

Pacifica School District

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 the sexual behavior. 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 offender usually takes advantage of the victim’s vulnerability.

Employee Relationships with Students

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

1. Physical Interactions

<i>Appropriate Physical Interactions</i>	<i>Inappropriate Physical Interactions</i>
<ul style="list-style-type: none"> • Side hugs; shoulder-to-shoulder hugs • 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"> • Full-frontal hugs • Kisses • Showing affection in isolated areas • Employee sleeping in a bed with a child • Allowing students to sit on employee’s knees • Wrestling • Piggyback rides • Tickling • Any type of massage given by or to a student • Any form of affection that is unwanted by the student or the employee

	<ul style="list-style-type: none"> • Comments relating to physique or body development • Touching bottom, chest, or genital areas
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2. Verbal Interactions

Employees are expected to refrain from speaking to students in a way that is harsh, coercive, threatening, intimidating, shaming, derogatory, demeaning, or humiliating. Employees must not initiate sexually oriented conversations with students or discuss their own sexual activities with or near students.

<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 employees • Secrets • Cursing • Off-color or sexual jokes, sexual innuendo • 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

Most abuse or allegations of abuse occurs when an adult is alone with a student. The District seeks to eliminate or reduce these situations and employees are directed to 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, employees 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"> • When meeting one-on-one with a student, always do so in a public place where you are in full view of others. Never meet with any student behind a closed and locked door. • Avoid physical affection that can be misinterpreted. Limit affection to pats on the shoulder, high-fives, and handshakes. • If meeting in a classroom or office, leave the door open or move to an area that can be easily observed

Additional Guidelines for One-on-One Interactions

by others passing by.

- Inform others (i.e., administrators, other employees) that you are alone with a student and ask them to randomly drop in.
- Document and immediately report any unusual incidents, including disclosures of abuse or maltreatment, behavior problems and how they were handled, injuries, or any interactions that might be misinterpreted.
- Immediately inform the top administrator at your site if you observe any employee 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 activities may put school employees, students, and the District at increased risk. In particular, inviting or allowing students to be present in employees' 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 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 ever be permitted • Visiting one student in the student's home, without a parent present • Entertaining a student or students in the home of a school employee • A lone student spending the night with a school employee

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

- a. Supervisors should identify for employees what types of outside contact are appropriate and inappropriate.
- b. Ensure that employees 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 employees and students. The District stresses transparency in all electronic communications.

<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 in a supervisor and/or the student's parent • Communicating through "group pages" on Facebook or other designated public forums. In no circumstances should an employee post any items on these public pages that would be seen as derogatory, or harassing. Employees who post on such sites should immediately contact their supervisor to report any inappropriate postings by students or employees. • "Private" profiles for employees which students cannot access. However, employees 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 employees and students • Posting inappropriate comments or pictures • Posting pictures of students without written parental consent • Use of SnapChat, Twitter, Instagram, Vine, Kik, Yik Yak or other electronic means of communication besides emails and texts between students and staff.

6. Gift Giving

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

- a. Administration must be made aware of and approve the gift, and
- b. Parents must be notified
- c. A whole class/group receive similar gifts at the same time (pencils, etc...)

Sexual offenders routinely groom youths by giving gifts, thereby endearing themselves to the youth. They might instruct the youth to keep the gifts a secret, which then starts teaching the youth to keep secrets from parents.

(not necessary, this is common knowledge)

Supervision of School Programs

The District recognizes that monitoring and supervision are critical functions of abuse prevention and provide protection to students, employees, 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 employees understand their role in this process.

1. General Supervision

- a. 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.

- b. Mixed Age Groups – In most incidents involving one child abusing another child, the children are from different age groups. Each program is responsible for establishing specific guidelines for additional monitoring and supervision of activities that involve students from different age groups. Close line-of-sight supervision is required when monitoring programs that mix age groups. Examples of particular times and campus locations where mixing age groups typically occurs include:
 - a. Locker rooms
 - b. Lunch times
 - c. Recess
 - d. Before and after school.

2. Facility Monitoring

<i>Guidelines for Facility Monitoring</i>
<ul style="list-style-type: none">• All unused rooms, storage areas, and closets must be kept locked at all times.• All unused buildings and areas are designated, posted, and enforced as off-limits to students.• All students are required to remain in facility areas that are easily viewed by employees.• 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.• All facilities are required to utilize open doors, open blinds, and unobstructed windows (i.e., artwork on windows should not prevent informal monitoring by passersby).• Stage curtains should remain open.• Access to keys must be controlled for all facility areas.

3. Monitoring Higher Risk Activities

a. Bathroom Activities

Many instances of abuse/ assault in schools occur in bathrooms. Employees 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) Students who have histories of behavioral disruptions and/or sexual acting out behaviors should not be sent to the bathroom with other students, and should be escorted to the bathroom by an employee.
- 4) School employees 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) When escorting a group of students to the bathroom, line the students up next to the bathroom and do not send in more students than the number of stalls and/or urinals. As one student comes out, send the next student in. Stand at the doorway and ensure students are coming out in a timely manner.
- 2) 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 and High School Procedures

- 1) Employees 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, employees and students must shower at different times. Create schedules that will permit supervision of the students while employees 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 employees can easily see how many students are in each shower stall.

While students change clothes and shower, at least one employee should stand in the locker room doorway and within earshot of the students.

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, ensure that employees are assigned specific areas to supervise during transition times and free times. This “zone monitoring” ensures that all accessible areas are monitored. Assign

more employees to high-risk areas and activities (i.e., playgrounds, isolated areas, etc.).

- a. For example, in schools with playground areas, assign employees 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 employees to these areas as well. Employees should not be standing or sitting in groups while students play on the playground.
- iii. Create specific bathroom procedures during transition times and free times. Then, designate which bathrooms will be available to students. Employees should be posted at (or responsible for spot-checking) each available bathroom to actively monitor the students.
- iv. Require 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. Require 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. 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 employees 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, employees should be spread out in a “zone monitoring” formation – i.e., one employee in each corner of the area, one or more employees posted near the exits, etc. This “zone monitoring” ensures that all accessible areas, adults, and students are monitored.
- iii. Require the presence of an administrator or supervisor during night activities.

e. Transporting Students

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

As a general practice, school employees are not to transport students in their private vehicle. When it is necessary to transport students in cases of emergency or unusual circumstances, school employees must 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 never 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 employees document beginning and ending time and mileage, the names of students and employees who are involved in transportation, purpose of the transportation, and destination.
- vi. Employees should avoid unnecessary physical contact with students while in vehicles.
- vii. Employees should avoid engaging in sensitive conversations with students while transporting them.

When transporting students by bus or van:

- i. Determine the number of employees necessary to adequately supervise the students (e.g., one employee to 10 students).
- ii. The driver should not be assigned as a supervisor for the students.
- iii. Employees should be randomly seated throughout the bus for easier supervision of students, with at least one employee in the front of the bus and one in the far rear. Employees should sit in the aisle or in an outside seat so they can supervise students on the bus.
- iv. Students should be seated by grade and behaviors.
- v. On overnight bus or van trips, male employees should not sit with female students and female students should not sit with male students. Employees should not share blankets with students or sleep in the same seat with a student.
- vi. Take a head count or roll call before loading and after unloading vehicles.

When public transportation is used:

- i. Determine the number of employees necessary to adequately supervise students (e.g., one employee to ten students).
- ii. Students should remain in one area of the bus, if possible.
- iii. Employees 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 employees-to-students. Require at least two unrelated adult employees.
- iv. Require that students are monitored at all times.
- v. When using public bathrooms, employees should escort all students to the bathroom as a group. Employees should first check the bathroom (prior to the students going in) to ensure other adults are not using the bathroom. If possible, employees should wait until other adults are no longer in the bathroom and then begin to send students in small groups. If it is not possible to wait for other adults to leave the bathroom, employees should 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.
- vi. While supervising or assisting private activities, such as dressing or showering students, employees 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 employees 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 employees/ chaperones around the boundaries and at the entrance and exit points.
 - Assign remaining employees to monitor specific areas. Post at least one employee/chaperone near the bathrooms if possible. Employees should also be assigned to actively supervise the students.
 - Employees/ chaperones must escort all students to the bathroom as a group when possible. Employees/chaperones should check the bathroom prior to the students going in, to ensure other adults are not inside. If possible, the employee/chaperone should wait until other adults are no longer in the bathroom, and then send in small groups of students. The employee/chaperone 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 employees. 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 employees.

i. Supervision Guidelines

- 1) Goals for chaperone 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 are to be supervised at all times. They must be accompanied by a chaperone 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 must stay within areas accessible to the general public;
 - Students who are non-compliant lose privileges; and
 - Students have the lead chaperone's cell phone number and 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 employees 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 chaperones from changing in front of students.
 - Prohibit chaperones from showering with students.

iii. Chaperone Guidelines

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

Reporting Problems

It is imperative that every District employee participate actively in the protection of students. In the event that employees observe suspicious or inappropriate behaviors on the part of other employees, 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.

<i>Additional Guidelines for Employee Response to Incidents or Allegations of Abuse</i>
<ul style="list-style-type: none">• 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.• Protect the alleged victim from intimidation, retribution, or further abuse.• Be sure to 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 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:

<i>Additional Guidelines for Supervisor and Administrator Response to Incidents or Allegations of Abuse</i>
<ul style="list-style-type: none">• 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.• Prepare a media response.• 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:

<i>Prohibited Student-to-Student Interactions</i>
<ul style="list-style-type: none"> • Hazing • Bullying • Derogatory name-calling • Games of Truth or Dare • Singling out one student for different treatment • Ridicule or humiliation

a. Employee Response

In the event that an employee sees a student exhibit sexualized behaviors or suspects unlawful student-to-student sexual activity, the employee is instructed to do the following:

<i>Guidelines for Employee Response to Student-to-Student Sexual Activity</i>
<ul style="list-style-type: none"> • 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 behavior and abuse must be reported to 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:

<i>Guidelines for Supervisor or Administrator Response to Unlawful Student-to-Student Sexual Activity</i>
<ul style="list-style-type: none"> • 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.

Legal Reference:

EDUCATION CODE

32280-32288 Comprehensive school safety plans
33195 Heritage schools, mandated reporters
33308.1 Guidelines on procedure for filing child abuse complaints
44252 Teacher credentialing
44691 Staff development in the detection of child abuse and neglect
44807 Duty concerning conduct of students
48906 Notification when student released to peace officer
48987 Dissemination of reporting guidelines to parents
49001 Prohibition of corporal punishment
51900.6 Sexual abuse and sexual assault awareness and prevention

PENAL CODE

152.3 Duty to report murder, rape, or lewd or lascivious act
273a Willful cruelty or unjustifiable punishment of child; endangering life or health
288 Definition of lewd or lascivious act requiring reporting
11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

15630-15637 Dependent adult abuse reporting

CODE OF REGULATIONS, TITLE 5

4650 Filing complaints with CDE, special education students

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve

Health Framework for California Public Schools, Kindergarten Through Grade Twelve

WEB SITES

California Attorney General's Office, Suspected Child Abuse Report Form:

http://www.ag.ca.gov/childabuse/pdf/ss_8572.pdf

California Department of Education, Safe Schools: <http://www.cde.ca.gov/ls/ss/ap>

California Department of Social Services, Children and Family Services Division:

<http://www.childsworld.ca.gov>

U.S. Department of Health and Human Services, Child Welfare Information Gateway:

<https://www.childwelfare.gov/can>