



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 11.2

Meeting Date: October 21, 2021

Subject: Public Hearing: First Reading of Proposed Board Policy 4119.24,
Maintaining Appropriate Adult-Student Interactions

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: _____)
- Conference/Action
- Action
- Public Hearing

Division: Legal Services and Human Resource Services

Recommendation: Approve Board Policy 4119.24

Background/Rationale: Currently, the Sacramento City Unified School District does not have a Board Policy with respect to maintaining appropriate adult-student interactions. In order to provide guidelines for adults whom students may interact with at school or in school-related activities, adoption of the policy is necessary to provide a positive school environment that protects the safety and well-being of District students. This policy includes language in the CSBA Gamut model policy and the expertise of District administrators.

Documents Attached:

1. Executive Summary
2. BP 4119.24

<p>Estimated Time of Presentation: 5 Minutes Submitted by: Raoul Bozio, In House Counsel and Cancy McArn, Chief Human Resources Officer Approved by: Jorge A. Aguilar, Superintendent</p>
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Board of Education Executive Summary

Legal Department

Proposed Board Policy (BP) 4119.24: Maintaining Appropriate Adult-Student Interactions

October 21, 2021



I. Overview/History of Department or Program

Currently, the Sacramento City Unified School District does not have a Board Policy concerning maintaining appropriate adult-student interactions. By adopting such policy, the District will provide guidelines for adults (including employees, independent contractors, and volunteers) whom students may interact with at school or in school-related activities.

The 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.

Specifically, this policy lists a number of inappropriate behaviors, including but not limited to:

- Personally contacting a student without any legitimate educational purpose, by phone, letter, electronic communications, or other means, without including the student's parent/guardian or the principal
- 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
- 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
- Addressing a student in an overly familiar manner that would make a reasonable student feel uncomfortable and/or that would not be welcomed by a reasonable student

This proposed policy is based off the model provided by the CSBA and includes language provided by District administrators. It aligns with the District's commitment to provide a positive and safe school environment that protects the well-being of its students.

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Proposed Board Policy (BP) 4119.24: Maintaining Appropriate Adult-Student Interactions
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II. Driving Governance:

Pursuant to Penal Code 11164-11174.3 Child Abuse and Neglect Reporting Act, District staff are mandated child abuse reporters. See Board Policy/Regulation 5141.4. The District faces liability in situations of child abuse where reports should have been made. The District owes a duty of care over students under its supervision.

Pursuant to Education Code 44050:

(a) A local educational agency, or a person, firm, association, partnership, or corporation offering or conducting private school instruction at the elementary or high school level, that maintains a section on employee interactions with pupils in its employee code of conduct shall do both of the following:

(1) Commencing July 1, 2018, provide a written copy of the section on employee interactions with pupils in its code of conduct to the parent or guardian of each enrolled pupil at the beginning of each school year.

(2) Commencing January 1, 2018, post the section on employee interactions with pupils in its code of conduct, or provide a link to it, on each of its schools' Internet Web sites, or, if a school of a local educational agency does not have its own Internet Web site, on the local educational agency's Internet Web site, in a manner that is accessible to the public without a password.

III. Budget:

The proposed policy is intended to provide a positive school environment that protects the safety and well-being of District students.

IV. Goals, Objectives and Measures:

Pursuant to the District's core beliefs under Board Policy 0100, the District believes "that all people excel in an environment that is SAFE, and offers everyone UNLIMITED OPPORTUNITIES for continuous growth and PERSONAL SUCCESS." As such, the goal is for the District to establish sound policy for all adults with whom students may interact at school or in school-related activities in order to prevent unlawful or inappropriate interactions with students and to avoid boundary-blurring behaviors that undermine trust in the adult-student relationship.

V. Major Initiatives:

This adult-student interactions policy is critical to promote a positive and safe school environment while recognizing that certain professional adult conduct may be necessary in an emergency or to serve a legitimate purpose related to instruction, counseling, student health,

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or student or staff safety.

VI. Results:

Adopt Board Policy 4119.24. Ensure compliance with Education Code.

VII. Lessons Learned/Next Steps:

Adoption Board Policy 4119.24 concerning adult-student interactions. Information and correspondences concerning this matter have previously been shared with the District. Further updates will be provided as necessary.

SCUSD

Board Policy

Maintaining Appropriate Adult-Student Interactions

BP 4119.24 4219.24,4319.24

Personnel

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)

All adults with whom students may interact at school or in school-related activities 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.

All adults with whom students may interact at school or in school-related activities who observes or has knowledge of another adult'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 take necessary steps to protect anyone who reports a violation from retaliation from individuals who are within the control of the district. 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. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

In addition to being provided to district employee's, the district's applicable professional standards and/or 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

Employees shall remain vigilant of their position of authority and not abuse it when relating with students. Employee conduct that may 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 for reasons other than those related to legitimate educational purposes, such as tutoring
3. Visiting a student's home or inviting a student to visit the employee's home without parent/guardian consent outside of a district-sponsored program or activity
4. Personally contacting a student without any 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 that would make a reasonable student feel uncomfortable and/or that would not be welcomed by a reasonable student
9. Socializing or spending time with students outside of school-sponsored events, without invitation from the student's parent/guardian and 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 that have no legitimate educational purposes

The aforementioned examples do not include professional adult conduct necessary in an emergency or legitimately sought to serve students' interests related to instruction, counseling, student health, or student or staff safety or professional adult conduct that a reasonable person would consider appropriate in light of students' age and personal circumstances.

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

Adopted: