Information Sheet – 11/12/19 - Board of Trustees Meeting

TO: Board of Trustees Item: 8.8

FR: Celli Coeville

DATE: November 5, 2019

RE: New Board Policy, BP 4119.24/ 4219.24/ 4319.24, Maintaining Appropriate Adult-Student Interactions, Consider for Adoption

New Board Policy, BP 4119.24/ 4219.24/ 4319.24, Maintaining Appropriate Adult-Student Interactions, addresses the avoidance of unlawful and inappropriate interactions between staff and students, an employee's responsibility to report another employee's violation of this policy, disciplinary consequences for staff, referral to law enforcement when appropriate, the requirement to post the code of conduct on school and or/district websites, and examples of conduct that are inappropriate or can create the appearance of impropriety.

Recommended Action: Approve BP 4119.24/ 4219.24/ 4319.24, Maintaining Appropriate Adult-Student Interactions

CSBA Sample

Board Policy

Maintaining Appropriate Adult-Student Interactions

BP 4119.24 4219.24,4319.24
Personnel

Note: The following optional policy may be revised to reflect district practice.

The Governing Board desires to provide a positive school environment that protects the safety and well-being of district students. The Board expects all adults with whom students may interact at school or in school-related activities, including employees, independent contractors, and volunteers, to maintain the highest professional and ethical standards in their interactions with students both within and outside the educational setting. Such adults shall not engage in unlawful or inappropriate interactions with students and shall avoid boundary-blurring behaviors that undermine trust in the adult-student relationship and lead to the appearance of impropriety.

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

Employees are prohibited from entering into or attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature.

(cf. 5145.7 - Sexual Harassment)

Adults shall not intrude on a student's physical or emotional boundaries unless necessary in an emergency or to serve a legitimate purpose related to instruction, counseling, student health, or student or staff safety.

Note: Pursuant to the Child Abuse and Neglect Reporting Act (Penal Code 11164-11174.3), persons identified as "mandated reporters," including, but not limited to, school administrators, certificated staff, and classified staff, are required to report known or suspected child abuse, including sexual assault and sexual exploitation. For required procedures for filing a report, see BP/AR 5141.4 - Child Abuse Prevention and Reporting.

Any employee who observes or has knowledge of another employee's violation of this policy shall report the information to the Superintendent or designee or appropriate agency for investigation pursuant to the applicable complaint procedures. Other adults with knowledge of any violation of this policy are encouraged to report the violation to the Superintendent or designee. The Superintendent or designee shall protect anyone who reports a violation from retaliation. Immediate intervention shall be implemented when necessary to protect student safety or the integrity of the investigation.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 5141.4 - Child Abuse Prevention and Reporting)

Employees who engage in any conduct in violation of this policy, including retaliation against a person who reports the violation or participates in the complaint process, shall be subject to discipline, up to and including dismissal. Any other adult who violates this policy may be barred from school grounds and activities in accordance with law. The Superintendent or designee may also notify law enforcement as appropriate.

(cf. 4117.7/4317.7 - Employment Status Reports)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Note: Education Code 44050 requires districts maintaining an employee code of conduct that addresses employee interactions with students to post, in a publicly accessible manner on each school's web site or on the district web site if a school does not maintain one, the section(s) of the code of conduct dealing with employee-student interactions. At the beginning of each school year, the district must also provide parents/guardians with written copies of the sections of the employee code of conduct that address employee interactions with students. The applicable sections of the code of conduct may appear in a variety of district documents, including, but not limited to, this Board policy, sections of BP/E 4119.21/4219.21/4319.21 - Professional Standards, and employee handbooks.

The district's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or district web sites. (Education Code 44050)

(cf. 1113 - District and School Web Sites)
(cf. 5145.6 - Parental Notifications)

Inappropriate Conduct

Note: The following section lists examples of inappropriate conduct and conduct that can create the appearance of impropriety. For additional examples of behaviors that may constitute sexual harassment of students, see BP/AR 5145.7 - Sexual Harassment.

Employees shall remain vigilant of their position of authority and not abuse it when relating with students. Examples of employee conduct that can undermine professional adult-student interactions or create the appearance of impropriety include, but are not limited to:

1. Initiating inappropriate physical contact

2. Being alone with a student outside of the view of others

3. Visiting a student's home or inviting a student to visit the employee's home without

parent/guardian consent

4. Maintaining personal contact with a student that has no legitimate educational purpose, by phone, letter, electronic communications, or other means, without including the student's parent/guardian or the principal

When communicating electronically with students, employees shall use district equipment or technological resources when available. Employees shall not communicate with students through any medium that is designed to eliminate records of the communications. The Superintendent or designee may monitor employee usage of district technology at any time without advance notice or consent.

(cf. 4040 - Employee Use of Technology)

5. Creating or participating in social networking sites for communication with students, other than those created by the district, without the prior written approval of the principal or designee

6. Inviting or accepting requests from students, or former students who are minors, to connect on personal social networking sites (e.g., "friending" or "following" on social media), unless the site is dedicated to school business

7. Singling out a particular student for personal attention and friendship, including giving gifts and/or nicknames to individual students

8. Addressing a student in an overly familiar manner, such as by using a term of endearment

9. Socializing or spending time with students outside of school-sponsored events, except as participants in community activities

10. Sending or accompanying students on personal errands unrelated to any legitimate educational purpose

11. Transporting a student in a personal vehicle without prior authorization

12. Encouraging students to confide their personal or family problems and/or relationships

13. Disclosing personal, family, or other private matters to students or sharing personal secrets with students

Legal Reference
EDUCATION CODE
44030.5 Employment status reports
44050 Employee code of conduct; employee interactions with students

44242.5 Reports and review of alleged misconduct
44940 Sex offenses and narcotic offenses; compulsory leave of absence
48980 Parental notifications
PENAL CODE
11164-11174.3 Child Abuse and Neglect Reporting Act
CODE OF REGULATIONS, TITLE 5
80303 Reports of change in employment status, alleged misconduct
80304 Notice of sexual misconduct