

*The following sample School Board Policy is provided to encourage school officials to consider how to best ensure that all “staff” (which may include persons in addition to direct school district employees) are aware of expectations related to appropriate staff-student relationships and appropriate staff-student boundaries. The sample policy was drafted to coordinate with a related sample Administrative Rule (see below) that applies the policy to the narrower topic of “Electronic Communications between Staff and Students.” School districts are encouraged to view the samples as a starting point for their local policy development work and are free to modify the samples to better fit local circumstances. The samples should not be construed as legal advice.*

## **Sample School Board Policy Staff-Student Relationships and Professional Boundaries**

District staff members have an obligation to promote the health, safety, and wellbeing of students by establishing and maintaining role-appropriate communicative, physical, emotional, and social boundaries in their interactions and relationships with students. Maintaining appropriate boundaries promotes (1) structure, safety, security, and predictability in an educational environment; (2) consistency in students’ understanding of staff members’ roles and responsibilities; and (3) appropriate objectivity in each staff member’s performance of his/her District-authorized role(s).

The District’s expectation is that a staff member’s interactions with students will be grounded in the staff member’s District-authorized role and remain consistent with the scope of the staff member’s assigned duties and responsibilities. The District recognizes that the vast majority of staff members maintain appropriate relationships and boundaries in their own interactions with students. However, one purpose for identifying rules, guidelines, and standards in written policy is to assist such staff in identifying potentially inappropriate conduct by others that should be reported for further investigation or supervisory follow-up.

It is not practical to establish an exhaustive list of rules that expressly define appropriate and inappropriate conduct in all situations. Staff-student relationships may become inappropriate depending on, for example, the frequency, timing, or location of any meetings, activities, or communications between the staff member and a student, and/or due to the specific nature, purpose, or subject matter of any meetings, activities, communications, or other conduct. The consent or purported consent of the student and/or his/her parent or guardian does not alone determine whether a staff member has maintained appropriate boundaries.

If no law, rule, or directive supplies a rule of conduct in a particular situation, District staff are expected to exercise sound and context-sensitive judgment and, as needed, seek input and guidance from a supervisor. The following are examples of conduct that constitute an inappropriate staff-student relationship and/or a failure to maintain appropriate staff-student boundaries:

1. No staff member may engage in a relationship, interaction, or communication with a student that is sexual or romantic in nature. This includes, but is not limited to: dating, making sexual or romantic advances toward a student, accepting or encouraging any sexual or romantic advance initiated by a student, having sexual contact with a student, or

communicating with a student using sexual innuendo or in a sexually-explicit or sexually-suggestive manner.

2. No staff member may engage in grooming behaviors with any student. In this context, grooming is defined as any conduct or communication that fosters, exploits, or is intended to gauge a student's vulnerability or willingness to engage in inappropriate behavior. Grooming may involve a course of repeated or escalating conduct that normalizes inappropriate conduct from a student's perspective or otherwise desensitizes a student to inappropriate behaviors. Grooming often involves but is not limited exclusively to sexual contexts. Examples of conduct that can constitute grooming include:
  - a. Singling out a student for inordinate and inappropriate special attention, which may include exchanging special gifts, arranging to meet or communicate at inappropriate times or locations or without a sufficient school-related purpose, or making sexually-suggestive or otherwise inappropriate comments about the student's body or appearance.
  - b. Engaging in expressly or implicitly sexualized communication, including exchanging information about a student's or an adult's sexual experiences or communicating other sexual content or sexual subject matter.
  - c. Stating or agreeing that any inappropriate conduct or communications between the staff member and a student will be secrets or confidences that should not be shared or disclosed to others.
  - d. Using threats, bribery, fear, intimidation, harassment, embarrassment, or guilt to encourage secrecy in the relationship or to facilitate the start or continuation of inappropriate conduct or an inappropriate relationship.
3. No staff member may engage in any activity, conduct, or communication that constitutes, encourages, or invites either unlawful conduct or conduct that would unreasonably endanger the safety or well-being of any person.

The following expectations are necessarily context-sensitive and require staff members to reasonably exercise judgment and discretion in particular circumstances in order to maintain appropriate boundaries with students:

1. Staff shall not engage with students in inappropriately peer-like social relationships via activities or communications that reasonably may compromise the staff member's ability to perform his/her District role, including his/her ability to serve as an effective and objective adult authority figure.
2. Staff shall not foster, encourage, or maintain relationships with students in which there is an inappropriate level of communicative, interpersonal, or emotional intimacy that reasonably may compromise the staff member's ability to perform his/her District role, including his/her ability to serve as an effective and objective adult authority figure, even though there may be no sexual or romantic aspect to the relationship.

3. Staff shall appropriately limit their physical contact with students. For example, staff are expected to avoid physical contact with students that, taken in context, a reasonable person would be likely to perceive as suggestive of romantic/sexual interest or involvement, or as inappropriately familiar or intimate and without a legitimate purpose.

If a staff member identifies a situation that could potentially be perceived as a failure to maintain appropriate boundaries with one or more students, but believes that the activity, communication, or conduct would, in fact, be appropriate under the specific circumstances, the appropriate course of action is for the staff member to obtain advance permission from a supervising administrator and, when practical, advance parental consent.

If a District staff member is approached by a student with or otherwise learns of a possible student problem or concern that is outside of the District staff member's scope of responsibility, the staff member is expected to refer the matter to or connect the student with the appropriate District resource(s). If the staff member is uncertain which District resource(s) would be appropriate in the situation, the staff member should contact the *[insert the appropriate administrative-level position(s): "Director or Pupil Services or the applicable school principal"]*.

**Limitations on the Scope and Application of this Policy.** This policy and any rules or guidelines developed under this policy shall not be construed or applied in a manner that would impede a staff member's ability to:

1. Reasonably perform his/her District-authorized role and responsibilities, provided that his/her communications and conduct remain grounded in legitimate educational purposes and sound professional practice. Depending substantially on the staff member's specific District-authorized role(s), legitimate educational purposes may include matters that relate to academics, extracurricular activities, counseling, advising, health and medical matters, social services, or operational services (e.g., transportation or food service).
2. Reasonably respond to exigent circumstances that suggest that there is an imminent threat to the health, safety, or property of any person. If a staff member relies on this exception to engage in communication or interaction with a student that may otherwise be inappropriate (e.g., due to the time, location, method, or subject matter), the staff member is expected to promptly report the relevant circumstances to the *[insert the appropriate administrative-level position(s): "applicable school principal or another appropriate administrator"]*.

**Application of this Policy to Non-District Relationships.** In establishing this policy and the expectations identified herein, the District recognizes that, in some situations, staff members will have non-District relationships with and non-District social connections to certain students such that certain activities, communications, and other conduct that may be inappropriate in the absence of such non-District relationships are, in fact, appropriate. This includes students to whom a staff member is related, as well as other situations in which the staff member has a reasonable basis for the relationship and its attendant activities, communications, and other conduct that is independent of the staff member's District role (e.g., the student is a friend of the staff member's own child, the student is the child of a family friend, the staff member and student are both members of the same non-District organization or community group, etc.). Except as provided in the next

paragraph, this policy and any rules or guidelines adopted under this policy are not intended and shall not be applied to limit or constrain conduct, activities, or communications that are based on such legitimate non-District relationships.

A District staff member who engages in activities, communications, or other conduct under the “non-District relationship” exception identified in the previous paragraph does so with the limitation that where there is a sufficient nexus between such conduct and the staff member’s District role and responsibilities, the District may impose lawful consequences for and issue lawful directives relating to conduct that is inappropriate or that impairs the staff member’s ability to be effective in his/her District role. This same limitation applies to conduct that occurs off duty or outside the scope of the staff member’s District role.

**Reporting Inappropriate Conduct.** All District staff are required to promptly report any known or reasonably suspected violation of this policy to *[insert the relevant position(s)—e.g., “the appropriate school principal or the District’s Equal Opportunity Coordinator”]*. The obligation to report based on reasonable suspicion applies to incidents and circumstances that are known by the staff member and that a reasonable person in the staff member’s role would identify as a probable violation of this policy. The District will not impose consequences against a staff member who reasonably and in good faith determines that a specific situation does not rise to the level of reportable conduct. Staff members are further encouraged to contact *[insert the relevant position(s)—e.g., “a supervising administrator”]* any time that they have questions or concerns about the scope and possible application of this policy or any rules or guidelines adopted under this policy.

The District encourages all other persons, including students, parents, or other community members, to also submit any reports, complaints, or concerns regarding possible violations of this policy to *[insert relevant position(s)]*.

The District will not retaliate against or, to the extent within the District’s reasonable control, tolerate any harassment or retaliation by others against a person for making a good-faith report or for cooperating in any investigation commenced under this policy.

To the extent applicable to the staff member’s position and to the facts of a specific situation, District staff also remain responsible for adhering to any mandatory reporting requirements established under state or federal law (e.g., reports of child abuse and neglect, threats of school violence, educator misconduct, etc.) or under District policy.

**Consequences for Policy Violations.** District staff who violate this policy or any rules or directives that the District issues in furtherance of this policy may be subject to discipline or other consequences, up to and including termination of their District role(s) (e.g., employee, volunteer, etc.). The District may also report the circumstances relating to certain policy violations to law enforcement and other applicable authorities.

**Definitions.**

1. As used in this policy, “District staff” (or “staff” or “staff member”) includes all full-time, part-time, and substitute District employees, including as examples teachers, pupil services staff, student health/medical staff, administrators, supervisors, support staff, activity

directors, coaches, and athletic trainers. For purposes of this policy, “District staff” also includes District-authorized student teachers; District-authorized interns and practicum or fieldwork students; and District-authorized adult volunteers who are serving in a role that would otherwise be filled by a District employee (e.g., a volunteer coach) or that involves significant responsibility for the independent supervision of one or more students. “District staff” under this policy also includes independent contractors and employees of contracted service providers when such persons have a role that involves a regular presence on school grounds or regular, direct interaction with District students. *{NOTE: School districts should carefully consider and select the local scope of the policy’s definition of “District staff,” and then take reasonable steps to inform all covered individuals of the policy’s restrictions and expectations. For example, regarding independent contractors and employees of contracted service providers, some districts may prefer the following alternative language, which calls for some case-by-case decision making: “At the discretion of the District and depending on the specific contracted role(s), ‘District staff’ under this policy may also include certain independent contractors and certain employees of contracted service providers.”}*

2. As used in this policy, the term “District students” (or “student” or “students”) includes all pupils currently enrolled in any District school, including part-time students and students who are age 18 or older, and also includes any individual of school-age who is participating in any District-sponsored class, program, or activity that is offered for children and other school-age youth.

**Dissemination of Policy Information.** *[Insert any directives that the district wishes to establish regarding policy dissemination. For example: “The District will provide information about this policy to District staff via the District’s Employee Handbook and to staff, students and parents/guardians by posting of the policy on the District’s website. The District Administrator or his/her designee is encouraged to further disseminate this policy, summaries of this policy, and any related guidelines, rules, directives, or training materials as he/she deems appropriate.”]*

#### **Adoption and Revision Date(s)**

*[Insert the date that the school board approves the policy, as well as the date of any board-approved amendments to the policy.]*

#### **Cross-References to Related District Policies**

*[If desired, insert a list of related District policies, which may include some or all of the following:*

- Staff Acceptable Use of Technology
- Internet Safety
- Student Records and Confidentiality of Student Information
- Nondiscrimination and Anti-Harassment
- Anti-Bullying
- Mandatory Reporting of Child Abuse and Neglect
- Mandatory Reporting of Threats of School Violence
- License or permit revocation; reports of educator misconduct
- Employee Handbook
- [continue list]

#### **Legal References**

*[Insert legal references to relevant statutes and regulations if it is consistent with the district’s practices to add such references to board policies.]*

*The following sample Administrative Rule is intended to encourage school district officials to consider how to best ensure appropriate electronic communications between students and staff. The sample Rule was drafted to coordinate with the broader School Board Policy, found above, on the topic of “Staff-Student Relationships and Professional Boundaries.” School districts may modify the samples for local use. The samples should not be construed as legal advice.*

**Administrative Rule:  
Electronic Communications between Staff and Students**

**General Standards and Purpose**

As set forth in School Board Policy ###, the District expects each staff member to conduct himself/herself in a manner that promotes the health, safety, and wellbeing of students and to establish and maintain role-appropriate boundaries with students. These general obligations should inform the staff member’s choices and actions in communicating with students. The District expects staff to communicate with students at appropriate times, using appropriate means of communication, and in an appropriate manner that gives due consideration to the staff member’s District role and responsibilities. Staff communications with students, or about students, should be respectful and should not undermine the staff member’s ability to be effective in his/her role(s).

In furtherance of School Board Policy ### and its guidelines and standards, the District has established this Administrative Rule to provide further guidelines regarding the expectation that District staff will maintain appropriate boundaries of time, place, method, content, and role when using electronic communications.

As used in this Administrative Rule, “electronic communication” means a communication transmitted by means of any electronic or digital device or media, including as examples text messaging, instant messaging, email, blogs, chat rooms, group messaging applications, video sharing, social media networks and applications, voice calls, and communications transmitted via the Internet or via an electronic, cellular, or computer network.

**Appropriate Means of Communication**

Unless otherwise expressly permitted by Board Policy or this Rule, District staff may only engage in electronic communication with students using a District-provided or otherwise District-approved means of electronic communication (e.g., a District-approved social media account, a District-provided online learning platform, or a District-provided email account). The District will establish and maintain a list of District-approved means of electronic communications. The expectation that staff members will use a District-approved means of electronic communication shall not be interpreted or applied in a manner that would restrict common and practical activities in school-related settings that, by their nature, already have a high degree of accessibility/visibility, such as using a microphone or sound system to communicate to a group. *{NOTE: The commitment to establish and maintain a list of approved means of electronic communications, as stated in this paragraph, is a significant component of this sample rule’s overall framework/approach. It requires ongoing follow through on the part of the school district in order for the remainder of the sample rule to function as intended.}*

Upon request, [insert the relevant position(s)—e.g., “the appropriate school principal, the District Administrator, or a central-office administrator serving as a designee] may grant written approval for one or more District staff to use a means or method of electronic communication that is not District-provided or otherwise on the District-approved list. Such approval may be limited to a specific or temporary purpose or time period.

District staff are prohibited from communicating electronically with students using a personal (i.e., non-District) email, text messaging, or social media account unless (1) exigent circumstances are present that suggest that there is an imminent threat to the health, safety, or property of any person and the staff member promptly communicates their reliance on this exception to the school principal or to another appropriate administrator; or (2) [insert the relevant position(s)—e.g., “the appropriate school principal, the District Administrator, or a central-office administrator serving as a designee] has granted written approval for such communication for a limited purpose. For purposes of this paragraph, prohibited communication includes using a staff member’s personal account to “friend” or “follow” a student’s social media account(s) or to accept a similar request from a student.

If a District staff member receives an unsolicited electronic communication from a student that was sent to a personal account, the staff member should not reply to the student using the personal account unless authorized to do so by an appropriate administrator or supervisor or unless exigent circumstances are present that suggest that there is an imminent threat to the health, safety, or property of any person.

If a District staff member receives any electronic communication from a student that a reasonable person would perceive as crossing appropriate staff-student boundaries or as being otherwise inappropriate, or if the staff member has relied on the exception for exigent circumstances to communicate with a student using a personal account, the staff member shall report the contact to the school principal or to another appropriate administrator as soon as possible. If necessary, an administrator will advise the staff member on the means and content of an appropriate response or follow-up, which may include:

1. A parent contact;
2. A statement that the student’s communication to the staff member was inappropriate or addressed matters that are outside the boundaries of the staff member’s responsibilities;
3. A statement that the student is expected to refrain from initiating similar communications in the future;
4. Identification of appropriate means and content of communication that the student should use to contact the staff member moving forward.

District staff may not initiate a communication with any student using a form of electronic communication that does not enable the staff member to retain a record of the communication (e.g., Snapchat) unless: (1) the particular form or means of electronic communication has been provided or approved by the District (e.g., certain online learning platforms); (2) the staff member is communicating with a student via voice call at an appropriate time and when doing so is reasonably expected or necessary in the normal course of the performance of the staff member’s

District role and responsibilities; or (3) exigent circumstances are present that suggest that there is an imminent threat to the health, safety, or property of any person and the staff member promptly communicates their reliance on this exception to the school principal or to another appropriate administrator. *{NOTE: Notwithstanding the clarification in this paragraph about telephone contacts, the district may still wish to expressly address telephone communications within the district's list of approved means of communication.}*

To the extent permitted by law, the District may ask or direct a staff member to provide the District with records of electronic communications with students that have a reasonable nexus to the staff member's District role and to the District's legitimate interests in student health and safety and/or in enforcing policies, rules, and expectations. A refusal to reasonably comply with such a directive may, in appropriate circumstances, constitute a basis for adverse consequences.

Except as authorized by the District, District staff may not delete or destroy any record of an electronic communication with a student that was sent or received in connection with the staff member's District-authorized role. If any such electronic communication with a student occurs outside of a District-provided system, application, or account, the staff member should, to the extent feasible and consistent with student record confidentiality, forward a complete electronic copy of the relevant record to a District-controlled system, application, or account. If forwarding a copy of any such record is not feasible, then, prior to deleting any such record, the staff member is expected to seek additional direction from *[insert the relevant position(s)—e.g., "the appropriate school principal, the District Administrator, or a central-office administrator serving as a designee]* regarding appropriate retention of the record.

### **Appropriate Content of Communications**

District staff are expected to limit the content of their electronic communications with students to matters that maintain role-appropriate boundaries and role-appropriate relationships. Examples of communicative content and conduct that constitute a failure to maintain appropriate staff-student relationships and appropriate staff-student boundaries include the following:

1. Violations of the guidelines, rules, and directives established in School Board Policy ###. Among other prohibited conduct, the policy prohibits staff-student communications that are sexual or romantic in nature; that groom a student to explore or engage in inappropriate behavior; or that constitute, encourage, or invite any unlawful conduct or any conduct that would unreasonably endanger the safety or well-being of any person. The policy further prohibits staff members from communicating with students in a manner that, taken in context, engages students in an inappropriately peer-like social relationship or at an inappropriate level of interpersonal or emotional intimacy.
2. Communication that reasonably causes a student to feel terrorized, threatened, frightened, or harassed;
3. Communication that encourages or invites a staff-student interaction at an inappropriate time or in an inappropriate setting.



4. Communication with a student that the staff member seeks to treat as inappropriately secretive and not to be disclosed to third parties who would have a legitimate interest in the communication (e.g., supervisory District personnel, parents, etc.).

A staff member’s electronic communications with District students should arise from legitimate educational purposes that reasonably relate to the staff member’s District-assigned role(s) and responsibilities. Such communications shall not violate any School Board policies.

The following restrictions apply to a staff member’s communication of information that is personally-identifiable to any student, whether or not the student’s name is used:

1. District Staff are required to avoid violating student record confidentiality laws and the District’s student records policies in the content of their communications.
2. In any manner arising from or related to their District-authorized role(s), District staff shall not post, send, or share student photos or any personally-identifiable student record information using a personal social media account, a personal text messaging application, or a personal email account, unless (i.) authorized by a supervising administrator; or (ii.) necessitated by an emergency situation that is promptly reported to the school principal or to another appropriate administrator. *{NOTE: A district that includes this limitation within a policy or administrative rule may wish to insert the following clarification as an additional sentence at the end of this paragraph to the extent the clarification would be consistent with local practices: “This paragraph does not prohibit a staff member from using a personal device to take a photograph or video that includes one or more students in connection with a school-related activity provided that (i.) the staff member takes and uses the photo or video only for appropriate, school-related purposes; (ii.) all use and dissemination of the photo or video is consistent with the District’s student records, website, and social media policies; and (iii.) the staff member adheres to any further directives or restrictions that may be communicated by a supervising administrator.”}*

### **Application of this Administrative Rule to Non-District Relationships**

Except as provided in the next paragraph, this Administrative Rule—including the stated restrictions on the appropriate means and content of electronic communications with students—is not intended, and shall not be applied, to limit or constrain communications that are based on legitimate non-District relationships where the staff member has a reasonable basis for the communication that is independent of the staff member’s District role.

A District staff member who communicates with or about a District student under the “non-District relationship” exception identified in the previous paragraph does so with the limitation that where there is a sufficient nexus between such conduct and the staff member’s District role and responsibilities, the District may impose lawful consequences for and issue lawful directives relating to conduct that is inappropriate or that impairs the staff member’s ability to be effective in his/her District role.

### **Reports, Complaints, and Concerns**

All District staff are required to promptly report any known or reasonably suspected violations of this Administrative Rule to *[insert the relevant position title(s)]* whenever the conduct in question involves potentially unlawful conduct; a potential violation of School Board policy; a plausible danger to the health, safety, or well-being of any person, or a plausible failure by a staff member to maintain role-appropriate boundaries with a student. The District will not impose consequences against a staff member who reasonably and in good faith determines that a specific situation does not rise to the level of reportable conduct.

To the extent applicable to the staff member's position and to the facts of a specific situation, District staff also remain responsible for adhering to any mandatory reporting requirements established under state or federal law (e.g., reports of child abuse and neglect, threats of school violence, educator misconduct, etc.) or under District policy.

Any person may submit a report, complaint, or concern relating to a staff member's communications with or about a student to *[insert the relevant position title(s)]*.

If a student or any minor student's parent or guardian submits a request to modify or limit future electronic communications between District staff and the student, the District will evaluate the request, investigate the matter as needed, and formulate a response. The District's response may include directives that limit prospective electronic communications between the student and one or more staff members.

#### **Additional Guidelines and Considerations for Staff Relating to Electronic Communications**

1. District staff are expected to be reasonably aware of the privacy settings and privacy policies that apply to their personal accounts. Although not required to do so, District staff are encouraged to consider limiting or blocking public access to their personal social media accounts so that students do not have direct access to the staff member's personal content.
2. District staff are expected to keep in mind at all times that, despite any privacy settings or similar protections, information that is communicated electronically can still unexpectedly be accessed by or otherwise made available to District students and/or reported to District officials.
3. Before staff members post information within a social media application or send any other electronic communication, they are encouraged to ask themselves whether they would be comfortable if someone else decided to publicize or send the information to a student, parent, District official, or member of the news media. Staff are ultimately responsible and accountable for their own communications.
4. If a staff member determines that he/she has a need to contact or communicate with a District student for a District-related purpose at an unusual time (e.g., during off-duty hours), the staff member should consider whether it may be beneficial to use an approach that mitigates any appearance of impropriety, such as initiating the contact through the student's parent or guardian, copying a parent or guardian on the communication, copying a District supervisor on the communication, or using settings such as a delayed sending. Choosing an appropriate means for any such communication is another relevant consideration.

**Adoption and Revision Date(s)**

*[Insert the date that this Administrative Rule is authorized for implementation, as well as the date of any future amendments to the rule.]*

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