

Lower Merion School District

ADMINISTRATIVE REGULATIONS

Nos.: 354, 454, 554, 831
Sections: ADMINISTRATIVE EMPLOYEES
PROFESSIONAL EMPLOYEES
CLASSIFIED EMPLOYEES
OPERATIONS
Title: MAINTAINING APPROPRIATE BOUNDARIES WITH STUDENTS
Date Adopted: 11/5/2020; 5/20/16

**R354, R454, R554, R831 MAINTAINING APPROPRIATE BOUNDARIES
WITH STUDENTS**

Definitions

“District Adults” means all District employees, volunteers, student teachers, and independent contractors and their employees who interact with students or are present on school grounds. The term District Adults as used in this regulation, does not include District students who perform services on a volunteer or compensated basis.

“Legitimate educational reasons” include matters or communications related to teaching, counseling, athletics, extracurricular activities, treatment of a student's physical injury or other medical needs, school administration or other purposes within the scope of the District Adult's job duties.

Conduct Implicated by this Regulation

Romantic or Sexual Relationships

District Adults are prohibited from dating, seeking the romantic affections of, or entering into or attempting to form a romantic or sexual relationship with any student enrolled in the District, regardless of the student's age. Students of any age are not legally capable of consenting to romantic or sexual interactions with District Adults as defined in this regulation.

Prohibited romantic or sexual interaction involving students includes, but is not limited to:

1. Sexual physical contact.
2. Romantic flirtation, propositions, or sexual remarks.
3. Sexual slurs, leering, epithets, sexual or derogatory comments.
4. Personal comments about a student's body.

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5. Sexual jokes, notes, stories, drawings, gestures or pictures.
6. Spreading sexual or romantic rumors.
7. Touching a student's body or clothes in a sexual or intimate way.
8. Accepting massages, or offering or giving massages other than in the course of injury care administered by an athletic trainer, coach, or health care provider.
9. Restricting a student's freedom of movement in a sexually intimidating or provocative manner.
10. Displaying or transmitting sexual objects, pictures, or depictions.

Social Interactions

In order to maintain professional boundaries, District Adults shall ensure that their interactions with students are appropriate.

The following are examples of conduct that will or may violate professional boundaries.

In the context of these examples, the following definitions apply:

1. "personal" means of or concerning one's private life, relationships and emotions rather than matters connected with one's public or professional career.

"legitimate educational reasons" is inclusive of cocurricular or extracurricular activities and means justified entirely by professional interest, not personal or private interest. Such determinations are made on a case-by-case basis.

1. Disclosing personal, sexual, family, employment concerns or other private matters to one or more students unrelated to a legitimate educational reason. Exchanging notes, emails or other communications of a personal nature with a student unrelated to a legitimate educational reason. Giving personal gifts, cards or letters to a student without written approval from the building principal.

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2. Initiating, permitting, or requesting inappropriate or unnecessary physical contact with a student (e.g., massage, kissing, tickling) or facilitating situations which result in close physical contact with a student unrelated to a legitimate educational reason. (Reasons could include the need for assistance when injured, a kindergartner having a toileting accident and requiring assistance, appropriate coaching instruction, or appropriate music instruction).
3. Singling out a particular student or students for personal attention or friendship beyond the ordinary professional District Adult-student relationship.
4. Taking a student out of class without a legitimate educational reason.
5. Being alone with a student behind closed doors without a legitimate educational reason. Initiating or extending contact with a student beyond the school day or outside of class times without a legitimate educational reason.
6. Sending or accompanying a student on personal errands.
7. In the case of District employees, inviting a student to home without express authorization from the employee's supervisor and the student's parents/guardians.
8. Going to a student's home to see the student without express authorization from the employee's supervisor.
9. Taking a student on outings without prior notification to and approval from both the parent/guardian and the building principal.
10. Giving a student a ride alone in a vehicle in a nonemergency situation without prior notification to and approval from both the parent/guardian and the building principal.
11. Addressing students or permitting students to address District Adults with personalized terms of endearment, pet names, or otherwise in an overly familiar manner or permitting the student to do the same to the adult.
12. Telling a student personal secrets or sharing personal secrets with a student.

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- 13. For District Adults who are not guidance/counseling staff, psychologists, social workers or other District Adults with designated responsibilities to counsel students, encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussions, the student should be referred to the appropriate school resource.
- 14. Furnishing alcohol, drugs or tobacco to a student or being present where any student is consuming these substances.
- 15. Engaging in harassing or discriminatory conduct prohibited by other District policies or by state or federal law and regulations.

Electronic Communications

For purposes of this regulation, **electronic communication** shall mean a communication transmitted by means of an electronic device including, but not limited to, a telephone, cellular telephone, computer, computer network, personal data assistant or pager. Electronic communications include, but are not limited to, emails, instant messages and communications made by means of an Internet website, including social media and other networking websites.

As with other forms of communication, when communicating electronically, District Adults shall maintain professional boundaries with students.

Electronic communication with students shall be for legitimate educational reasons only.

When available, District-provided email or other District-provided communication devices shall be used when communicating electronically with students. The use of District-provided email or other District provided communication devices shall be in accordance with District policies and procedures.

District employees are prohibited from using personal email, text messaging, instant messaging, and social-networking accounts, websites, and any other applications for communicating with parents and students that are not specifically authorized. District Adults shall not follow or accept requests for current students to be friends or connections on personal social networking sites and shall not create any networking site for communication with students other than those

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provided by the District for this purpose, without the prior written approval of the building principal. Some examples of allowable communications in this context include where the adult is a family relative of the student.

Improper and/or inappropriate electronic communication between employees and students is prohibited, regardless of whether the employee or the student initiates the communication. Improper and/or inappropriate electronic communication includes but is not limited to any type of message that may be viewed as:

- Derogatory;
- Sexual, lewd, pornographic, or obscene in content;
- Offensive through the use of profanity;
- Threatening or harassing;
- Discriminatory;
- Facilitation of illegal activities;
- Having the purpose to assist personal, commercial or for-profit ends;
- Expression of political viewpoints;
- Unauthorized or illegal distribution, reproduction, or use of copyrighted materials;
- Fraternization or otherwise crossing the line between professional and personal boundaries; and/or
- Suggestive in nature.

Group Messaging for Sports and Other Activities

Regarding the use of text messages, the Board realizes this may be a form of electronic communication that is especially valuable in certain contexts when the possibility of immediate and/or urgent contact with students by employees is desirable. Such contexts include but are not limited to the following:

- Employee coaches who need the ability to reach student athletes, team members, etc., quickly
- Employee advisors of extra-curricular programs or activities who need the ability to reach student participants in a short time frame.

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- Employees chaperoning District field trips who need the ability to monitor the locations of students.

If an employee foresees the need to communicate electronically with students through the use of text or instant messages, the employee must utilize a platform preapproved by the District, such as Remind. In addition, the employee must obtain permission from parent(s)/guardian(s) using the form attached as Attachment A.

All electronic communications from coaches and advisors to team or club members shall be sent in a single communication to all participating team or club members, except for communications concerning an individual student's medical or academic privacy matters, in which case the communications will be copied to the building principal. In the case of sports teams under the direction of the Athletic Director, such medical or academic communications shall also be copied to the Athletic Director.

Exceptions

An emergency situation or a legitimate educational reason may justify deviation from professional boundaries set out in this regulation. The District Adult shall be prepared to articulate the reason for any deviation from the requirements of this regulation and must demonstrate that s/he has maintained an appropriate relationship with the student.

Under no circumstance will an educational or other reason justify deviation from the "Romantic and Sexual Relationships" section of this regulation.

There will be circumstances where personal relationships develop between a District Adult and a student's family, e.g. when their children become friends. This regulation is not intended to interfere with such relationships or to limit activities that are normally consistent with such relationships. District Adults are strongly encouraged to maintain professional boundaries appropriate to the nature of the activity.

It is understood that many District Adults are involved in various other roles in the community through non-District-related civic, religious, athletic, scouting or other organizations and programs whose participants may include District students. Such community involvement is

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commendable, and this regulation is not intended to interfere with or restrict a District Adult's ability to serve in those roles. However, District Adults are strongly encouraged to maintain professional boundaries appropriate to the nature of the activity with regard to all youth with whom they interact in the course of their community involvement.

Reporting Inappropriate or Suspicious Conduct

Any person, including a student, who has concerns about or is uncomfortable with a relationship or interaction between a District Adult and a student, shall immediately notify the Superintendent, principal or other administrator.

All District employees, independent contractors and volunteers who have reasonable cause to suspect that a child is the victim of child abuse, shall immediately report the suspected abuse, in accordance with applicable law, regulations and Board policy.

An educator who knows of any action, inaction or conduct which constitutes sexual abuse or exploitation or sexual misconduct under the Educator Discipline Act shall report such misconduct to the Pennsylvania Department of Education on the required form, and shall report such misconduct to the Superintendent and his/her immediate supervisor, within fifteen (15) days of discovery of such misconduct.

If the Superintendent or designee reasonably suspects that conduct being reported involves an incident required to be reported under the Child Protective Services Law, the Educator Discipline Act or the Safe Schools Act, the Superintendent or designee shall make a report, in accordance with applicable law, regulations and Board policy.

It is a violation of this regulation to retaliate against any person for reporting any action pursuant to this regulation or for participating as a witness in any related investigation or hearing.

Investigation

Allegations of inappropriate conduct shall be promptly investigated in accordance with the procedures utilized for complaints of prohibited harassment of students as referenced below.

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It is understood that some reports made pursuant to this regulation will be based on rumors or misunderstandings; the mere fact that the reported District Adult is cleared of any wrongdoing shall not result in disciplinary action against the reporter or any witnesses. If as the result of an investigation any individual, including the reported District Adult, the reporter, or a witness is found to have intentionally provided false information in making the report or during the investigation or hearings related to the report, or if any individual intentionally obstructs the investigation or hearings, this may be addressed as a violation of this regulation and other applicable laws, regulations and District policies. Obstruction includes but is not limited to violation of "no contact" orders given to the reported District Adult, attempting to alter or influence witness testimony, and destruction of or hiding evidence.

Disciplinary Action

A District employee who violates this regulation may be subject to disciplinary action, up to and including termination, in accordance with all applicable District disciplinary policies and procedures.

A volunteer, student teacher, or independent contractor or an employee of an independent contractor who violates this regulation may be prohibited from working or serving in District schools for a defined period of time or permanently, as determined by the Superintendent or designee.

The District shall provide training with respect to the provisions of this regulation to current and new District employees, volunteers and student teachers subject to this regulation.

The District, at its sole discretion, may require independent contractors and their employees who interact with students or are present on school grounds to receive training on this regulation and related procedures.

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Cross References:

Board Policy and Administrative Regulation 246 (Discriminatory Harassment, Bullying and Hazing)
Board Policy and Administrative Regulation 346, 446, 546 (Discriminatory Harassment By and Of Employees and Other Members of the School Community)
Board Policy and Administrative Regulation 806 (Child/Student Abuse)

Legal References:

School Code — 24 P.S. Sec. 510, 1302.1-A, 1303-A
State Board of Education Regulations — 22 PA Code Sec. 10.2, 10.21, 10.22 Educator Discipline Act — 24 P.S. Sec. 2070.1a et seq.
Pennsylvania's Code of Professional Practice and Conduct for Educators — 22 PA Code Sec. 235.1 et seq.
Child Protective Services Law — 23 Pa. C.S.A. Sec. 6301 et seq.

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ATTACHMENT A

Dear Parents and Guardians:

In an effort to improve communications with students during activities such as field trips, academic competitions, and athletic events, Lower Merion School District has adopted the use of a mobile application titled **Remind**. **Remind** is a mobile application that permits communication with students via phone or mobile device while maintaining the privacy of information, such as students' phone numbers. Remind is available for both Android and iOS phones and mobile devices.

Remind is used primarily by coaches, club moderators, and field trip chaperones for activities that do not permit the use of standard communication services, like email. It is not a replacement for email, but an additional service that can be used for communicating with students when using email is not practical, for example, a weather-related sports event cancellation.

The following information is required as a condition of creating a Remind application account: full name, email address, and password. For more information about Remind, browse <https://www.remind.com/>. The Remind privacy policy is located at <https://www.remind.com/privacy-policy>. For more information about District policy outlining the use of communications products like Remind, please review Policy 254, 454, 554, 831 and the accompanying Administrative Regulation available at <https://www.lmsd.org/departments/technology/remind>.

<The following section should be completed by the coach, club moderator, or field trip chaperone.>

In order to receive important and timely updates about _____
 _____,
 join my **Remind** class by visiting <https://www.remind.com/join/>
 or texting this message _____ to number _____.

If you have questions about using **Remind**, please email me at _____.

Thanks,