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Mecklenburg bans sex offenders from parks

BY APRIL BETHEA, Staff Writer

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CHARLOTTE - Registered sex offenders can no longer visit Mecklenburg County parks and recreation centers under an ordinance approved Tuesday by county commissioners.

The county is the latest N.C. community to adopt such an ordinance. Morganton approved a similar ban in January, while Hickory leaders will vote on one later this month.

Under the Mecklenburg ordinance, sex offenders would be banned from any county park site unless they were visiting one to vote or attend a public meeting.

Commissioners said the ordinance, which passed 8-1 and was pushed by commissioner Bill James, will give law enforcement a tool to help keep families safe. Critics, including the American Civil Liberties Union, have complained the bans create a "false sense of security" because they said offenses in parks often are committed by people who aren't on the offender registry.

Commissioner Valerie Woodard cast the only no vote. She said she was worried about possible civil rights violations.

Police would be able to detain a person and determine whether he or she is a registered sex offender if the officer "reasonably believes, or has probable cause to believe" the person is a sex offender or is committing a crime that could require the person to register as an offender.

The Charlotte-Mecklenburg Police Department, which helped fine-tune the ordinance with county staff, has no plans to step up its patrols to enforce the ban. Other communities with ordinances, such as Morganton, have not increased their police presence.

Mecklenburg has 210 park sites, spanning more than 17,600 acres. The ordinance would apply not only to community parks, but facilities such as golf courses, nature centers and the Mecklenburg County Aquatic Center.

There are 625 registered sex offenders in the county.

Mecklenburg's ordinance is modeled after a similar one in Woodfin, a town near Asheville that became the first in the state to bar sex offenders from parks in 2005. The state Supreme Court recently upheld the ordinance.

North Carolina has previously barred sex offenders from living within 1,000 feet of a school or day care center. A new law gives stricter penalties, including at least 25 years in prison, to anyone convicted of committing certain sex crimes against children younger than 13.

The Jessica Lunsford Act is named after a 9 year-old former Gaston County resident who was raped and killed while living in Florida in 2005.

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Schools' use of parents' e-mail addresses causes concern

Parents worry about e-lists

*BY EMILIA ASKARI
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Millions of parents in Michigan and nationwide are signed up to receive e-mail alerts from their schools. Most of the delivery systems were created in the wake of the 2001 terrorist attacks and were originally intended to quickly get word to parents about emergencies like lockdowns or evacuations.

Schools now routinely use them to announce less serious, yet important news about delays or cancellations and even board meetings and parent-teacher conferences.

But a controversy has erupted after about 12,000 parents in Bloomfield Hills schools received an e-mail earlier this month that was a campaign message for two school board candidates.

How did the candidates get the parents' e-mail addresses?

Bloomfield Hills school officials contend they were forced to release electronic copies of the e-mail address lists when two women made separate requests for the information last year under the state's Freedom of Information Act.

Leaders of two major statewide school organizations say the district's release of the e-mail list represents the first time that anyone has been allowed to use the state FOIA to get the addresses.

"It's kind of a groundbreaking-type thing," said Tom White, executive director of Michigan School Business Officials, a Lansing-based nonprofit representing public school officials who focus on non-curricular areas such as technology, transportation and accounting.

"Quite a few schools have parents' e-mails," he said. "What do you do with them if someone requests them? What do you do with kids' e-mail addresses? This issue has really broad implications."

School chiefs concerned

The campaign marketing tactic has prompted concern among school administrators statewide who are just hearing of the incident, and has spurred a flurry of complaints from Bloomfield Hills parents.

"They've opened a Pandora's box," said Alan Ruby, a 45-year-old Bloomfield Township physician and parent of three children in the schools. He said the e-mail list is a "wonderful means by which the administration can communicate with parents. ... But I do have reservations about that information being given out."

White said the release at the least affects the parents of most of the 1.6 million Michigan children in public or charter schools.

Nationwide, FOIA laws vary from state to state. In general, they require that paper or electronic documents created by government entities -- including publicly funded schools -- be accessible to the public.

There are exceptions. For example, much information about students, including grades, is not available to the public by federal law. Whether parents' e-mail addresses given to schools should be public information has never been tested by the Michigan courts, White and others said.

"It's unclear," White said. "It's one of those legal grey areas."

Among the concerns about release of the e-mail list in Bloomfield Hills has created: commercial entities and marketers will use the state FOIA to obtain e-mail lists from schools statewide to cheaply target advertising to parents of school-aged kids, sell goods and services or for other non-school purposes.

Another possibility: In this era of school funding cutbacks, schools might decide to sell parent e-mail lists themselves.

Such a move by public K-12 schools would likely spark a severe reaction from residents and voters. But it is already common practice for many colleges and universities to sell the names and addresses of students and alumni to life insurance companies or banks who market credit cards bearing the school's logo.

Michigan State University, for example, has earned about \$11 million from MBNA and Bank of America over the past 14 years on credit cards bearing the MSU logo. The money is mostly used for scholarships, according to Terry Livermore, the university's license program manager.

The trail of the e-mail list release

Chris Barnett, an attorney working for Bloomfield Hills schools, said that the district's outside attorney advised her a year ago that the e-mail addresses were public. Barnett refused to name the outside attorney, saying that the attorney's name should be protected by attorney-client privilege.

The first person to submit a Freedom of Information Act request for the Bloomfield Hills e-mail list was Julie Oddo, a 39-year-old Bloomfield Township mother of two and a consultant to a talent management software company.

At the time she made the request in spring 2007, Oddo said she used the list once to help promote a school bond proposal -- and said so in her written request for the e-mail addresses. The proposal failed.

The second person to request the e-mail list, in summer 2007, was Susan Schurr, Barnett said. Schurr did not state the purpose of her request and could not be reached for comment.

How the list got to the candidates

Schurr's attorney, John A. Kaichen, said that he doesn't know why Schurr got the e-mail list, but he acknowledged that she later shared it with campaign managers for Pradeep Mehra and John Steven Roach, two retired Ford executives seeking election to the Bloomfield Hills school board Nov. 4.

After the candidates' campaigns sent a joint letter to those on the e-mail list earlier this month, Kaichen said Schurr received an e-mail from one of the recipients threatening a lawsuit.

"I'm ready to take him on if he wants," Kaichen said. "Anyone can ask for it, she did and was

successful. It's completely within the law."

Dave Snyder, a 45-year-old business development director who lives in West Bloomfield and has three students in Bloomfield Hills schools, said he is "not happy that anyone can use our public school provider as a way to promote their own interest."

Mehra and Roach maintain that there was nothing illegal or wrong about using the e-mail list to promote their campaigns, especially since the list had already been used last year to support the district's failed bond referendum.

Once Bloomfield Hills officials had released the e-mail list to Oddo, they had little choice but to release it again, said Brad Banasik, legal counsel to the Michigan Association of School Boards. "At that point, they'd created a practice and you can't discriminate based on someone's viewpoint."

Since then, the Michigan Supreme Court has ruled that the addresses and telephone numbers of school employees are not public information. They fall under an exemption to the state FOIA that protects the release of information that's private, embarrassing or intimate.

That ruling might affect the district's response to future requests for parent e-mail addresses, Barnett said.

Or it might not.

So far, the district hasn't received any other requests for the e-mail list, Barnett said.

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