

Administrative Regulation

Prevention of Sexual Misconduct and Abuse in Schools

AR 5141.41

Students

Definitions

Sexual abuse refers to coerced or forced sexual contact or activity that may be ongoing or occurs over time, often within a trusting relationship. Perpetrators may trick or force victims into gradually engaging in sexual activity. Perpetrators of ongoing sexual abuse often control the child/youth through secrecy, shame, or threats. Sexual contact between children and adults or older youth is considered abuse, regardless of whether it includes touching or not.

Sexual assault usually refers to forced or unwanted sexual contact or activity that occurs as a single incident, as opposed to ongoing sexual abuse that may continue over time. It may also involve verbal or visual behaviors, or any type of pressure designed to coerce or force someone to join in the unwanted sexual contact or activity. The assault may involve a similar range of behaviors that are attempted or perpetrated against a victim's will or when a victim cannot consent because of age, disability, or the influence of alcohol or drugs. Sexual assault may involve actual or threatened physical force, use of weapons, coercion, intimidation or pressure. The perpetrator usually takes advantage of the victim's vulnerability.

School Adult refers to a person employed by, working in conjunction with or associated with school activities usually in supervisory capacity (teacher, coach, activity leader) but can also be a support person (aide, volunteer, chaperone) for school-related activities on- or off- campus. This Administrative Regulation applies to School Adults to the extent they are acting in the course and scope of their employment, volunteer, or other relationship to the District. For example, this Administrative Regulation would not preclude a District employee who has children attending school in the District from having their child's friends who are also District students over to their house for a playdate or sleepover. Contact your supervisor if you have any questions regarding the application of this Administrative Regulation.

School Adult Relationships with Students

In order to protect both students and School Adults from unwarranted physical contact or allegations of sexual misconduct, the following guidelines are established and are to be followed by all School Adults when working with students, on- or off-campus.

1. Physical Interactions - the following are examples, but not an exhaustive list of appropriate and inappropriate behaviors:

<i>Appropriate Physical Interactions</i>	<i>Inappropriate Physical Interactions</i>
<ul style="list-style-type: none">• Side hugs; shoulder-to-shoulder hugs	<ul style="list-style-type: none">• School Adult-initiated hugs*

<i>Appropriate Physical Interactions</i>	<i>Inappropriate Physical Interactions</i>
<ul style="list-style-type: none"> • Pats on the shoulder or back • Handshakes • High-fives and hand slapping • Verbal praise • Pats on the head when culturally appropriate • Touching hands, shoulders, and arms • Arms around shoulders • Holding hands (with young students in escorting situations) 	<ul style="list-style-type: none"> • Kisses • Showing affection in isolated areas away from others • School Adult sleeping in a bed with a student • Allowing students to sit on School Adult's knees/lap* • Wrestling • Piggyback rides • Tickling** • Massage given by or to a student** • Any form of affection that is unwanted by the student or the School Adult • Touching bottom, chest, or genital areas***
<p>* Hugs and sitting on a School Adult's lap/knee may appropriate with young children (Pre-K – kindergarten). When in doubt about whether a particular physical interaction is appropriate, consult with your supervisor.</p> <p>** This does not apply to those students who need tickling, light massage or shoulder compressions for sensory issues, and as included in their behavior plans or IEPs. When in doubt about whether a particular physical interaction is appropriate, consult with your supervisor.</p> <p>*** This does not apply to School Adults who are providing assistance to students with self-care or toileting, as needed. When in doubt about whether a particular physical interaction is appropriate, consult with your supervisor.</p>	

2. Verbal Interactions

School Adults are expected to refrain from speaking to students in a way that is harsh, coercive, threatening, intimidating, shaming, derogatory, demeaning, or humiliating. School Adults must not initiate sexually oriented conversations with students or discuss their own sexual activities with or near students. The following list are examples, but not an exhaustive list of appropriate and inappropriate behaviors:

<i>Appropriate Verbal Interactions</i>	<i>Inappropriate Verbal Interactions</i>
<ul style="list-style-type: none"> • Positive reinforcement • Appropriate jokes • Encouragement • Praise 	<ul style="list-style-type: none"> • Name-calling • Discussing sexual encounters • Involving students in the personal problems or issues of School Adults • Secrets • Cursing • Off-color or sexual jokes, sexual innuendo

<i>Appropriate Verbal Interactions</i>	<i>Inappropriate Verbal Interactions</i>
	<ul style="list-style-type: none"> • Shaming • Belittling • Derogatory remarks • Harsh language that may frighten, threaten or humiliate students • Derogatory remarks about the student or his/her family

3. One-on-One Interactions

Many cases of abuse or allegations of abuse occur when an adult is alone with a student. The District seeks to reduce these situations and recommends that School Adults avoid private one-on-one interactions unless approved in advance by the school administration.

In situations where one-on-one interactions are approved or unavoidable, School Adults should observe the following additional guidelines to manage the risk of abuse or false allegations of abuse:

<i>Additional Guidelines for One-on-One Interactions</i>
<ul style="list-style-type: none"> • In most situations, one-on-one meetings with students should occur in a public place where you are in full view of others. Never meet with any student behind a locked door. • If meeting in a classroom or office, leave the door open or move to an area that can be easily observed by others passing by. • The District recognizes that various functions performed by certain employees, (e.g., counselors, psychologists, therapists, persons assisting students with hygiene care, etc.) necessitate private meetings with students. Such School Adults should exercise professional judgment to determine when it is appropriate to meet with a student in a private setting, consistent with the norms and expectations of that profession. • Avoid physical interactions that can be misinterpreted. • Inform others (i.e., administrators, other School Adults) that you are alone with a student and ask them to randomly check in. When appropriate, consider having a second School Adult present nearby or within hearing distance. • Document and immediately report unusual incidents, including disclosures of abuse or maltreatment, injuries, or interactions that might be misinterpreted. • Immediately inform the top administrator at your site if you observe any School Adult violating these rules.

4. Off-Campus Contact

Many cases of abuse or allegations of abuse occur off campus, after school, and during school vacation periods. Contact outside of regularly scheduled school activities and hours may put School Adults, students, and the District at increased risk. In particular, inviting or allowing

students to be present in School Adults' homes creates an unacceptably high risk of liability.

<i>Appropriate Outside Contact</i>	<i>Inappropriate Outside Contact</i>
<ul style="list-style-type: none"> • Taking groups of students on an outing, with normal field trip permissions and supervisory protocols in effect • Attending sporting activities with a group of students, again with appropriate field trip permission forms • Attending functions at a student's home, with parents present • Home visits, with parents present 	<ul style="list-style-type: none"> • Taking any student on an outing without written permission from the parent/guardian. No one-on-one outings should be permitted • Visiting one student in the student's home, without a parent/guardian present • Entertaining a student or students in the home of a School Adult with or without a parent or other adult present • A lone student spending the night with a School Adult

When outside contact is unavoidable, ensure that the following steps are followed:

- a. Supervisors should identify for School Adults what types of outside contact are appropriate and inappropriate.
- b. Ensure that School Adults have parent/guardian permission to engage in outside contact with the student and that school administrators are aware of the outside contact.

5. Electronic Communications

Electronic communications provide a venue for private communication between School Adults and students. For everyone's protection, the District stresses transparency in and judicious use of all electronic communications and recommends adherence to the following guidelines:

<i>Appropriate Electronic Communications</i>	<i>Inappropriate Electronic Communications</i>
<ul style="list-style-type: none"> • Sending and replying to text messages from students ONLY when copying a supervisor and/or the student's parent • Communicating through "group pages" on Facebook or other designated public forums. In no circumstances should a School Adult post any items on these public pages that would be seen as derogatory or harassing. School Adults who post on such sites should immediately contact their supervisor to report any inappropriate postings by students or School Adults. • "Private" profiles for School Adults which students cannot access. However, School Adults should be aware that social media sites have been criticized for changing privacy settings to make it increasingly difficult to keep items private. 	<ul style="list-style-type: none"> • Harsh, coercive, threatening, intimidating, shaming, derogatory, demeaning or humiliating comments • Sexually oriented conversations (explicit and implicit) • Private messages between School Adults and students from private accounts and/or unrelated to school assignments/activities • Posting inappropriate comments or pictures • Posting pictures of students without written parental consent

<i>Appropriate Electronic Communications</i>	<i>Inappropriate Electronic Communications</i>
<ul style="list-style-type: none"> • Communications for school related work regarding assignments, activities etc. from a school account or from a school adopted platform. 	

6. Gift Giving

School Adults should refrain from giving gifts to individual students. Gift giving will only be allowed under the following circumstances:

- A whole class/group receive similar gifts at the same time (pencils, etc...)
- Administration must be made aware of and approve a gift to an individual or smaller group of students, and
- Parents must be notified.

Supervision of School Programs

The District recognizes that appropriate monitoring and supervision are critical functions of abuse prevention and provide protection to students, School Adults, and the District. When interactions are monitored, allegations of abuse or wrongful acts are more easily prevented and accurately investigated and resolved. The District seeks to employ the following practices to ensure that all School Adults understand their role in this process.

1. General Supervision

- Administrative and Supervisory Visits to School Programs – Supervisors and school administrators will regularly visit all school programs occurring throughout the day to ensure that activities are well-managed and that school policies are observed.
- Mixed Age Groups – (In most incidents involving one child abusing another child, the children are from different age groups.) Close line-of-sight supervision will be used when monitoring programs that mix age groups. Examples of particular times and campus locations where mixing age groups typically occurs include:
 - Locker rooms
 - Lunch times
 - Recess
 - Before and after school.

2. Facility Monitoring

Guidelines for Facility Monitoring

Guidelines for Facility Monitoring

- Unused rooms, storage areas, and closets should be kept locked at all times.
- Unused buildings and areas should be designated, posted, and enforced as off-limits to students.
- Students should remain in facility areas that are easily viewed by School Adults.
- Classrooms, meeting rooms, and any rooms where students have access should have windows that permit observation. Door windows should remain free of paper and items that may block visibility to the outside (i.e., artwork on windows should not prevent informal monitoring by passersby).
- Stage curtains should remain open.
- Access to keys should be controlled for all facility areas.

3. Monitoring Higher Risk Activities

a. Bathroom Activities

Many instances of abuse/assault in schools occur in bathrooms. School Adults should be aware of their school's unique bathroom policies.

i. General Procedures

- 1) If privacy can be preserved, the bathroom doors should remain open.
- 2) Instruct students which bathrooms to use.
- 3) School Adults and adult visitors should use adult-only designated bathrooms especially on days/times when student activities are taking place.

ii. Pre-School and Elementary School Procedures – the “buddy system”

- 1) Encourage pre-kindergarten and elementary-aged students to use the bathroom as a group during transition periods. However, sometimes students will need to use the bathroom during class time.
 - In classrooms with connected single-stall bathrooms, send one student at a time to the bathroom and keep track of when the student entered the bathroom and ensure their timely exit.
 - In those classrooms without connected single-stall bathrooms, assign the student a buddy based on the age and behaviors of the students. Instruct the buddy to stand outside the bathroom and wait for their classmate. If their classmate does not come out of the bathroom in a timely manner, instruct the buddy to report back to the teacher immediately.

iii. Middle School Procedures

- 1) School Adults should monitor bathrooms during transition periods to ensure that students are not lingering in the bathroom.

- 2) When middle school or high school students need to use the bathroom during class time, require that they ask permission and carry a hall pass. Keep track of when the student left and ensure their timely return.

b. Locker Room Activities

When schools employ showering practices, School Adults and students must shower at different times. Create schedules that will permit supervision of the students while School Adults shower. Ensure that only one student is in each shower. Consider installing shower curtains that do not go all the way to the floor, so that School Adults can easily see how many students are in each shower stall.

While students change clothes and/or shower, School Adults should supervise in a way that balances student privacy with the need for appropriate supervision.

c. Transition and Free Times (including before and after school)

To decrease the risk of incidents during transition and free times, implement the following supervision guidelines:

- i. Designate certain areas at school as off-limits during these times by setting specific and narrow geographic boundaries in the program areas.
- ii. Depending on the age of students, consider assigning School Adults to specific areas to supervise during transition and free times. This “zone monitoring” ensures that all accessible areas are monitored. Assign more School Adults to high-risk areas and activities (i.e., playgrounds, isolated areas, etc.).
 - a. For example, in schools with playground areas, assign School Adults to certain “zones” and around the perimeter of the area. If the playground includes play structures that limit line-of-sight supervision (such as tunnels, slides, or jungle gyms), assign School Adults to these areas as well. School Adults should not be standing or sitting in groups while students play on the playground.
- iii. Consider creating specific bathroom procedures during transition times and free times, including designating which bathrooms will be available to students. School Adults should be posted at (or responsible for spot-checking) each available bathroom to actively monitor the students.
- iv. Encourage supervisors to conduct periodic sweeps of the entire activity area. If students are lingering outside of the planned activity area, the supervisor should encourage these students to return to the designated areas.
- v. Encourage the presence of school site supervisor during transition and free times (including before and after school).

d. Evening Events and Activities

Night and evening activities are often high risk because students of mixed ages interact in a less structured environment, often with members of the general public. The following guidelines can help to decrease those risks:

- i. Apply the same procedures used to monitor transition and free times, as listed above.
- ii. Ensure that School Adults are assigned to supervise specific areas during both night activities and the transition times before and after the events.
 - a. For example, while students are waiting in a large group before the night activities, school adults should be spread out in a “zone monitoring” formation – i.e., one School Adult in each corner of the area, one or more school adults posted near the exits, etc. This “zone monitoring” ensures that all accessible areas, adults, and students are monitored.
- iii. Consider whether the presence of an administrator or supervisor during night activities is needed.

e. Transporting Students

Transporting students may increase the risk of abuse or false allegations of abuse because School Adults may be alone with a student or may make unauthorized stops with a student, e.g., to the School Adult’s home.

When transporting students, School Adults should adhere to the following:

- i. Administrators are notified.
- ii. When possible, the “rule of three” is used when transporting students in vehicles. At least two adults should be present when transporting a single student. At least two students should be present if transported by a single adult.
- iii. Students are not transported without written permission from a parent.
- iv. Students are transported directly to their destination. No unauthorized stops are made.
- v. It is recommended that School Adults document beginning and ending time and the names of students and School Adults who are involved in transportation, purpose of the transportation, and destination.
- vi. School Adults should avoid unnecessary physical contact with students while in vehicles. Students should sit in the rear seats.
- vii. School Adults should avoid engaging in sensitive conversations with students while transporting them.

When transporting students by bus or van:

- i. Determine the number of School Adults necessary to adequately supervise the students (e.g., one School Adult to ten students).
- ii. The driver should not be assigned as a supervisor for the students.

- iii. School Adults should be randomly seated throughout the bus for easier supervision of students, with at least one School Adult in the front of the bus and one in the far rear. School Adults should sit in the aisle or in an outside seat so they can supervise students on the bus.
- iv. On overnight bus or van trips, male School Adults should not sit with female students and female School Adults should not sit with male students. School Adults should not share blankets with students or sleep in the same seat with a student.
- v. Take a head count or roll call before loading and after unloading vehicles.

When public transportation is used:

- i. Determine the number of School Adults necessary to adequately supervise students (e.g., one School Adult to ten students).
- ii. Students should remain in one area of the bus, if possible.
- iii. School Adults that are assigned to a group should remain with that group on the bus.
- iv. Take a head count or call roll immediately after entering and leaving the bus.

f. Day Trips, Field Trips, or Outings

Field trips present unique risks for the safety of students. Large groups are difficult to monitor, and students may be more likely to act out sexually in a less structured environment. An ill-intentioned adult may try to arrange to meet with a student. It is important to be aware of these risks and take measures to minimize them.

All field trips or outings must be in compliance with the District's abuse prevention policies. Additionally, all such activities must meet the following guidelines:

- i. Obtain written prior approval by a supervisor.
- ii. Obtain written parental permission.
- iii. Set a ratio for School Adults-to-students. Require at least two unrelated School Adults.
- iv. Encourage that students are monitored at all times.
- v. When using public bathrooms, School Adults should escort all students to the bathroom as a group.
- vi. While supervising or assisting private activities, such as dressing or showering students, School Adults are never alone with a single student.
- vii. Specific recommendations for parks, amusement parks, arcades, etc.:
 - 1) If the trip is to a location where students will be interacting in a large space and it is not possible to assign specific School Adults to specific groups of students, then:
 - Set boundaries at the location. Assign students to groups and ask that they monitor each other's presence. Younger students will need an adult chaperone to guide their group. Tell the students

where they may and may not go. Then post School Adults/ chaperones around the boundaries and at the entrance and exit points.

- Assign remaining School Adults to monitor specific areas. Post at least one School Adult near the bathrooms if possible. School Adults should also be assigned to actively supervise the students.
- School Adults should escort students to the bathroom as a group when possible. School Adults should check the bathroom prior to the students going in, to ensure other adults are not inside. If possible, the School Adult should wait until other adults are no longer in the bathroom, and then send in small groups of students. The School Adult should then stand at the doorway and verbally check in with the students to ensure that they are not lingering, and to inform other adults that the students are being supervised.
- When not supervised by chaperones, students should check in at meeting points at least once every hour.

g. Overnight Trips and Events

Overnight stays present unique risks to students and School Adults. They often involve changing clothes, groups of both genders and different ages in a more intimate atmosphere than usual, more unstructured activities, and increased supervision demands for School Adults.

i. *Supervision Guidelines*

- 1) Goals for School Adult ratio on domestic trips are 1:10 and on international trips are 1:6. Actual ratios may need to vary either upward or downward based upon individual trip factors and student ages. Target ratios will be used unless an alternate is approved by the principal.
- 2) Students should be supervised at all times. They should be accompanied by a School Adult at all times that they are not in their rooms. However, the lead chaperone may designate limited times and areas in which students, on a buddy system basis of two or more students together, may walk around unaccompanied by a chaperone. In all such instances, the lead chaperone must ensure the following:
 - Physical boundaries are clearly defined;
 - Students check in at meeting points at a minimum of three hour intervals with no one dismissed until all have checked in safely;
 - Students should stay within areas accessible to the general public;
 - Students who are non-compliant lose privileges; and
 - When appropriate, students should have the lead chaperone's cell phone number and the lead chaperone has the students' cell phone numbers.

ii. *Sleeping Arrangements*

- 1) Overnight stays at private homes are prohibited.

2) For overnight stays in cabins or group rooms, adhere to the following procedures:

- Supervising School Adults should be placed in bunks to maximize supervision around the cabin and in a way that decreases the chances of students sneaking out (such as by the door). No one adult should be in a cabin alone.
- Prohibit School Adults from changing in front of students.
- Prohibit School Adults from showering with students.

iii. School Adult Guidelines

- 1) School Adults are on duty at all times. There is no time off on a school trip. School Adults are required to be active supervisors of the students and not passive observers. School Adults are not to be under the influence of alcohol or other drugs while on the trip.
- 2) All School Adults are to be on duty in the halls or cabins at night until after lights out and all rooms are quiet.
- 3) School Adults are to regularly check rooms until after lights out. All doors are to remain locked but without security latches over the door so that School Adults can enter with the room key unannounced at any time and students can exit to the hall and find security guard/ School Adults at any time. All keys are to be retained by the School Adults.

Reporting Problems

It is imperative that every School Adult participate actively in the protection of students. In the event that School Adults observe suspicious or inappropriate behaviors on the part of other School Adults, it is their personal responsibility to immediately report their observations.

1. Suspected Abuse by an Adult

a. Employee Response to Abuse

As required by mandated reporting laws, school employees must report any suspected abuse or neglect of a student—whether on or off school property or whether perpetrated by employees or others—to Child Protective Services and/or law enforcement.

Additional Guidelines for Employee Response to Incidents or Allegations of Abuse

- If you witness abuse, interrupt the behavior immediately.
- If abuse is disclosed to you, assure the individual disclosing that he or she did the right thing by telling you.
- Document the incident, disclosure, or circumstances causing your suspicion of abuse.
- It is not your job to investigate the incident but it IS your job to report the incident to your supervisor and CPS or law enforcement in a timely manner.

b. Supervisor and Administrator Response to Abuse

In addition to the above response procedures, supervisors and administrators should ensure the following:

Additional Guidelines for Supervisor and Administrator Response to Incidents or Allegations of Abuse

- Determine the immediate needs of the victim.
- Ensure that the incident has been reported to the proper authorities (CPS and/or law enforcement).
- Remove the accused from access to students.
- Review the file of the accused.
- Gather and document information surrounding the incident.
- Communicate with the authorities as to who will perform the internal investigation. When administrators contact the authorities, the authorities may advise the administrator to perform an internal investigation, or authorities may perform their own investigation. The school will decide how the internal investigation should be completed. If authorities request that the school takes no action, document the request and proceed in accordance with it. If authorities do not request that the school take no action, proceed with an internal investigation or call County Counsel to assist with the investigation.
- If abuse and/or violations of school policies are confirmed, follow the District's disciplinary procedures.
- Notify parents if appropriate.

2. Student-to-Student Sexual Abuse and Sexualized Behaviors

Most serious incidents of student-to-student abuse are preceded by more subtle incidents such as name-calling, taunting, or roughhousing. Interrupting these interactions early and establishing and communicating standards of conduct can keep the school environment safe. The District recognizes that the following interactions are high risk and should be prohibited:

High Risk Student-to-Student Interactions

- Hazing
- Bullying
- Derogatory name-calling

High Risk Student-to-Student Interactions

- Games of Truth or Dare
- Singling out one student for different treatment
- Ridicule or humiliation

a. School Adult Response

In the event that a School Adult sees a student exhibit sexualized behaviors or suspects unlawful student-to-student sexual activity, the School Adult should do the following:

Guidelines for School Adult Response to Student-to-Student Sexual Activity

- Interrupt the behavior and separate the students. Do not investigate.
- Report the behavior to a supervisor or administrator.
- Document your report with factual information only. Opinions should not be included on the incident report.

Again, according to California Mandated Reporting Requirements, some instances of student-to-student sexualized activity must be reported to the authorities.

b. Supervisor or Administrator Response

In the event that a supervisor or administrator receives a report of a student's sexualized behavior or unlawful student-to-student sexual activity, the supervisor should do the following:

Guidelines for Supervisor or Administrator Response to Unlawful Student-to-Student Sexual Activity

- Determine the appropriate administrator to conduct an internal review of the incident.
- Notify the parents of all students involved.
- Notify the authorities if required by mandated reporting laws.
- Document the incident and the school's response.
- Develop a written corrective action or follow-up plan in response to the incident.

c. Organizational Response

After the internal review of the sexualized behavior or unlawful student-to-student sexual activity, the District will determine what can be done to prevent a reoccurrence, such as:

Guidelines for Organizational Response

- Review the need for additional supervision.
- Review the need for revised policies or procedures.

- Review the need for additional training.
- Alert others in the organization.