

MEMORANDUM

TO: All Staff

FROM: Ivory McDaniel, Executive Director of Human Resources

DATE: July 13, 2020

SUBJECT: 2020-2021 Legal Requirements & Expectations for Student Safety

As a school district employee, you play a critical role in providing a safe place for students to learn. As such, **you are required** to review and comply with the requirements set forth in the following policies and documents that address the legal requirements and the district's expectations for **all staff** regarding interaction with students.

1. School Board Policies and Administrative Regulation¹

- Policy 543
 - *Conditions of Employment - Ethical and Professional Conduct²*
- Policy 614.3
 - *Duties and Responsibilities of Teachers - Ethical and Professional Conduct ***
- Policy 811.2
 - *Employee and Volunteer Use of Electronic and Social Media Communications - Policy*
- Policy 1011
 - *Nondiscrimination*
- Policy 1012 *Under Review – 2020-21 School Year*
 - *Harassment*
- Policy 1012.1 *Under Review – 2020-21 School Year*
 - *Harassment - Sexual Harassment*
- Policy 1052.12
 - *Student Disciplinary Actions – Disciplinary Consequences – Simple Discipline - Corporal Punishment*
- **Policy 1065 *Under Review 2020-21 School Year: New Legislation*³**
 - ***Student Welfare - Reporting Child Abuse and Neglect***
- **Policy 1065.1³**
 - ***Student Welfare – Reporting Child Abuse and Neglect - Staff Reports***
- Policy 1068
 - *Student Welfare - Erin's Policy for a Child Sexual Abuse Prevention and Education Program*
- Administrative Regulation 130.2
 - *Nondiscrimination - Gender Identity*

2. Defining Staff-Student Boundaries

This document is a joint publication of the district's Employment and Educational Opportunity (EEO)/Affirmation Action Office, the Education Support Staff Association (ESSA) and the Fairbanks Education Association (FEA). **All staff** are expected to follow these guidelines for appropriate interactions with students.

3. Title IX & FERPA Flyer

This flyer sets forth the exception to FERPA when a Title IX matter is involved. In cases where there is a Title IX investigation, information that would otherwise be protected under FERPA may be shared to comply with Title IX.

4. Classroom Safety Flyer

This flyer cites provisions of the FEA Negotiated Agreement and the ESSA Negotiated Agreement with the School Board that addresses provisions for **all staff** on appropriate use of physical contact with students.

5. Professional Teaching Practices Commission Code of Ethics

This code sets forth the ethics certificated staff must follow. The ethical standards that fulfill staff's obligation to students are the standards the district expects for **all staff dealing with students**. School Board Policy 543, *Conditions of Employment - Ethical and Professional Conduct*, adopts the definition of professionalism as a standard for **all employees**.

Questions regarding your responsibilities can be directed to your building administrator, supervisor, or the Human Resources Department.

¹ The School Board Policies and Administrative Regulations are available on the district's website at: <http://www.boarddocs.com/ak/fbns/Board.nsf/Public>

² Policies 543 and 614.3, *Ethical and Professional Conduct*, hold **all staff** to a professional standard in their conduct toward students, parents, guardians, co-workers, and members of the public, including engagement in constructive, tactful communication. Electronic communication is held to the same professional standard of conduct as traditional face-to-face, verbal, or written communication.

³ In July 2019, House Bill 49 was passed by the Alaska State Legislature and was signed into law by Governor Dunleavy. The law now requires that **ALL reports of sexual abuse** be made to **both** the Alaska Office of Children's Services (OCS) **and** the nearest law enforcement agency (A.S. 47.17.020). Previously mandatory reporters in Alaska were only required to make these reports to OCS.

FNSBSD School Board Policies and Administrative Regulations

Title: **Policy 543: Conditions of Employment - Ethical and Professional Conduct**

Legal: [20 AAC 10.020](#);

[Appropriate Staff-Student Interaction Guidelines - Defining Staff-Student Boundaries Brochure](#)

Employees are expected to be professional* in their attitudes and behaviors toward students, parents, co-workers, and members of the public. The Code of Ethics of the Education Profession adopted by the Professional Teaching Practices Commission (20AAC 10.020 – 20AAC 10.030) and the district's "Defining Staff-Student Boundaries" brochure provide guidance and expectations for all employees.

*To be professional means:

1. to accept responsibility;
2. to perform one's job competently;
3. to accord just, equitable, and respectful treatment to all persons encountered in the workplace;
4. to engage in constructive, tactful communication; and
5. to practice collaborative problem-solving when appropriate.

Title: **Policy 614.3: Duties and Responsibilities of Teachers - Ethical and Professional Conduct**

Legal: [20 AAC 10.020](#);

[Appropriate Staff-Student Interaction Guidelines - Defining Staff-Student Boundaries Brochure](#)

Teachers are expected to be professional* in their attitude, behavior, and communication with students, parents, and co-workers and are required to abide by the Code of Ethics of the Education Profession adopted by the Professional Teaching Practices Commission (20AAC 10.020.–20AAC 10.030). The district's Defining Staff-Student Boundaries brochure also provides guidance and expectations for all employees.

*To be professional means:

1. to accept responsibility;
2. to perform one's job competently;
3. to accord just, equitable, and respectful treatment to all persons encountered in the workplace;
4. to engage in constructive, tactful communication; and
5. to practice collaborative problem-solving when appropriate.

Title: **Policy 811.2: Employee and Volunteer Use of Electronic and Social Media Communications - Policy**

Legal: [AS 14.20.095](#); [Appropriate Staff-Student Interaction Guidelines - Defining Staff-Student Boundaries Brochure](#);

[Professional Teaching Practices Commission Code of Ethics \(20 AAC 10.020 – 20AAC 10.030\)](#);

[Garcetti v. Ceballos, 547 U.S. 410 \(2006\)](#); [Pickering v. Board of Education, 391 U.S. 563 \(1968\)](#).

Cross References: [543 - Policy 543: Conditions of Employment - Ethical and Professional Conduct](#)

[800.2 - Policy 800.2: School Board Policy on Technology - Policy](#)

[802.23 - Policy 802.23: Student Use of Technology - Unsuitable Material Filters](#)

Communication is an essential element of the learning process. Using available technology can enhance communication and thereby enhance learning (cross reference School Board Policy 800.2: Technology).

All employees are held to a professional standard in their conduct toward students, parents, guardians, co-workers, and members of the public, including engagement in constructive, tactful communication.

Electronic communication is held to the same professional standard of conduct as traditional face-to-face, verbal, or written communication (cross reference School Board Policy 543: Ethical and Professional Conduct).

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Employees and volunteers must understand the importance of establishing and maintaining the proper boundaries in communications with students. The same standards for appropriate content apply to electronic and social media communication (see Guidelines in the Defining Staff-Student Boundaries Brochure).

The district reserves the right to monitor electronic communications conducted using district equipment, systems or networks. Employees and volunteers using electronic communication and social media should be mindful that it can be difficult to control and maintain privacy online, remembering that social media content can always become public and; even content with privacy controls may be made available to those outside preferred settings. Any content posted online may be discovered or reported to the district. For example, the district may discover information as a result of its own efforts to monitor its online reputation, as a result of an investigation or complaint, or other legitimate reason. The district will handle information received or discovered in accordance with the district's policies and procedures. Electronic and social media communication found to violate law, policy, regulations, guidelines or rules may result in corrective or disciplinary action, up to and including termination.

This policy supplements, and does not replace, other district policies. Electronic communications remains subject to all applicable district policies, including but not limited to nondiscrimination and harassment, sexual misconduct, telecommunications access, staff ethics, confidentiality, and professional and ethical conduct standards.

The superintendent shall develop an administrative regulation to implement this policy. The administrative regulation shall be reviewed periodically and revised as needed in order for it to evolve to reflect emerging social media technologies.

Use of Social Media on Behalf of the District

The school district has a presence with online sites and social media accounts. The superintendent shall develop policies governing access to and control over official school district accounts.

A successful social media presence requires monitoring and attention. Individuals using social media to disseminate information for the district should consider whether there are adequate resources (including time) to maintain the communication, monitor and address responses and communications from others regarding the content.

Individuals using social media for the district must be transparent and make clear that any postings made as part of their job are posted for the district.

Everyone using social media for the district should be accurate, fair and courteous, use proper grammar and avoid jargon and unnecessary abbreviations or acronyms that may be unfamiliar to the intended audience, students or parents.

No one should conduct or encourage illegal activity or engage in commercial solicitation while using social media for the district.

No one should publish profane or obscene or sexually explicit language or content while using social media for the district.

No one using social media for the district should violate the legal ownership interests of any party. It is important to respect copyrights and give credit where credit is due.

No one should use social media for the district to promote, foster or perpetuate impermissible discrimination.

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Everyone using social media for the district must refrain from disseminating information that may tend to compromise the safety or security of students, the public or the district. Guidelines and legal limitations such as FERPA apply in social media. Confidential matters must be kept private.

It is important for everyone using social media for the district to do so in a respectful and professional manner.

Users who make an error while using social media for the district should be honest about mistakes and correct them quickly. Negative comments or developments should be handled quickly and professionally. If employees or volunteers choose to modify an earlier post, they should make clear they have done so.

The district reserves the right to restrict or remove any content provided by employees or volunteers in the course of their employment that is in violation of district policy or applicable law.

Communication with Students

1. An employee's communication with students in the classroom or directly related to instruction is an extension of the employee's job.
2. An employee's communication with students outside of the classroom or not directly related to instruction may be restricted and require parent consent.
3. When using electronic communication and social media to communicate with students and their families, employees and volunteers are required to do so in a manner that:
 - a. is consistent with responsible and professional use;
 - b. does not interfere with efficient and effective operation of the district; and
 - c. does not compromise the safety and well-being of students.
4. An employee using social media to communicate with students must provide equitable communication by alternative methods to those students without technology.
5. Employee communication with students must comply with individual sites' terms of use and privacy policies (COPPA).
6. Employee communication with students recognizes the school district's student web protection parameters which limit student access during school hours (see School Board Policy 802.23: Unsuitable Material Filters) (CIPA).

Private Use of Social Media

Volunteers and employees of the district have First Amendment rights to speak on matters of public concern.

Employees and volunteers engaging in social media as private citizens should not attribute their personal statements, opinions or beliefs to the district.

Employees and volunteers should not use district logos or trademarks or other intellectual property of the district when engaging in social media as private citizens.

Employees and volunteers engaged in social media as private citizens should remain aware that guidelines and limitations such as FERPA remain applicable and should not use social media to disclose confidential information regarding students.

Employees should be mindful of their ongoing ethical obligations as educators and should not post any material that constitutes harassment, hate speech or libel.

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Nothing in this policy restricts or modifies the right of a teacher to engage in comment and criticism outside of school hours regarding school personnel, members of the governing body of any school or school district, or any other public official or any school employee to the same extent that a private individual may exercise that right in accordance with Alaska Statute 14.20.095.

Factors the district may consider when considering violations of this policy include:

1. whether the employee or volunteer knowingly and directly initiated inappropriate communication with students;
2. whether the employee or volunteer intended or intentionally disregarded the possibility that students would see his or her inappropriate postings; and
3. whether the nature of the communication itself reflected,
 - a. inappropriate employee-student communication, such as discussion of sexually suggestive or sexually explicit topics, or
 - b. unprofessional communication that has negatively impacted the employee's or volunteer's ability to perform his or her job responsibilities effectively.

Definitions

1. Electronic communication shall mean, but not be limited to, any communication that is sent by, delivered by, received by, or that otherwise uses:
 - a. e-mail;
 - b. instant messaging;
 - c. text message;
 - d. telephone, including cellular or mobile phone or smartphone;
 - e. social-media site;
 - f. the Internet; or
 - g. any similar technology.
2. Online conduct shall mean, a) the transmission of any electronic communication, and b) the publication of any content via social media.
3. Social media shall mean forms of electronic communication through which users create online communities to share information, personal messages, ideas, photographs, videos, and other content.

Title:

Policy 1011: Nondiscrimination

Legal: [AS 14.18.060](#); [AS 18.80.220-225](#); [AS 47.80.010](#); [Civil Rights Act of 1964, Title VI and Title VII](#); [Equal Pay Act of 1963](#); [Age Discrimination in Employment Act of 1967](#); [Education Amendments of 1972, Title IX](#); [Rehabilitation Act of 1973, Section 504 Individuals with Disabilities Education Act](#); [Age Discrimination Act of 1975](#); [Vocational Educational Act, Title II](#); [Americans with Disabilities Act, Title II, as amended by the ADAAA of 2008](#); [Genetic Information Nondiscrimination Act of 2009, Title II](#)

Cross References: [130 * - Policy 130: Nondiscrimination](#)
[130 - AR 130: Nondiscrimination - Nondiscrimination and Affirmative Action](#)
[1011 - AR 1011: Nondiscrimination and Affirmative Action](#)

The Board is committed to a policy of nondiscrimination in relation to race, ethnicity, color, religion, creed, sex, age, national origin, physical or mental disability, marital status, changes in marital status, pregnancy, parenthood, sexual orientation, gender identity, disabled veterans or other eligible veterans, or any other basis of discrimination prohibited by local, state, or federal law, except where a bona fide requirement may lawfully disqualify an individual. This policy will prevail in all matters concerning staff, students, contractors, the public, educational facilities, programs, services and activities.

Title:

Policy 1012: Harassment

Cross References: [131 - Policy 131: Harassment](#);
[534 - Policy 534: General Personnel Policies – Harassment](#)
[1046.7 * - Policy 1046.7: Student Rights and Responsibilities - Disruptive Student Behavior - Harassment](#)
[1046.7 - AR 1046.7: Student Rights and Responsibilities - Disruptive Student Behavior - Harassment](#)

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It is the policy of the Fairbanks North Star Borough School District to maintain a learning and work environment that is free of harassment. The school district prohibits all forms of harassment.

Harassment includes but is not limited to any verbal, nonverbal, written, physical conduct, or electronic communication relating to race, ethnicity, color, religion, creed, sex, age, national origin, physical or mental disability, marital status, change in marital status, pregnancy, parenthood, sexual orientation, gender identity, disabled veterans, or other eligible veterans that is sufficiently severe, pervasive, or persistent that it substantially interferes with or limits an individual's work, academic, athletic, or activity performance or creates an intimidating, hostile, or offensive work or academic environment.

Allegations of harassment should be reported immediately. Reports may be made to the building principal, a supervisor, or the director of Employment and Educational Opportunity (EEO). Allegations of harassment will be promptly, fairly, and thoroughly investigated. Violations of this policy will be subject to appropriate action, including discipline.

Retaliation against a person alleging harassment or participating in an investigation of an allegation of harassment is prohibited. The school district shall promptly, fairly, and thoroughly investigate all reported allegations of retaliation and take appropriate action.

Title: **[Policy 1012.1: Harassment - Sexual Harassment](#)**

Legal: [Title VII of the Civil Rights Act of 1964; Title IX of the 1972 Education Amendments](#)

Cross References: [131.1 - AR 131.1: Harassment - Sexual Harassment](#)
[535 - Policy 535: General Personnel Policies - Sexual Harassment](#)
[1012.1 - AR 1012.1: Harassment - Sexual Harassment](#)

It is the policy of the Fairbanks North Star Borough School District to maintain a learning environment that is free from sexual harassment.

It shall be a violation of policy for any person to harass a student under school authority through conduct or communications of a sexual nature. It shall also be a violation of policy for students to harass students or other persons through conduct or communications of a sexual nature.

Any student or other person who believes he or she has been subjected to sexual harassment should report the alleged conduct immediately to the building principal, counselor, or other individual designated to receive such complaints. Allegations of sexual harassment shall be investigated promptly, fairly, and thoroughly.

Violations of this policy will be subject to appropriate action, including discipline.

Title: **[Policy 1052.12: Student Disciplinary Actions - Disciplinary Consequences - Simple Discipline - Corporal Punishment](#)**

Legal: [4 AAC 07.900; 4 AAC 07.010\(c\)](#)

The use of corporal punishment in the Fairbanks North Star Borough School District is prohibited. (4 AAC 07.010(c)) Corporal punishment means the application of physical force to the body of a student for disciplinary purposes. It does not include the use of reasonable and necessary physical restraint of a student to protect the student or others from physical injury, to obtain possession of a weapon or other dangerous object from a student, to maintain reasonable order in the classroom, or on school grounds, or to protect property from serious damage or destruction. (4 AAC 07.900) Physical contact by authorized employees for the purpose of administering first aid or to attend to student health needs if reasonable and necessary is not within the definition of corporal punishment.

FNSBSD School Board Policies and Administrative Regulations

Title: **Policy 1065: Student Welfare - Reporting Child Abuse and Neglect**

Legal: [AS 47.17.010; AS 47.17.020](#)

Cross References: [1065 - AR 1065: Student Welfare - Reporting Child Abuse and Neglect](#); [1065 - Appendix A - AR 1065: Student Welfare - Reporting Child Abuse and Neglect - Appendix A: Suspected Child Harm Report Form](#)

The school district protects the health and well-being of students who may be adversely affected through physical injury or neglect, mental injury, sexual abuse, sexual exploitation, or maltreatment by requiring reports of suspicion of child abuse or neglect to the Office of Children Services in accordance with AS 47.17.010 and AS 47.17.020.

In July 2019, House Bill 49 was passed by the Alaska State Legislature and was signed into law by Governor Dunleavy. The law now requires that ALL reports of sexual abuse be made to both the Alaska Office of Children's Services (OCS) and the nearest law enforcement agency (A.S. 47.17.020). Previously mandatory reporters in Alaska were only required to make these reports to OCS.

Title: **Policy 1065.1: Student Welfare - Reporting Child Abuse and Neglect - Staff Reports**

Legal: [20 AAC 10.020\(b\)\(4\)](#)

Employees, who in the performance of their occupational duties, have reasonable cause to suspect that a student has suffered harm as a result of child abuse or neglect shall immediately report the harm to the Fairbanks' Office of Children's Services. Employees may also report suspicions of abuse or neglect that have come to their attention in their non-occupational capacity. Any doubt about reporting suspected child abuse and neglect is to be resolved in favor of protecting the student.

Teachers shall report to the Professional Teaching Practices Commission knowledge of an educator's act of physical abuse of a student or sexual conduct with a student.

In July 2019, House Bill 49 was passed by the Alaska State Legislature and was signed into law by Governor Dunleavy. The law now requires that ALL reports of sexual abuse be made to both the Alaska Office of Children's Services (OCS) and the nearest law enforcement agency (A.S. 47.17.020). Previously mandatory reporters in Alaska were only required to make these reports to OCS.

Title: **Policy 1068: Student Welfare - Erin's Policy for a Child Sexual Abuse Prevention and Education Program**

Cross References: [1068 - AR 1068: Student Welfare - Erin's Policy for a Child Sexual Abuse Prevention and Education Program](#)

The school district shall develop a comprehensive child sexual abuse program with the goal of informing students and staff about child sexual abuse and available resources. The program shall include, but not be limited to:

1. adopting a child sexual abuse curriculum to provide age-appropriate information to teach students the difference between appropriate and inappropriate conduct in situations where child sexual abuse could occur, and to identify actions a child may take to prevent and report sexual abuse or sexual assault;
2. providing students with resources and referrals to handle these potentially dangerous situations;
3. providing students access to available counseling and educational support;

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4. providing mandatory training to all district staff to ensure they are fully informed on:
 - a. the warning signs of sexual abuse and sexual misconduct involving a child,
 - b. mandatory reporting requirements,
 - c. school district policies,
 - d. establishing and maintaining professional relationships with students,
 - e. available resources for children affected by sexual abuse or misconduct;
5. methods for increasing teacher, student, and parent awareness of issues regarding sexual abuse of children; and
6. A minor student shall be excused from participating in classroom instruction regarding sexual abuse and sexual assault upon receipt by the principal of a written request from the student's parent or guardian.

Title [AR 130.2: Nondiscrimination - Gender Identity](#)

Cross References: [130.2 * - Policy 130.2: Nondiscrimination - Gender Identity](#)
[130 - AR 130: Nondiscrimination - Nondiscrimination and Affirmative Action](#)
[131.1 - AR 131.1: Harassment - Sexual Harassment](#)

Purpose

The purpose of this regulation is to advise district staff regarding issues relating to transgender and gender nonconforming students in order to create a safe learning environment for all students, and to ensure that every student has equal access to all components of the educational program.

Procedure

The issues addressed in this regulation include:

1. Definition
2. Names/Pronouns
3. Dress
4. Family Acceptance
5. Access to gym class and sports
6. Locker room accessibility
7. Restroom accessibility
8. Confidentiality
9. Discrimination and/or Harassment

This regulation does not anticipate every situation that might occur. It does offer suggested approaches to specific issues when the safety of transgender and gender nonconforming students may be at risk.

1. Definitions
 - a. "[Transgender Students](#)" refers to students whose gender identity is different from their sex at birth, and whose gender expression is different from the way males or females are expected to look or behave.
 - b. "[Gender Identity](#)" refers to one's feelings, understanding, interests, and outlook about whether one is female or male, or both, or neither, regardless of one's biological sex.
 - c. "[Gender Expression](#)" refers to the way a person expresses her or his gender, through gestures, movement, dress and grooming.
 - d. "[Gender Nonconforming Students](#)" refers to students who have a gender expression that does not conform with stereotypical expectations, for example, "feminine boys," "masculine girls," and students who are androgynous.
 - e. "[Sexual Orientation](#)" refers to a student's sexual attraction to or sexual preference for a sexual relationship with others. Sexual orientation could be homosexual, heterosexual, or bisexual.

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- f. “Gay, Lesbian, Bisexual” are terms that refer to students with particular sexual preferences towards others of their same sex or of either sex.
2. Names/Pronouns
 - a. It is strongly suggested that teachers, including counselors, privately ask transgender or gender nonconforming students when appropriate how they want to be addressed. If a school staff member has a question pertaining to how a student wishes to be addressed it is recommended the staff member consult with the student’s counselor who can determine the student’s preference and then communicate to the staff as appropriate. In cases where a student and parents are in disagreement about the name and pronoun to be used at school, school officials should seek a resolution acceptable to the student and to the parents.
 - b. Students are to be addressed by the name and pronoun that corresponds to the gender identity that the student consistently asserts at school. A student may request to be addressed by his or her “preferred name” (and preferred pronoun) that corresponds to their gender identity without obtaining a court order or without changing their official records. This preference guide acknowledges that inadvertent slips or honest mistakes in the use of the “preferred” names or pronouns might occur, but it does not condone an intentional and persistent refusal to respect a student’s gender identity.
 - c. The district is required to maintain a permanent student record which includes the legal name of the student and the student’s sex. The district will change a student’s official records to reflect a change in legal name or gender upon receipt of documentation that such legal name or gender has been changed pursuant to a court order.
 3. Dress

The district’s dress code should be applied uniformly to all students. Transgender and/or gender nonconforming students have the right to dress in accordance with the gender identity the student consistently asserts at school recognizing the district’s dress code with its safety provisions, its prohibitions, and guidance regarding appropriate attire.
 4. Family Acceptance

Some transgender and gender nonconforming students are not open about their gender identity at home because of safety reasons. A school should focus on the student’s safety as the priority when providing or reporting information about the student to parents or guardians.
 5. Access to Physical Education and Sports

Transgender and gender nonconforming students shall have the same opportunities to participate in physical education as all other students. Participation in competitive athletic activities and contact sports are to be addressed on a case-by-case basis to ensure fairness.
 6. Locker Room Accessibility

Schools shall provide appropriate locker room facility access to nonconforming gender identity students. If there is a reason or desire for increased privacy and/or safety, the student may be provided access to a reasonable alternative locker room such as: use of a private area (i.e., a nearby restroom stall with a door, an area separated by a curtain, a P.E. instructor’s office in the locker room, or a nearby health office restroom). If needed a separate changing schedule may be provided utilizing the locker room before or after the other students.
 7. Restroom Accessibility

At the discretion of the school administrator, a student may be provided access to a restroom facility that corresponds to the gender identity that the student consistently asserts at school. If the student and administrator feel that there is a reason or desire for increased privacy and/or safety, the student may be provided access to an alternative restroom such as a single stall “unisex” restroom or the health office restroom. In all instances, the school administrator makes the decisions about alternative restroom use governed by judgment concerning the safety and best interests of the student in question.

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8. Confidentiality

- a. Transgender students have a right to privacy regarding their transgender status. Therefore, school personnel should not disclose a student's transgender status to others, including parents, and/or other school personnel unless there is a specific "need to know."
- b. When discussing a particular issue such as conduct, discipline, grades, attendance, or health with a transgender or gender nonconforming student, focus should be on the conduct or particular issue, and not on any assumptions regarding the student's actual or perceived gender identity.

9. Discrimination and/or Harassment

Complaints alleging discrimination or harassment based on a student's actual or perceived transgender or gender nonconforming identity are to be handled in the same manner as other discrimination/harassment complaints. (See Administrative Regulation 130 for information regarding the filing of discrimination/harassment complaints.)

Defining Staff – Student Boundaries



Staff members must understand the difference between appropriate and inappropriate interactions with students.

Appropriate interactions are those that create a safe environment in which students may grow, learn, seek help in solving problems and conflicts, and develop social skills. Inappropriate interactions cross the boundaries separating student from adult needs and create a relationship that becomes peer-to-peer rather than adult-to-child.

Offenders may be judged by students and others to be the “best” staff members, are very popular with students and are often recognized for contributions. Staff members who have frequent one-to-one contact with students or who work in extracurricular activities can be at risk for inappropriate interactions or student allegations of inappropriate interactions. The expanding access to and use of technology as an informal and mobile communication tool may lead to inappropriate interactions.

The examples shown may help you to determine when appropriate interactions begin to cross the line to inappropriate.

Appropriate Interactions	Inappropriate Interactions
Maintain appropriate personal space	Invades personal space; physical proximity that is too close
Maintain reasonable eye contact	Maintain intense eye contact
Appropriate comments regarding academic environment and social activities	Comments that are personal or physical in nature, <i>i.e.</i> , “you have great legs,” “you should wear that sweater more often,” “what big muscles you have,” may have sexual overtones; condoning inappropriate topics for discussion; condoning verbal comments with sexual overtones; flirting
Student aides assigned duties appropriate to the academic environment	Student aides assigned duties to meet personal needs of staff members
Student-staff communication appropriate and understood by general population	Student-staff communication has implied messages and inside understanding not commonly understood by general population; hidden communication
Conversations with students support learning and growth for student; student’s perspective is focus of conversation	Conversations with students disclose personal and confidential information so that the student becomes the confidant of the adult; staff revealing personal information that could make student uncomfortable; adult becomes focus of conversation
Appropriate use of student conferences in a manner consistent with educational purpose	Pattern of spending time alone with student in conferences or other activities beyond educational expectations
Student-staff relationship centered on academics, school events and activities	Student-staff relationship maintained outside school events, manifested by taking student(s) to lunch, gift giving, outside social activities, frequent rides home or receiving or writing personal notes
Maintain fair and equal treatment of all students with occasional exceptions	Pattern of covering for or providing excuses for particular students, writing passes repeatedly for favored students to cover tardies or absences
Leaders of extracurricular and co-curricular activities maintain clear standards around gender issues and harassment	Leaders of extracurricular and co-curricular activities encourage atmosphere of loose and inappropriate boundaries around gender and harassment issues
A pat on the back, shoulder or arm	Shoulder massage, lingering touches, squeezes, requesting affection; hugs, kisses or invitations to “give me a hug,” “give me a kiss;” touches on private parts of bodies
Exercising good judgment on whether to touch students and/or under what circumstances; sensitive to individual preferences and cultural norms	Touching students who may misinterpret the touch due to individual circumstances, cultural standards or developmental stage
Referring serious student problems to the appropriately trained professional	Staff members acting as helpers for serious student problems in circumstances where appropriate training in effective advising or counseling is warranted
Parent approves of the interaction	Parent questions the appropriateness of the interaction
Communications via electronic technology related to instruction or school-sponsored activity and sent to or accessible to the entire class	Social networking or other electronic technology communications that reveal personal information, or are directed at individual students

Staying Within Appropriate Boundaries of the Staff-Student Relationship

❖ HELPFUL HINTS FOR STAFF MEMBERS ❖

1. Establish the parameters of the relationship
2. Reaffirm the helping nature of the relationship
3. Be prepared to develop a specific plan for addressing the students' needs
4. Involve other adults in implementing the plan



❖ EFFECTIVE ADVISORS ❖

1. Understand their own emotional needs
 - Staff members/advisors who are in emotional need are the most vulnerable to the seductive dependency of an unprofessional relationship
2. Understand propriety issues related to helping relationships
 - Professional and personal boundaries become blurred when staff members/advisors take students to lunch, write and receive personal notes or make physical contact
3. Understand the emotional and physical development of students
 - Students who believe no one listens to them often transfer feelings of affection to the staff member/advisor

Reporting Abuse

School district personnel, administrative staff members, practitioners of healing arts, child care providers, and others are *required by law* (A.S. 47.17.020) to report suspected child abuse or neglect when they have reasonable cause to suspect it has resulted in harm to a child. This obligation is an individual's legal duty.

School Board Policy 1065 directs all school district personnel to strictly adhere to the state law mandating report of suspected child abuse or neglect. Any employee who suspects that a child has experienced physical or sexual abuse or physical or emotional neglect shall make a report to the Office of Children's Services. (1065.1)

ALL reports of sexual abuse must be made to **both** the Alaska Office of Children's Services (OCS) **and** the nearest law enforcement agency. (A.S. 47.17.020)

Office of Children's Services

751 Old Richardson Highway, Ste. 300
Fairbanks, Alaska 99701
Telephone: (907) 451-2650
Fax: (907) 451-2616
Email: hss.ocsnroutake@alaska.gov

Child Abuse Hotline: 1-800-478-4444
Email: reportchildabuse@alaska.gov
Fax: 907-269-3939

Nearest Law Enforcement Agency: [\[OCS MAP\]](#)

Alaska State Troopers: (907) 451-5100
Eielson Air Force Base 354 Security Force:
(907) 377-5227
Fairbanks Police Department: (907) 450-6500
Fort Wainwright Directorate of Emergency Services:
(907) 353-7535
North Pole Police Department: (907) 488-6902

FAIRBANKS EDUCATION ASSOCIATION
2118 South Cushman Street
Fairbanks, AK 99701
Phone: (907) 456-4435

FAIRBANKS NORTH STAR BOROUGH
SCHOOL DISTRICT
520 FIFTH AVENUE
FAIRBANKS, AK 99701-4756
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OFFICE OF EMPLOYMENT AND EDUCATIONAL OPPORTUNITY

Title IX and FERPA

FERPA stands for the “Family Educational Rights and Privacy Act.” FERPA is a federal law that protects the privacy of student education records, such as discipline and grades. This means that a student’s education record cannot be shared with anyone without their consent, or the consent of their parent/guardian if the student is under 18 years old.

However, one law does trump FERPA – Title IX. Title IX is a federal law that prohibits discrimination on the basis of sex, which includes sexual assault and sexual harassment. In the event a student becomes a party to a Title IX case, information about that student that would otherwise be protected under FERPA *may* be shared under Title IX *to the degree required to comply with Title IX*.

This does not mean that everything about a student involved in a Title IX case is shared. It simply means that if compliance with Title IX mandates a sharing of a particular student record, the sharing of that record is *not* a violation of FERPA.

Example:

Student A sexually assaults Student B and is expelled for this behavior.

Typically, the fact that Student A is absent from school due to this behavior would not be shared with Student B as it violates FERPA. However, under Title IX, Student B has the right to an education free of sexual assault, which can only happen if they know there will be no contact between themselves and Student A.

In this circumstance, Title IX would require that Student B be alerted that Student A will not be in school for the foreseeable future. Student B would not need to specifically know that Student A was “expelled,” or what efforts, if any, Student A has made/is making to return to school. Likewise, Title IX would require that Student B be alerted if and when Student A returns to school, but not necessarily what efforts Student A engaged in to return.

If you have any questions, please contact:

Cari Jacoby, Employment & Educational Opportunity Officer

Phone: (907) 452-2000 ext. 11466.

Email: cari.jacoby@k12northstar.org



CLASSROOM SAFETY FLYER

WARNING!

Never touch a student during discipline! Even escorting a disruptive student by the arm to the office could be considered inappropriate contact.

FEA Article 518, **CLASSROOM SAFETY**, IV. and V., and ESSA Article 7.17, **CLASSROOM SAFETY**, d. and e., state:

IV. Teachers (d. Employees) may have physical contact with students when reasonable and necessary to maintain a safe environment, to administer first aid, and to attend to health needs. Examples of these circumstances include protecting self, protecting students from physical harm, preventing accidental injury, moving through a crowd to attend to an emergency, and providing appropriate care, or restraint, for students with special needs.

V. Teachers (e. Employees) may not have physical contact with students in the context of disciplinary action.

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State of Alaska

Code of Ethics of the Education Profession

20 AAC 10.020. CODE OF ETHICS AND TEACHING STANDARDS.

(a) The following code of code of ethical standards governs an individual holding a teaching, administrative, or special services certificate issued under 4 AAC 12, an individual authorized as a student teacher under 4 AAC 30.020, and all other members of the teaching profession. A violation of this section is grounds for discipline as provided in AS 14.20.030.

(b) In fulfilling obligations to students, an educator:

- (1) repealed 10/25/2000;
- (2) may not deliberately distort, suppress, or deny access to curricular materials or educational information in order to promote the personal view, interest, or goal of the educator;
- (3) shall make reasonable effort to protect students from conditions harmful to learning or to health and safety;
- (4) may not engage in
 - (A) physical abuse of a student or sexual conduct with a student and shall report to the commission knowledge of such an act by an educator; or
 - (B) sexual conduct with a former student whom the educator taught, supervised, or exercised authority over, including in coaching or other school-sponsored activity; the restrictions against sexual conduct in this subparagraph apply to an educator for one year after the student has graduated from or ceased to attend high school, and an educator shall report to the commission knowledge of such an act by an educator;
- (5) may not expose a student to unnecessary embarrassment or disparagement;
- (6) may not harass, discriminate against, or grant a discriminatory advantage to a student on the grounds of race, color, creed, sex, national origin, marital status, political or religious beliefs, physical or mental conditions, family, social, or cultural background, gender identification, or sexual orientation; shall make reasonable effort to assure that a student is protected from harassment or discrimination on these grounds; and may not engage in a course of conduct that would encourage a reasonable student to develop a prejudice on these grounds;
- (7) may not use professional relationships with students for private advantage or gain;
- (8) shall keep in confidence information that has been obtained in the course of providing professional service, unless disclosure serves a compelling professional purpose or is required by law;
- (9) shall accord just and equitable treatment to all students as they exercise their educational rights and responsibilities.

(c) In fulfilling obligations to the public, an educator

- (1) repealed 10/25/2000;
- (2) shall take reasonable precautions to distinguish between the educator's personal views and those of any educational institution or organization with which the educator is affiliated;
- (3) shall cooperate in the statewide student assessment system established under 4AAC 06.710-4 ACC 06.790 by
 - (A) safeguarding and maintaining the confidentiality of test materials and information; and
 - (B) adhering to all written rules, policies, procedures, and other requirements established by the department regarding the administration and operation of the statewide student assessment system as set out in 4 AAC 06.761 (test administration) and 4 AAC 06.765 (test security; consequences of breach);
- (4) repealed 10/25/2000;
- (5) may not use institutional privileges for private gain, to promote political candidates, or for partisan political activities;
- (6) may not accept a gratuity, gift, or favor that might influence or appear to influence professional judgment, and may not offer a gratuity, gift, or favor to obtain special advantage;
- (7) may not knowingly withhold or misrepresent material information in communicating with the school board regarding a matter before the board for its decision; and
- (8) may not use or allow the use of district resources for private purposes not related to the district programs and operation.

(d) In fulfilling obligations to the profession, an educator

- (1) may not, on the basis of race, color, creed, sex, age, national origin, marital status, political or religious beliefs, physical condition, family, social or cultural background, gender identification, or sexual orientation, deny to a colleague a professional benefit, advantage, or participation in any professional organization, and may not discriminate in employment practice, assignment, or personnel evaluation;
- (2) shall accord just and equitable treatment of all members of the teaching profession as set out in AS 14.20.370 in the exercise of their professional rights and responsibilities;
- (3) may not use coercive means or promise special treatment in order to influence professional decisions of colleagues;
- (4) may not sexually harass a fellow employee;

(5) shall withhold and safeguard information acquired about colleagues in the course of employment, unless disclosure serves a compelling professional purpose;

(6) shall provide, upon the request of the affected party, who must be a member of the teaching profession as set out in AS 14.20.370, a written statement of specific reasons for recommendations that led to the denial of increments, significant changes in employment, or termination of employment;

(7) may not deliberately misrepresent the educator's or another's professional qualifications;

(8) repealed 10/25/2000;

(9) may not falsify a document, or make a misrepresentation on a matter related to

(A) licensure;

(B) employment, including an employment application;

(C) employment evaluation;

(D) test results; or

(E) professional duties;

(10) may not intentionally make a false or malicious statement about a colleague's professional performance or conduct;

(11) may not intentionally file a false or malicious complaint with the commission;

(12) may not seek reprisal against any individual who has filed a complaint, provided testimony or given other assistance in support of a complaint filed with the commission;

(13) shall cooperate fully and honestly in investigations and hearings of the commission;

(14) repealed 10/25/2000;

(15) may not unlawfully breach a professional employment contract;

(16) shall conduct professional business through appropriate channels;

(17) may not assign tasks to unqualified personnel;

(18) may not continue in or seek professional employment while unfit due to

(A) use of drugs or alcohol that impairs the educator's competence or the safety of students or colleagues;

(B) physical or mental disability that impairs the educator's competence or the safety of students or colleagues;

(19) may not interfere with a colleague's exercise of political or citizenship rights and responsibilities.

(Eff. 1/30/75, Register 53; am 8/1/80, Register 75; am 6/16/84, Register 90; am 8/5/90, Register 115; am 7/21/91, Register 119; am 7/28/94, Register 131; am 4/8/99, Register 150; am 10/25/2000, Register 156; am 9/27/17, Register 223; **am 8/2/2018, Register 227**)

Authority: AS 14.20.030 AS 14.20.370 AS 14.20.450 AS 14.20.460 AS 14.20.480

20 AAC 10.035. MORAL TURPITUDE. For the purpose of AS 14.20.030(a)(2),

(1) "moral turpitude" means conduct that is wrong in itself even if no statute were to prohibit the conduct; and

(2) a crime involving moral turpitude includes

(A) homicide;

(B) manslaughter;

(C) assault;

(D) stalking;

(E) kidnapping;

(F) sexual assault;

(G) sexual abuse of minor;

(H) unlawful exploitation of a minor;

(I) robbery;

(J) extortion;

(K) coercion;

(L) theft;

(M) burglary;

(N) arson;

(O) criminal mischief;

(P) forgery;

(Q) criminal impersonation;

(R) bribery;

(S) perjury;

(T) unsworn falsification;

(U) interference with official proceedings;

(V) witness tampering;

(W) jury tampering;

(X) terroristic threatening;

(Y) possession or distribution of child pornography;

(Z) unlawful distribution or possession for distribution of a controlled substance;

(AA) unlawfully furnishing alcohol to a minor;

- (BB) felony possession of a controlled substance;
- (CC) unlawfully furnishing marijuana or products containing marijuana to a minor.

(Eff. 4/8/99, Register 150; am 12/25/2005, Register 176; **am 8/2/2018, Register 227**)

Authority: AS 14.20.030 AS 14.20.450 AS 14.20.460

20 AAC 10.900. DEFINITIONS: In this chapter,

- (1) "sexual conduct" includes
 - (A) explicit sexual jokes and stories;
 - (B) flirtatious or sexually related comments;
 - (C) sexual kidding or teasing;
 - (D) sexual innuendos or comments with double entendre;
 - (E) inappropriate physical touching;
 - (F) soliciting, encouraging, participating in, or initiating inappropriate written, verbal, or electronic communication of a sexual nature with a student;
 - (G) a physical or romantic relationship with a student, whether consensual or nonconsensual;
 - (H) discussion of the educator's sexual feelings or activities; and
 - (I) discussion, outside of a professional teaching or counseling context, of a student's sexual feelings or activities; and
 - (J) "sexual penetration" and "sexual contact" as those terms are defined in AS 11.81.900(j);
- (2) "physical abuse" is an action beyond reasonable discipline that results in an adverse physical effect upon a student;
- (3) "director" means the person appointed to fill the position of "executive secretary" as described in AS 14.20.470 (a)(7);
- (4) "colleague" includes
 - (A) a certificated educator;
 - (B) an individual who is employed by the school district on a permanent or temporary basis;
- (5) "educator" includes
 - (A) an individual holding a teaching, administrative, or special services certificate issued under 4 AAC 12, or a student teacher authorization issued under 4 AAC 30.020;
 - (B) an instructor in an institution of higher learning;
- (6) "student" means an individual who is
 - (A) enrolled in public or private school,
 - (B) under 18 years of age and has not yet completed grade 12; or
 - (C) enrolled in at least one course at an institution of higher learning.

(Eff. 8/5/90, Register 115; am 7/28/94, Register 131; am 4/8/99, Register 150; am 9/27/17, Register 223; **am 8/2/2018, Register 227**)

Authority: AS 14.20.030 AS 14.20.450 AS 14.20.460 AS 14.20.470 AS 14.20.480

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