td>0.14</td>
<td>88.0 (n=73)</td>
</tr>
<tr>
<td>Attend “bring a parent to lunch” day</td>
<td>0.94</td>
<td>36.6 (n=30)</td>
</tr>
<tr>
<td>Participate in a parent/teacher organization meeting</td>
<td>1.27</td>
<td>23.8 (n=19)</td>
</tr>
</tbody>
</table>

Mean likelihood scores are based on responses to items where 0 = Definitely would not allow, 1 = Probably would not allow, 2 = Probably would allow and 3 = Definitely would allow

**Conclusion**

The results of this study add to the emerging literature (Levenson and Tewksbury, 2009; Tewksbury and Levenson, 2009) showing the collateral consequences of sex offender registration for family members of registrants. As the results of this study show, when law allows school officials to prohibit registered sex offenders (even when parents of a student) from attending school events, this prohibition is likely to be enforced. For no type of situation were school principals in this study more likely than not to grant permission for registered sex offenders to attend school events. This holds for all types of schools.
Table 2: Likelihood of Allowing an RSO Parent to Attend School Functions, by Type of School

<table>
<thead>
<tr>
<th>Type of School Event</th>
<th>High School (n=18)</th>
<th>Middle School (n=16)</th>
<th>Elementary School (n=48)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mean Likelihood Score</td>
<td>% Definitely Would Not Allow</td>
<td>Mean Likelihood Score</td>
</tr>
<tr>
<td>Attend parent/teacher conference</td>
<td>2.00</td>
<td>11.1 (n=2)</td>
<td>2.00</td>
</tr>
<tr>
<td>Attend a play/concert where student is involved</td>
<td>1.44</td>
<td>16.7 (n=3)</td>
<td>1.63</td>
</tr>
<tr>
<td>Attend academic award ceremony</td>
<td>1.61</td>
<td>16.7 (n=3)</td>
<td>1.63</td>
</tr>
<tr>
<td>Attend graduation/year-end ceremony</td>
<td>2.17</td>
<td>0.00 (n=0)</td>
<td>1.69</td>
</tr>
<tr>
<td>Attend sporting event where student is involved</td>
<td>1.50</td>
<td>11.1 (n=2)</td>
<td>1.44</td>
</tr>
<tr>
<td>Attend a sports/activity award ceremony</td>
<td>1.41</td>
<td>11.8 (n=2)</td>
<td>1.44</td>
</tr>
<tr>
<td>Chaperone a school event or field trip</td>
<td>0.17</td>
<td>83.3 (n=15)</td>
<td>0.19</td>
</tr>
<tr>
<td>Volunteer in a classroom</td>
<td>0.11</td>
<td>88.9 (n=16)</td>
<td>0.25</td>
</tr>
<tr>
<td>Attend “bring a parent to lunch” day</td>
<td>0.78</td>
<td>44.4 (n=8)</td>
<td>1.13</td>
</tr>
<tr>
<td>Participate in a parent/teacher organization meeting</td>
<td>1.35</td>
<td>23.5 (n=4)</td>
<td>1.38</td>
</tr>
</tbody>
</table>

Mean likelihood scores are based on responses to items where 0 = Definitely would not allow, 1 = Probably would not allow, 2 = Probably would allow and 3 = Definitely would allow

Interestingly, it is only high school principals that show any significant tendency to allow a student’s RSO parent to attend school functions. This may be due to school officials perceiving high school students as less likely to be targets of known sex offenders, or a belief that high school students are more knowledgeable and capable of protecting themselves from
sexual offenders than are their younger counterparts. As sex offender registration and accompanying legal restrictions are explicitly intended to protect “children” from sexual victimization, it appears that at least some officials empowered with enforcing restrictions define “children” as the youngest community members, specifically those younger than adolescence.

The results of this study also show that more than two-thirds of principals are aware of their authority to allow or restrict parents from attending school events, and that when encountering such situations principals generally deny such requests. One potentially problematic issue uncovered, however, is that only one-quarter of all principals report having received any training or directives about exercising their authority to grant or deny permission for a sex offender parent to be on school grounds.

Sex offender registration, while a popular policy in contemporary America, has been shown to have little or no effect on recidivism and public safety (Adkins, et al., 2000; Schram and Milloy, 1995; Tewksbury and Jennings, 2010; Zgoba, et al., 2008), and to introduce a range of collateral consequences for registered sex offenders and their families. As such, policies such as Kentucky’s restriction on sex offender parents attending their children’s school functions may have serious deleterious consequences that actually work contrary to the intentions of sex offender registration and notification. When sex offenders experience high levels of stress – which they are known to experience as a result of registration and notification procedures alone (Tewksbury & Mustaine, 2009; Tewksbury and Zgoba, in press) – they are less likely to succeed in treatment, avoid alcohol and drugs and remain crime free. As such, when RSOs experience common collateral consequences of loss of social relationships, employment difficulties, housing difficulties and also have their abilities to fulfill their parenting role, fully participate in family and community life, and establish a stable and supportive network of family and friends
interrupted, it should not be surprising when they fail to remain productive and law-abiding members of communities. Policies such as Kentucky’s law restricting registered sex offenders from attending their children’s school events may actually hinder rather than reinforce community safety. As such, it is imperative that scholars and policy makers alike examine the consequences of restrictions imposed on registered sex offenders. If policies are failing to achieve their desired results, or producing consequences counter to their intent, it would behoove policy makers to retract and remove such restrictive policies. If we are truly striving to protect community members – especially children – from sexual victimization, it is imperative that we ensure our laws are producing beneficial outcomes, and not aggravating already stressful and deleterious situations.
References


