



Given the volume of comment received during the extended public comment period, Mrs. Saslaw approved a further delay of final review of the proposed guidelines until March 24, 2011. All comments received between November 18, 2010, and February 12, 2011, are presented in Appendix A by date received.

A majority of the comments received during the official comment period were from public school teachers, administrators and representatives of stakeholder groups.

Fifty-nine, or 75 percent, of the 79 public comments received between November 18, 2010, and February 12, 2011, were critical of the original November 18, 2010, draft, or critical of the revised draft that was posted on the VDOE website as an agenda item for the January 13, 2011, board meeting. Stakeholder and education groups expressing concern about suggested model policies include the Virginia Education Association, Virginia PTA, Virginia Association of School Superintendents, Virginia Society for Technology in Education, Virginia Association for Supervision and Curriculum Development, and Virginia Academy of School Psychologists.

The issue of electronic communications between adult school board employees and students elicited the most comment. The majority of the critical comments raised practical objections in describing the possible impact of specific model policies and best practices included in the first two drafts on instruction and teacher-student relationships — while acknowledging concern about misconduct. A few of those critical of the first two draft documents expressed a belief that there should be no attempt whatsoever by the board or local school boards to regulate digital and online communications between teachers and students.

Several division superintendents and school board chairmen acknowledged the need for clear local policies to deter misconduct and suggested that a document from the Board of Education identifying policy objectives and offering broad guidance — rather than specific model policies and best practices — would be more useful to local school boards in responding to the 2008 legislation.

Fourteen, or 18 percent, of the comments received expressed support for the earlier draft documents and concern about the opportunities for misconduct presented by electronic communications.

Parents supporting the earlier draft documents included the mother of a victim of sexual misconduct.

Several teachers who commented in support of the earlier drafts expressed concerns about unmonitored digital and online communications between teachers and students and support for specific safeguards, such as copying parents or administrators on e-mails to individual students and not inviting students to be “friends” on personal social networking sites.

Troy R. Hutchings of Northern Arizona University, a nationally recognized researcher in the area of educator misconduct, expressed his support for the earlier drafts.

Comments were received from five persons following the official comment period, and these are presented in Appendix B.

- Charol Shakeshaft, chairperson, Department of Educational Leadership, Virginia Commonwealth University, and author of *Educator Misconduct: A Synthesis of Existing Literature*, a 2004 U.S. Department of Education study on educator misconduct, submitted comments in support of the board and department's efforts to provide guidance to school divisions on the prevention of misconduct but also expressed regret that the draft being prepared for the March meeting did not include the model policies and best practices included in the earlier drafts. Dr. Shakeshaft suggested that these be included in an appendix.
- Kitty Boitnott, president of the Virginia Education Association (VEA), in oral comments to the board on February 17, 2011, discussed guidance provided by the VEA to its members and expressed concern about the possible impact of the model policies included in the earlier drafts on instruction and teacher-student relationships.
- Pam Moran, superintendent, Albemarle County Public Schools, expressed support for the revised draft prepared for the March meeting of the Board of Education.
- Jack Dale, superintendent, Fairfax County Public Schools, expressed support for the revised draft prepared for the March meeting of the Board of Education and offered suggested edits.
- Wendell C. Roberts, staff attorney, Virginia School Boards Association, expressed support for the revised draft prepared for the March meeting of the Board of Education and offered suggested edits.

### **Summary of Major Elements**

In developing *Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools*, the Division of Policy and Communications studied prevention policies adopted by school boards and legislatures in several states, including model prevention policies developed by state school board associations, and the National School Boards Association's Council of School Attorneys.

Reports, studies, and policy briefs on the issue of sexual misconduct in school settings from the U.S. Department of Education, National School Boards Association's Council of School Attorneys also were reviewed.

A representative selection of these policies and documents is presented in Appendix C.

The development of the guidance document also was informed by factors and circumstances contributing to actual cases of misconduct in the commonwealth's public schools.

In response to the comments received, the focus of the proposed *Guidelines for the Prevention of Sexual Misconduct and Abuse in the Public Schools* shifted from providing detailed model policies and best practices to presenting more general guidance on relevant issues and policy objectives for consideration in the development of local policies addressing sexual misconduct and abuse.

*Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools* includes (i) an introduction that speaks to the shared responsibility for protecting students from misconduct and abuse, (ii) an outline of school board responsibilities related to prevention, (iii) a suggested list of policy elements for consideration by local school boards, (iv) guidance of the development of local policies governing interaction and communication between school board employees and students, and (v) guidance on creating policies on the reporting of misconduct, training and discipline.

The revised guidance document now before the board leaves the specifics of establishing boundaries for interactions between school board employees and students to local school boards where there is a greater understanding of practices and of the communications technologies and social networking systems available to educators within the division.

While no longer suggesting specific model policies and best practices, *Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools* does provide a framework for local policy making by identifying areas where the establishment of boundaries may protect students by providing deterrents to misconduct.

**Superintendent's Recommendation:**

The Superintendent of Public Instruction recommends that the Board of Education approve the proposed *Guidelines for the Prevention of Sexual Misconduct and Abuse in the Public Schools* as a resource for school divisions.

**Impact on Resources:** The impact on resources is expected to be minimal.

**Timetable for Further Review/Action:** The document will be posted on the VDOE website in an appropriate location upon the approval of the board.

# **Draft Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools**

Revised March 10, 2011

## **Introduction**

Responsibility for protecting students from sexual misconduct and abuse is shared by the school board, superintendent, administrators, teachers and other school board employees, school volunteers, parents, state agencies, and law enforcement.

The Virginia Board of Education developed *Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools* to help local school boards create and implement policies and procedures that establish clear and reasonable boundaries for interactions among students and teachers, other school board employees, and adult volunteers.

## **School Board Responsibilities**

The local school board demonstrates its commitment to protecting students from sexual misconduct and abuse through:

1. Compliance with all state and local laws and regulations related to the screening of prospective employees for the conviction of barrier crimes and founded cases of child abuse and neglect;
2. Compliance with all state laws related to the reporting of suspected child abuse and neglect;
3. Compliance with all state laws and regulations related to reporting to the Virginia Department of Education of resignations and dismissals of licensed employees related to convictions of barrier crimes and founded cases of abuse and neglect;
4. The development, effective implementation and enforcement of clear and reasonable policies governing the interaction of students and school board employees and volunteers;
5. The establishment of channels for reporting by students and parents of suspected misconduct and abuse, and the prompt notification of law enforcement when criminal activity is alleged or suspected; and
6. Disclosure of formal reprimands and dismissals for violating school board policies on sexual misconduct and abuse prevention to school divisions seeking references.

## **Prevention Policy Elements**

By following school board policies addressing sexual misconduct and abuse, teachers, administrators, and other educators and employees provide a safe and healthy environment for teaching and learning. Local school board policies addressing sexual misconduct and abuse should include these elements:

1. Statement of purpose addressing the shared responsibility of the school board, superintendent, administrators, teachers and other school board employees, school volunteers, parents, state agencies, and law enforcement for the prevention of sexual misconduct and abuse;
2. Clear and reasonable rules governing communication and interaction between students and school board employees;

3. Clear procedures for reporting suspected misconduct and abuse;
4. Training of school personnel and volunteers and the dissemination of sexual misconduct and abuse prevention policies to school board employees, volunteers, students, and parents; and
5. Applicability to teachers and other employees of virtual school programs and other vendors providing instructional services to students.

In developing procedures for implementing local policies, school boards should take into consideration the strategies and tools educators use to interact with students and support instruction.

### **Guidance on Communication and Interaction**

School board policies should recognize the importance of communication and interaction in learning and instruction while establishing reasonable boundaries for educator-student relationships. Educators and other employees can protect themselves from misunderstandings and false accusations by adhering to division policies.

### **In-Person Communication and Interaction**

School board employees and volunteers should avoid appearances of impropriety when interacting with students. Educators, other employees and volunteers should be aware of behaviors often associated with inappropriate conduct that can create an appearance of impropriety, including:

- Conducting ongoing, private, conversations with individual students that are unrelated to school activities or the well-being of the student and that take place in locations inaccessible to others;
- Inviting a student or students for home visits without informing parents;
- Visiting the homes of students without the knowledge of parents;
- Inviting students for social contact off school grounds without the permission or knowledge of parents; and
- Transporting students in personal vehicles without the knowledge of parents or supervisors.

Personal contact between adults and students must always be nonsexual, appropriate to the circumstances and unambiguous in meaning. Employees and volunteers should respect boundaries consistent with their roles as educators, mentors and caregivers. Violations of these boundaries include:

- Physical contact with a student that could be reasonably interpreted as constituting sexual harassment;
- Showing pornography to a student;
- Unnecessarily invading a student's personal privacy;
- Singling out a particular student or group of students for personal attention and friendship beyond the bounds of an appropriate educator/mentor-student relationship;
- Conversation of a sexual nature with students not related to the employee's professional responsibilities; and
- A flirtatious, romantic or sexual relationship with a student.

## **Electronic Communication**

Digital technology and social networking provide multiple means for educators and other school board employees to communicate with students and personalize learning. Local policies should ensure that electronic and online communications between employees, volunteers and individual students are transparent, accessible to supervisors and parents, and professional in content and tone.

As with in-person communications, educators and volunteers should avoid appearances of impropriety and refrain from inappropriate electronic communications with students. Factors that may be considered in determining whether an electronic communication is inappropriate include, but are not limited to:

- The subject, content, purpose, authorization, timing and frequency of the communication;
- Whether there was an attempt to conceal the communication from supervisors and/or parents;
- Whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship; and
- Whether the communication was sexually explicit.

Local policies should provide guidance to educators and other school board employees on how to maintain transparency and accessibility when communicating electronically with individual students.

Administrators, division technology staff, and division instructional staff should collaborate with parents to develop local policies and practices that deter misconduct by (i) defining parameters for electronic communications and social networking between educators and students and (ii) facilitating parental supervision of students' social networking and digital communications with educators and other school board employees.

## **Guidance on Reporting, Training, and Discipline**

School board employees and volunteers have an obligation to report violations of the division's policies for preventing sexual misconduct to the principal or his or her designee or to the division superintendent. This obligation is in addition to the statutory responsibility to report suspected abuse and neglect. School boards should establish clear channels for reporting suspected misconduct and abuse.

School boards also should provide training for employees and volunteers on the prevention of misconduct and abuse and disseminate information about relevant division policies to employees, volunteers, students, and parents.

Inadvertent and innocuous violations of local policies provide opportunities for additional counseling and training. Appropriate formal disciplinary action should always follow violations of local policies when the substance of the conduct or communication in question is found to be inappropriate, flirtatious, romantic or sexual.

## Appendix A: Public Comment Received November 18, 2010 – February 12, 2011

Name	Comment
<b>February 12, 2011</b>	
<p><b>Michael Ardaiz Arlington, VA</b></p>	<p>The following are my comments regarding the referenced document:</p> <ol style="list-style-type: none"> <li>1) The Summary and Guidance make repeated references to clear and reasonable policies, but nowhere are definitions provided for the seemingly interchangeable terms of sexual abuse and misconduct.</li> <li>2) They similarly fail to address the related topic of sexual harassment, including a definition.</li> <li>3) In addition, no effective date is proposed or specified.</li> </ol> <p>In many ways, the Guidance is similar to existing policies regarding the conduct of teachers which imply that they have responsibilities to recognize signs of abuse among their students, but not effectively "detering misconduct and providing accountability" for the teachers, themselves. For example, the "Model policy for electronic communications with students" states that "Teachers and other school board employees must decline or disregard invitations from students to interact privately through texting and personal social-networking sites." The obvious implication is that students may inappropriately invite teachers to interact, but not vice versa (no pun intended). The reality is that the misconduct, legal and otherwise, which we seek to prevent through the Guidance is, by definition, on the part of the adult, not the minor.</p> <p>Lastly, I find it disappointing that in spite of reference in the coversheet's Background Information to criminal background checks by the Federal Bureau of Investigation (FBI), and also to the registry maintained by the Virginia Department of Social Services (VDSS), the Guidance document itself makes no reference to any viable regulatory authority or resources. This is most obvious upon review of the References (p12):</p> <ol style="list-style-type: none"> <li>a) Of 22 references, 7 are associated with religious organizations - 5 church and 2 organizations requiring religious devotion (BSA and GSA), all of which have been demonstrated to be highly ineffective in implementation.</li> <li>b) None addresses the regulatory authorities cited in the coversheet's Background Information (ie, FBI, VDSS), or any other regulatory authority - information necessary to establish a link between violations of board policy and criminal conduct when considering employment, retention, or termination of teachers.</li> <li>c) Even the Code of Virginia 22.1-253.13:7 is not referenced.</li> </ol> <p>I strongly urge the Board of Education to revisit this document by adding to its stated objectives and revising those which have already been drafted to remedy the above defects. In its present form, the Guidance indicates awareness of the serious concerns associated with sexual abuse and misconduct, particularly with respect to electronic communications, but clearly fails to meet the needs of public schools, students, and communities.</p>
<p><b>Tim Drummond Choral Director Middlesex High School</b></p>	<p>I am a high school choir director in Middlesex County, VA, and I am writing to you in response to reading the proposed Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools. First, I would like to thank you and your colleagues for your efforts to protect students as well as school employees from instances or allegations of sexual misconduct in the public schools. After reading the proposal set forth, I wanted to voice some of my concerns about its limitations.</p> <p>While I understand the concerns over electronic communication, I do not think that cutting them off in virtually all circumstances is an appropriate response to a new and changing environment. Electronic media such as Facebook, Twitter, and SMS text messaging are the main lines of communication our students use. The proposed guidelines seem heavy handed, in my opinion. Rather than cutting school faculty off from the lines of communication that our students use, why not work towards a way to engage students here? I have used text messages with my students to coordinate meeting times or places when on field trips, for example. While I am not friends with any of my students on Facebook, it is only out of deference to advice from teachers with more experience (most of whom do not use or understand social media, by the way).</p> <p>In regards to the one-on-one meetings with students, this is a frequent occurrence in my field. Over the last few weeks, I have been meeting one-on-one with a student after school, preparing him for All-District Chorus. Since he was the only student going to this event, it did not warrant using class time to prepare him. While his mother was aware of this, since she had to pick him up</p>

	<p>each time, I did not have any written permission from her or my principal, and the extra step of doing that would just add what most of us deem unnecessary paperwork into the process. My door was closed in these meetings, for several reasons. An open door invites people inside, and I did not want students who were still at school to come in and bother us. Also, singing is a vulnerable experience, and most students would not be comfortable knowing that anyone out in the hallway would be able to hear them. Even if those things weren't true, fire code does not permit me to wedge my door open, so I left it closed in compliance with the Fire Marshal's regulations.</p> <p>Overall, the tone of the guidelines is that teachers ought not to interact with their students in any way other than content-related topics. In effect, I would know nothing about my students except their vocal abilities. To really engage students, I believe it is essential to take an interest in them as people and not just students in your class. When they see that they are respected and they feel a sense of connection to their teacher, students are much more likely to try. Our students also have much more going on in life than what happens during any one class period, and they bring the repercussions of those life events into school with them. To know my students personally means that I understand why they react to something in an unexpected way, or why they are too excited to easily focus this morning, or why they have trouble with a certain concept or theme.</p> <p>While I think personal contact with students- in a professional manner- is a useful tool for teachers, I am not saying that it should have no oversight. A far more appropriate and effective means of protecting students are their parents. If I had children, I would absolutely want to know who interacts with them on social media sites like Facebook, who texts them and what they say, and especially when those people are adults. The choice as to how much personal contact happens between students and teachers, within reason of course, should be left to parents to decide what is appropriate.</p> <p>Again, thank you for your concern, and I hope you will consider modifying your guidelines regarding student and teacher interaction.</p>
<p><b>Josephine Ursini Krantz</b> Williamsburg, VA</p>	<p><b>Proposed Model Policy for Electronic Communications With Students</b></p> <p>By way of background, I am currently President of the Lafayette High School Parent Teacher Student Association (PTSA) in Williamsburg, VA, but I want to make it clear that I am NOT submitting these comments in that official capacity. These comments are my own but are the result of discussions with other parents and students. The examples and situations noted herein were raised in those discussions between teachers, students, parents and school administrators. They are also the result of real-world experiences. I have served on PTA Boards for about 19 years, at every grade level. I am the parent of a high-school senior, as well as the parent of a teacher in the Williamsburg James City County (WJCC) school system; our older daughter is a teacher of the hearing-impaired within WJCC -- an itinerant position in which she is required to service students from pre-K to 12th grade, at all 3 high schools, and several middle and elementary schools.</p> <p>The discussions I have had with PTSA members, other parents, and within our family have raised many practical problems with DOE's proposed policy, and these are detailed below. Of course, we fully support DOE's efforts to prevent inappropriate relationships between teachers or school employees and students; however, the proposed policy, in many respects, actually may hinder the ability of the school systems to respond to allegations when they are raised.</p> <p>Technology is moving rapidly and should be embraced by DOE. I view technology as something that is supposed to make our lives easier. We live in a fast-paced world where delay in obtaining information can be critical, and missed deadlines can be life-altering. We watch commercials pitting one cell-phone system against another, with one claiming better speed in providing text messaging, and the other, slower system causing embarrassing moments for its owner. New "apps" appear every day and we wonder how we lived without them before.</p> <p>In such a world, texting has become essential to effective logistics among teachers, students and parents. I am NOT a regular "texter" myself, but I appreciate its value on the occasions when I do need it. As a parent of a high-school student, and a parent of a teacher, I see the superiority of texting over any other form of communication on a daily basis. For example, last year I accompanied our high-school daughter's chorus group on a field trip to Disney World for a music workshop. Groups of students and chaperones split up into small groups, but the chorus teacher needed to be able to coordinate with each of the 5 or 6 groups of students at all times. Monitoring the safety and security of the students was paramount and texting was the only effective way keeping tabs on everyone in real time under those conditions. Even trying to talk on a cell phone in that environment was usually impossible. Either the students were somewhere where there was too much noise to hear, or they were somewhere (e.g. an auditorium or stage set) where talking on a phone was not permitted or would have disturbed others. Unobtrusive texting was invaluable, and safe. Why would DOE ever want to eliminate such a safety feature?</p>

The model policy for electronic communications with students that is currently proposed states: Digital technology provides multiple means for teachers and other school division employees to communicate with students. The division policy should establish acceptable channels for electronic communications with students while prohibiting interactions unrelated to instruction or not specifically authorized by school board policy. In short, electronic communications with students should be transparent, accessible to supervisors, and professional in content and tone.

Model policy for electronic communications with students

- Teachers and other school board employees must restrict electronic communications with students to accounts, systems and platforms provided by the school division.
- Teachers and other employees may not use personal wireless communications devices to “text” students and are prohibited from interacting with students through online social-networking sites. Teachers and other school board employees must decline or disregard invitations from students to interact through texting and social-networking sites.
- Teachers and other school board employees may not knowingly engage in online gaming with students.
- School board policy on electronic communications with students also applies to teachers and other employees of virtual school programs and other vendors providing instructional services to students.

I will address each of the 4 bullet points above in turn.

- Teachers and other school board employees must restrict electronic communications with students to accounts, systems and platforms provided by the school division.
  1. Our initial reaction to this restriction was, “are you nuts?” Is the Department of Education familiar with all the systems and platforms used by the approximately 188 school divisions in the Commonwealth? Does DOE know all the capabilities and/or reliability of every school division in the state of Virginia? It is naïve, at best, to believe that every single school division, without exception, has provided a system or platform that is capable of providing the real-time communications between teachers, coaches, employees and students that is necessary in our fast-paced world. Our experience with the WJCC system, for example, is that it is slow and unreliable. Most emails go into teachers’ SPAM folders and, according to my daughter (a WJCC teacher), it can take up to 8 hours for her to even get a notification that there is a message in her SPAM folder. Can all teachers and employees in every school system access their school division’s systems and platforms from home? Does every teacher or school system employee in the state of Virginia have internet access from home? Unless DOE can demonstrate that, without exception, ALL teachers and school system employees have the ability to “use accounts, systems and platforms” provided by their respective school divisions to provide the same level of real-time communications as is provided by “texting,” then this broad restriction deprives the entire Commonwealth of the benefits of texting technology. Perhaps this policy could be rewritten to state: *“When engaging in electronic communications with students, teachers and other school board employees should maximize use of accounts, systems and platforms provided by the school division to the extent possible.”*
  2. The restriction that electronic communications must be restricted to “accounts, systems and platforms provided by the school division” also appears to discriminate against those students who do not have access to the internet at home, i.e. those who are economically disadvantaged. Although these students may have cell phones, a large number of disadvantaged students do not have computers at home. In fact, more and more households are eliminating telephone landlines, leaving cell phones as the only means of communication in a family. In those cases, the most effective method of communication is via texting. Teachers and staff should not be required to limit electronic communications to only school-system-provided platforms, e.g. Edline, provided by the school division when a significant number of students do not have access to the internet.
- Teachers and other employees may not use personal wireless communications devices to “text” students and are prohibited from interacting with students through online social-networking sites. Teachers and other school board employees must decline or disregard invitations from students to interact through texting and social-networking sites.
  3. Why should texting be prohibited? Texting is not the “evil” that DOE is trying to protect against, the “evil” is inappropriate conduct. The “means” by which that conduct is achieved

is irrelevant. There already is a prohibition in the proposed guidelines that would cover an inappropriate text: "Conversation by school board employees and volunteers with students that could be interpreted as flirtatious, romantic or sexual is prohibited." This applies, presumably, to any conversation, whether it be telephone, texting, Skyping, etc. It could be broadened to state: "*Conversations, whether oral or written (e.g. texting), by school board employees and volunteers with students that could be interpreted as flirtatious, romantic or sexual, is prohibited.*" That should be sufficient. Texting is no different than a phone conversation or an in-person conversation -- it just happens to be in writing; in fact, texting protects the student -- and the teacher -- because there is a record of the communication, unlike a telephone conversation where, unless the phone conversation is recorded, there is no record and accusations can amount to "he said/she said".

4. Curiously, the paragraph in the proposed guidelines that precedes these 4 bullet points states that: "In short, electronic communications with students should be transparent, accessible to supervisors, and professional in content and tone." [Emphasis added.]. What the drafters of these proposed guidelines fail to realize is that both texting and use of public social networks such as Facebook provide the very "transparency" that has been so lacking in previous "private" conversations. In the past, accusations have been made by students or parents against teachers, with little or no proof other than the testimony of the students involved. Texting and public network conversations, on the other hand, can provide the very proof necessary to prosecute the very few teachers who may be engaging in inappropriate behavior. By having a blanket prohibition against texting and public networking, DOE may actually be *failing* to provide students the protections that a written record provides.
5. The prohibition also is overbroad in that, as written, it would even prohibit *group* texts. If "transparency" is what DOE is seeking, why in heavens name would DOE prohibit even group texts? A group text is, by its very nature, transparent. As noted throughout the guidelines, conducting conversations in a public venue, i.e. discouraging one-on-one conversations behind closed doors, is to be encouraged. Group texts have proven to be an effective method of timely communication between teachers, coaches and students. In fact, during the recent snowstorms and school closings before the Christmas holidays, group texts were essential in coordinating rescheduling of arts and sporting events in a very short period of time. However, that is not to say that only group texts should be permitted. Consider the circumstance, raised at our PTSA meeting, where a teacher or coach issues a group text, but one student will have a question regarding something that is unique to the student (e.g. student will be absent) and the teacher or coach needs to be able to respond to that student without having to respond to all the other students. A "reply all" response could well inadvertently disclose medical or private information that might itself be a violation of privacy rights.
6. Texting has become essential to effective logistics among teachers, students and parents. On field trips, for example, where groups split up, teachers and employees and chaperones can keep tabs on students under conditions where talking is impractical (e.g. conditions are too quiet (museums) or too loud (theme parks, concerts)). Also, even when a teacher issues a group text, one student will have a question regarding something that is unique to the student (e.g. student will be absent) and teacher needs to be able to respond without having to respond to all the other students (which might itself be a violation because the reply might involve medical information regarding a student).
7. A blanket prohibition against texting fails to consider teachers, such as my daughter, a teacher of the hearing impaired, who may be required to use texting to communicate with her few students. She is itinerant, with students at all grade levels and multiple schools, and it is essential that she be able to use texting to communicate. In WJCC and, presumably, in other school divisions, there are a number of teachers who have to go among two or more schools. These teachers may need to communicate with students while on the go. If she (and other teachers similarly situated) are not permitted to use their personal cell phones to text, then the school system might be required to provide a Blackberry or similar device, at considerable expense to the school systems.
8. There may well be certain special needs students, such as those who are hearing-impaired, for whom texting is a godsend, and provides a means of communicating even during the school day. Perhaps there are IEPs that actually provide for the use of texting during the school day as a means of providing communication for these students who may not be able to hear school announcements over the intercom. A simple text message can

	<p>alert a deaf student to an upcoming meeting, or athletic event or other school announcement. A blanket prohibition against texting may well deprive special needs students of the communications they so desperately require.</p> <p>9. The prohibition against using a "personal wireless communication device" has too many loopholes, even if were to be put into effect. For example, it fails to consider that texts also can be sent from a computer directly to a cell phone. Texting is not limited to phone-to-phone communications. For example, our family can go to <a href="http://www.verizon.com">www.verizon.com</a> and send a text message from any computer to any cell phone, Blackberry, etc. The proposed model guidelines, however, would not cover such a communication. Again, the policy as proposed seems to prohibit the <i>means</i> of communication without addressing the content of the communication. Under the proposed policy, for example, an inappropriate communication with a system-owned wireless communication device, would arguably <i>not</i> be a violation.</p> <p>10. The blanket prohibition against any use of social networking also is overly broad, if not completely unnecessary. If the drafters of the proposed guidelines had actually gone on Facebook and done even minimal searches, they would have seen that many teachers use social networking sites to establish activity-specific pages, e.g. Chorus, Drama, Key Club, etc., as a "public" way of disseminating information. Eliminating Facebook and similar sites as a method of communicating information is not a smart. By way of example, when schools are closed due to snow or inclement weather, teachers and coaches can post updates to group Facebook pages regarding schedule changes much more quickly than administrators can post them to School websites or school system websites. Again, if what DOE wants is transparency, then social networks – where the postings are public, at a minimum, to all members of the group and all other friends – provides the very transparency that serves to protect our students. If a teacher were to write something inappropriate, all other friends or members of the group would immediately see it, providing written evidence and witnesses. Why would DOE seek to limit such protections for students?</p> <ul style="list-style-type: none"> <li>• Teachers and other school board employees may not knowingly engage in online gaming with students.       <p>11. Without a clear definition of what is meant by "gaming," this blanket prohibition fails to consider legitimate uses of online gaming sites as teaching tools. Games are used in all sorts of courses, at all levels, from math and statistics, to science and literature.</p> </li> <li>• School board policy on electronic communications with students also applies to teachers and other employees of virtual school programs and other vendors providing instructional services to students.       <p>12. School policies should apply to everyone; however, to the extent that the policies are so broad with no consideration of circumstances that may be applicable to a given school system, a given teacher, a given student, or a given group, then the policies do not pass scrutiny.</p> </li> </ul> <p><b>SUMMARY AND CONCLUSION</b></p> <p>In short, the draft DOE guidelines regarding electronic communications not only are overly broad, but actually can hinder effective communications among teachers, students and parents. Moreover, the proposed guidelines actually reduce the protections that enhanced technology has provided to students that might be the subject of inappropriate communications. Electronic communications can be saved, traced and tracked, and provide enhanced transparency. The guidelines should prohibit the inappropriate conduct only, not the means of that conduct. The prohibition against inappropriate conduct and conversations, whether oral or written, is sufficient.</p> <p>I strongly urge the DOE and WJCC to reconsider these blanket prohibitions without further input from parents, teachers and students.</p>
<b>February 11, 2011</b>	
<p><b>Jack D. Dale</b> Superintendent, Fairfax County Public Schools</p>	<p>The Fairfax County Public Schools (FCPS) support the Virginia Board of Education (VBOE) position of no tolerance for staff sexual misconduct involving students. FCPS also agrees with the need for both guidelines and training for those who deal with students. The December 2010 VBOE draft sexual misconduct guidelines, however, posed significant problems for local school boards. The January 13, 2011 revisions reflect a significant improvement, but a number of the guidelines remain overbroad and impractical.</p> <p>FCPS joins the other commenters in requesting that VBOE either leave the development of sexual misconduct guidelines to local school boards entirely, or, if VBOE concludes that state level guidance is essential, convene a broad-based committee of local school experts to assist in making further revisions to the January 13, 2011 draft. A summary of our reasons for these</p>

recommendations is provided below. Page numbers refer to the January 13, 2011 draft.

Elements of Sexual Abuse Policy, p. 6

For the most part, the listed elements are reasonable and appropriate; however, we note that element 8 is unclear. What behavior is being prescribed by "applicability of virtual school programs?" In fact, what is the definition of "virtual school programs" in this context? Element 9 seems to imply that only certain types of clinicians have one-on-one dealings with students. In fact, many types of school staff, from administrators to teachers to support staff, have such dealings as part of their responsibilities. Regardless of the type of staff, such interactions cannot be entirely prescribed by "procedures" (See comments on "social interactions" below, for further detail.)

Communication between employees and students, p. 7

The purpose of this section is laudatory. All school boards want to deter inappropriate communications between staff and students. The goal is to prevent grooming behaviors by a predatory adult seeking the confidence of a vulnerable child. An equally important goal, however, is to allow opportunities for personal conversation with students when warranted, to provide staff guidance regarding appropriate space for private conversations without setting up artificial barriers to communication, to recognize the many types of staff who may need to communicate privately with students, and to resist the temptation to substitute logs and other paperwork for true improvements in student safety.

FCPS agrees with bullets 2 and 3 in this section, but the remaining guidelines are overbroad. For example, bullet 1 forbids staff initiation of conversations regarding the private life of an unrelated student. This prohibition unnecessarily ties the hands of school staff. Teachers and counselors often assist a child whose behavior or academic performance has changed because of a personal problem (loss of a parent, bullying, or any other out-of-school issue), by asking "what's bothering you?" or a similar non-instructional question. Similarly a teacher might interest a child in academics by drawing on a child's outside interest such as stock car racing or rock climbing. All such inquiries would be barred by bullet 1.

Similarly, it is not always practical to have one-on-one conversations in a room with the door open (bullet 4). For example, school administrators need to meet privately with disruptive students, and counselors need to meet privately with troubled students. At the least this guideline should be modified to state that "School staff should have private conversations with students whenever practicable in settings where other adults can monitor without intruding, by such means as a classroom with the door open, a classroom with a closed door containing a vision panel, spaces where other adults can either see or hear, and private corners of public spaces (e.g. a quiet corner of the school library). School staff should not have one-on-one meetings in private off-campus locations that cannot be monitored by school staff, parents, or other responsible adults, without first receiving permission of an administrator."

The prohibition of ongoing one-on-one meetings without principal approval and parental permission also is impractical (bullet 5), at least insofar as the prohibition pertains to in-school meetings. Scores of one-on-one meetings occur in every school every day, and can easily become "ongoing." The permission requirement adds bureaucracy without increasing student safety.

"Ongoing" one-on-one meetings off school grounds also occur, but typically require (and should require) parental and school approval---as in the case of a homebound instructor, for example.

Electronic communication, p. 8

FCPS concurs with the comments previously provided by the VASCD Board regarding the overly restrictive nature of the model guidelines for electronic communication. Given the increasing prevalence of electronic communication as an integral part of the lives of students and teachers, it is important to provide realistic guidelines and best practices that balance the safety risks and educational affordances of these technologies.

The proposed model guidelines represent a significantly more restrictive policy than the majority of those example policies cited (Chicago, Community High School District 128, Manatee, and Lee County). If a model policy is to be provided, it is recommended that the VASCD Board work with schools to provide examples of both reasonably restrictive and reasonably permissive model policies.

FCPS agrees that "electronic communications with students should be transparent, accessible to supervisors, and professional in content and tone" and would recommend clarifying the meaning of these terms by including the definitions as provided by District 128

(<http://www.district128.org/content/electronic-communications-expectations>).

FCPS agrees with the "best practices" in this section, but the remaining guidelines are overbroad. Bullet 1 should be amended to "include accounts, systems and platforms provided by, approved by, or accessible to the school division". This bullet would greatly benefit from a tangible example, such

as:

- An acceptable means of communication might be a teacher's Facebook "Fan page" tied to their district-provided e-mail address, or a tool obtained with the awareness of parents and school or district administration.
- An unacceptable means of communication would be a teacher accepting a student's "friend" request sent to their personal Facebook account.

Bullets 2 and 4 are problematic because they use different language to define permitted communication than that of bullet 1 ("District provided" et al). The distinction is "personal" (in bullet 2) and for "purposes unrelated to instruction" (bullet 4). It seems inconsistent that student/teacher interaction via a gaming network for instructional purposes would be acceptable, but interaction via text messaging network for instructional purposes would not.

Bullet 3 is unrealistically impractical. Because school districts typically do not provide PDA's and cell phones to teachers, teachers sometimes use their own devices to communicate with students. Examples include the teacher needing to change the time of a meeting, or coordinate groups of students on a field trip, or solve a transportation problem for a student traveling from a base school to an off-site program, or remind a student the night before of supplies needed for a school event the next day. Teachers typically text such messages from their personal device. Limiting such communications to emergencies would be over-restrictive. Requiring the teacher to file follow-up reports the next day would be extremely burdensome.

These bullets should be deleted or rewritten in consultation with school staff to create a consistent standard among bullets 1 through 4. Finally, we note that the VBOE guidelines appear to leave many of the details of electronic communications regulation to local school districts, which we believe to be appropriate. Some guidance regarding particular communications platforms is necessary and appropriate; social media are evolving so rapidly, however, that detailed rules will quickly become outdated and unworkable. Consequently, guidelines should focus on the prohibited employee conduct, not the medium of communication.

Physical contact, pp. 8-9

The model policy elements are unobjectionable, but incomplete. For example, the bulleted list does not include exceptions for health and safety reasons, the demonstration of technique (e.g. in gymnastics or certain career and technical education classes), self defense (personal protection), and the like. Consultation with school staff would ensure a more comprehensive final version.

Social Interaction with students, p. 9

The proposed guidelines regarding teachers who are alone with students, off site activities with two adults, gifts, and social gatherings (bullets 1, 2, 5, 7) are overbroad and unrealistic, notwithstanding their protective purpose. For example employees should not always avoid being alone with students (bullet 1) for the reasons described in the communications section above.

School related off-site activities will not always have two adults present (bullet 2), as in the case of an elementary teacher taking her students across the street to a park.

The prohibitions in bullet 5 are sound in concept, but should not extend to clothing. As worded, this bullet would bar social workers from securing basic clothing for a needy student, or a principal from arranging for a school-wide coat drive. The bullet also would prohibit school staff from giving gifts to children of close family friends. In fact, the guidelines in general seem to assume that teachers and other school staff are not part of the community beyond their employment. The prohibition against school board employees hosting private social gatherings at which alcohol is consumed when students are present (bullet 7) remains problematic: it would prohibit weddings, religious ceremonies, and even family dinners if a school board employee is the host.

The topic of school staff socializing with students might better be addressed in training than in the guidelines. If the VBOE determines it is essential to address it in the guidelines, however, VBOE should focus not on whether the school board employee is a host or participant in a social activity, but on the nature of the activity and the relationship with the student. Any restriction must be carefully worded to avoid prohibiting legitimate support of students outside school. The underlying concept should be: "School board employees are expected to act as adults with their students, not as same-age friends. Although employees are encouraged to participate in extracurricular activities with groups of students, an employee should not make a student (other than a family member) a regular part of his or her own social life."

The bullets prohibiting sexually explicit materials and romantic relationships (bullets 8 and 9) are useful but do not go far enough. For example, employees should be prohibited from having sexually explicit conversations with students, describing their own sexual activities, and inquiring into students' sexual activities and preferences. The prohibition regarding illegal drug use should

	<p>be broadened, e.g. "Illegal drug use is prohibited at any time regardless of whether students are present or not."</p> <p><u>Procedures for confidential interactions between students and clinicians, p. 10</u></p> <p>Only the first sentence of this section should be preserved; all three of the subordinate bullets are overbroad and impractical. It is not feasible for each clinician to notify his/her supervisor in advance of each one-on-one meeting, nor is it feasible to maintain a log of all meetings. Counselors, social workers, and other school staff already carry enormous student case loads---adding such notice and logging requirements will simply increase their administrative burden without improving student safety.</p> <p>Similarly the circumstances in which students will need one-on-one meetings vary with the student and situation. Certainly one-on-one meetings should not be limited to students with an IEP or health plan. Many nondisabled students may need such meetings with a clinician. In the case of students with disabilities, one-on-one meetings should not be recorded in the IEP unless needed for FAPE---but students with disabilities should still be encouraged to have such meetings when appropriate. In short, all three bullets should be eliminated.</p> <p>This section also does not recognize that other school staff, in addition to clinicians, may need one-on-one meetings. At the least this section should be amended accordingly, e.g. "Administrators and other school staff may meet with students privately when confidential interactions are necessary to provide students, promote their well being, investigate incidents, impose discipline, or provide related services."</p> <p><u>Training, p. 10</u></p> <p>FCPS agrees that training is critical to deterrence and detection of sexual misconduct. The proposed section, however, implies that (1) one-size-fits-all training will be imposed and (2) "best practice" involves training by and through committees. FCPS submits that training content will vary with the audience. For example, administrators need training to detect sexual groomers. Young employees need training regarding appropriate social boundaries. Everyone needs training regarding baseline prohibitions, such as "romantic relationships between students and staff are never permitted."</p> <p>The means by which such training should be delivered and the determination of the individual or group providing oversight will vary according to the targeted audience and the content of the training. In some cases, training may best be designed and implemented in conjunction with local police; in others, on-line training may suffice; in still others, parents and/or interdisciplinary committees should be involved. FCPS knows of no research demonstrating that "best practices" regarding sexual misconduct training always involves committees as described in the draft.</p> <p><u>Conclusion</u></p> <p>We appreciate the opportunity to comment on the revised sexual misconduct guidelines. As noted at the outset, we join other local school boards and professional associations in urging VBOE not to issue them in their current form. Achieving the proper balance between promoting school staff communication with students, while deterring sexual misconduct and avoiding spurious allegations, is a difficult one. It is more important to allow the time for local boards to develop their own guidelines, or for the state to collect the necessary local information for revisions to the state guidelines, than to rush to publication. Please feel free to contact my office if you have any questions, or if we can be helpful in the revision process.</p>
<p><b>Debra Abadie</b> VA PTA president <b>Debbie Kilpatrick</b> VA PTA Education Chair Virginia Congress of Parents &amp; Teachers</p>	<p><b>Revised Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools</b></p> <p>The safety, protection, and well being of all children are of paramount importance to Virginia PTA as supported by our positions and legislative policy. We are supportive of offering uniform guidelines to school divisions in order to be in compliance with state laws.</p> <p>We would like to address some concerns we have with the following items: <u>In-Person Communication between school division employees and students</u></p> <p>While we certainly agree with the items referring to inappropriate behavior of school board employees and volunteers with students, we have questions about the policy on conversations between teachers and students. Limiting conversations with students to only instruction and school activities would inhibit the special bonding that teachers develop with their students beginning in kindergarten. Students are encouraged to share information about their family and interests in order to make connections with other students and the educator, to better enhance the student's learning experience. This interaction is encouraged through graduation.</p> <p>The additional requirement for school board employees to request written permission of a parent or guardian and to inform the principal about more than a single one-on-one conversation with a</p>

	<p>student may impact the teacher's motivation to work with a student to improve behavior or provide ongoing encouragement for achievement.</p> <p><u>Electronic communication with students</u></p> <p>While every effort should be made by faculty and staff members to utilize school division provided communications with students and parents, in some cases – such as sports teams and faculty sponsored after-school clubs, having the capability to send electronic messages – either text, email, or voice - from personal phones to team members and parents ensures that students are informed about meeting times/dates/cancellations in a timely manner so students are not left unsupervised due to last minute changes in the schedule.</p> <p>In cases of an urgent or emergency situation when it is necessary for a teacher to contact students using a personal phone, having the additional requirement of reporting in writing to a supervisor the next day puts another burden upon the teacher and the supervisor to monitor and follow up with an additional time commitment during the working day. Contacting students outside of the school day should certainly be limited, but a level of flexibility and unusual situations should be considered.</p> <p><u>Training and dissemination of school board policy</u></p> <p>While the impact on resources was stated as being minimal, we do have a concern that the local school board will be responsible for the cost of training for all school board employees and volunteers with a qualified vendor. How this training will be implemented and enforced is also a concern, considering the time involved during either in-school or after-school, for all participants. Virginia PTA is supportive of providing these guidelines to school divisions to better protect children, while at the same time providing a safe learning environment for our students.</p>
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**February 10, 2011**

<p><b>Name Withheld at request of commenter</b></p>	<p><b>Public Comment on the proposed <i>Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools</i></b></p> <p>I strongly agree with the above proposals. As you will recall, I had a daughter at Yorktown High School in Arlington, VA. , who was caught in inappropriate sexual contact with a teacher at Yorktown High School on May 19, 2009. The Board revoked the license of Michael Brent Allen on October 28, 2010.</p> <p>My experience with this very troublesome incident, exposed to me, the absolute failure of Arlington Public Schools and initially, the Virginia State Board of Education, to have measures in place to deal with those teachers and staff who are “caught” in inappropriate sexual behavior with students who are eighteen years of age or older. A student under the age of eighteen is protected by the law, but <u>all students</u>, regardless of their age, must be protected.</p> <p>There must be mandatory notification by local jurisdictions of any sexual misconduct, to the State Board of Education, of any student in the public school systems in Virginia. This should include those students who are eighteen years of age or older; the reporting of these incidents must be the same as the reporting requirements for those students who are under eighteen years of age. All students must be protected by the sexual misconduct of teachers or other school board employees. Teachers should not text students, friend them on social networks, and use only their work emails to communicate with students. A teacher should not be alone with a student off school property. A concern is how this will be monitored, and by whom.</p> <p>Additional information which should be included in these guidelines that would be helpful, is to have each local jurisdiction have in place, education for the students themselves. If they witness behavior that is uncomfortable for them, they should tell a parent, another teacher, school counselor, principal or another responsible adult. Typically, comments about a teacher that students discuss between themselves, i.e. “He’s creepy”, “If you wear a low cut shirt, you’ll get a better grade,” or “the girls in the class get better grades than the boys” should be reported at the time they occur. Both other teachers and students must feel safe; know that reporting such behavior will not carry any retribution for them.</p> <p>If these Guidelines are approved by the Board of Education, what will the follow-up be with local jurisdictions to assure local policies and procedures meet the requirements of 22.1-253.13:7, Standard 7, of the Virginia Code?</p> <p>I question why local jurisdictions don’t have adequate policies to address sexual misconduct of teachers or other school board employees, if this law was passed during the 2008 General Assembly. What is the procedure for dispersing the information to the appropriate parties when new laws are passed? Who is responsible for insuring local jurisdictions are meeting the requirements in their implementation of new laws?</p> <p>Clearly, if approximately 120 out of 169 actions on licenses since 2000 involved sexual misconduct of teachers, more needs to be done to protect all children in the public schools in Virginia. These proposed Guidelines are a good first step and I fully support them.</p>
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<p><b>Joe Showker</b>  Rockingham  County Schools  Instructional  Technology  Resource Teacher,  National Advisory  Board:  WebWiseKids.org</p>	<p><b>Final Review of Proposed Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools</b></p> <p>This memo offers input on the Proposed Guidelines for Prevention of Sexual Misconduct and Abuse in VA Schools.</p> <p>I've coached and/or been an athletic director for much of my 32-year teaching career. I've also had two daughters that were involved in high school athletics. In my current position of ITRT I've been involved in in-service presentations for our 1700plus staff here in Rockingham County Schools. I've done extensive work on social media and digital ethics across Virginia and the region. I served on the committee that created the original Virginia Guidelines for Internet Safety.</p> <p>My comments support a common sense mindset in the use of digital communication between students and educational staff including coaches and after school activity sponsors. Any attempt to blame the technology, device or social media tool such as Facebook for inappropriate actions by professionals points to a lack of understanding of digital media. The ethical USE of the tool is the key element in this discussion.</p> <p>Teachers that sponsor debate, vocational groups, yearbook, sports and other after school activities need to communicate with team members and students, frequently after hours.</p> <p>Many young teachers do not have house phones. Their cell phone is their only means of communication and in some cases, even email. Given that, I feel we cannot arbitrarily tell a coach or group sponsor he/she cannot have a student's phone number or contact on their phone. iPods, iPads and other digital devices are also conduits for communication with parents and athletes alike. Students communicate with their cell phone... it's wired to them. We need to be able to communicate with these digital natives where they communicate!</p> <p>For example, a baseball coach at my middle school told me how an athlete texted him last night alerting him that his surgery went ok. It's obvious it was important to the athlete and the coach that this communication be sent. Coach offered words of encouragement and see you at practice when you get back!</p> <p>After having my two daughters involved in athletics in high school, I'd say as a parent that I had no problem with my daughters communicating to their coaches via cell phone or text message. There were many times when my daughters had to be late or had medical issues. The only way to reach her coach was via cell or texting. There were many times that the coach (and I for that matter when I was coaching) communicated with athletes via email and cell phone.</p> <p>Coaches, teachers and administrators are highly visible in their communities and must maintain a mindset that "everything they say or do" is under scrutiny. Use of social media such as Facebook, pictures posted and comments by public servants must reflect professional decorum and mindset. Friending students or (for that matter) minors is a risky endeavor and may present ethical quandaries of which the adult may not want to encounter.</p> <p>I think we DO need to provide leadership and guidelines to coaches about the nature of interactions with athletes/students via cell phones and/or email. Here are some suggestions on guidelines. They should be in school sports guideline books for students and manuals for coaching staff on school policy.</p> <ol style="list-style-type: none"> <li>1. Coaches should keep communications with athletes/team players ONLY to professional school/team information only. No social, no cultural or personal conversations.</li> <li>2. Coaches should make it clear with their team policies to parents that this communication is acceptable for team and school items only.</li> <li>3. School personal should know WHO is communicating with them by adding contact information to their contact list. There should be NO communication with "unknown" text posts or calls.</li> <li>4. Text posts or calls that go beyond these guidelines should be reported to the athletic director, building administrator and parent with the understanding that they are not acceptable.</li> <li>5. Teachers should make notes in coaching logs, journals, or records that team communications were sent via text/email. Teachers should use their division email service for ALL email communications to athletes or team members (as opposed to their personal email accounts or social media such as Facebook).</li> <li>6. Think about whom you are communicating with and what you are saying as a professional.</li> </ol>
<p><b>February 9, 2011</b></p>	
<p><b>Jackie Keith,  NBCT</b></p>	<p>I am both a teacher and a parent. I applaud the effort to keep students safe, and I agree with the VSTE and VEA letters supporting appropriate, safe use of on- and off-line communications with students. There are many times when the school-provided electronic communications platforms can be supplemented by other web-based communications tools that are also great for education: wikis, Google Docs, twitter, etc.</p> <p>My concern is how these Guidelines translate to the off-duty life of school employees and their non-</p>

school relationships with school-age children. We live where we work and are part of the community.

#### **Model policy for electronic communications with students**

- **Under most circumstances, teachers and other school board employees must restrict one-on-one electronic communications with individual students to accounts, systems and platforms provided by or accessible to the school division.**

Comments: Does this mean if a student (on a personal e-mail account) writes to a teacher (on a school account) the teacher cannot respond?

If a teacher (or other school employee) is an active part of her community, he/she will belong to Facebook groups. Students may also belong to the same Facebook groups, even if they are not direct "friends." Learning today involves learning to be safe online and educators' participation in groups with students can help model that.

Example: A teacher may not "friend" students, but may be part of a scout group or a religious group in which students are also members. Groups can't function if the members can't communicate. While the teacher may have the goal of avoiding direct messaging, a student may send a question that way. The role of the parent/teacher/coach in the group may be to know the answer.

Suggestion: "Under most **school-related** circumstances..."

- **Teachers and other employees may not use personal communications devices to "text" students and are prohibited from interacting one-on-one with students through personal online social-networking sites. Teachers and other school board employees must decline or disregard invitations from students to interact privately through texting and personal social-networking sites.**

Comments: Teachers text students and vice versa for all sorts of good reasons: cancellations, updates, coordination of activities. School employees are also parents in the community. A youth group leader or soccer coach would be texting students outside of school.

Example: A teacher may have teenagers. If his child's phone is dead or she is driving and he needs to verify the location and safety of the teen and her friend, the parent would most safely text the friend. Calling does not work. Teenagers text. They do not answer the phone. This limits a parent/teacher's ability to monitor their own children and friends of those children.

Suggestion: "**Under most circumstances** teachers and other employees may not use personal communications devices to "text" students **in a school context** and are **should avoid** interacting one-on-one with students through personal online social-networking sites.

#### **Social Interaction with Students**

- **School board employees are prohibited from hosting private social gatherings and parties with students during which alcohol and/or other drugs are consumed.**

Comment: This says alcohol being consumed by adults in any amount is a problem. This seems to say a school employee cannot have a family dinner at which any adult has a glass of wine if his son has invited a friend over.

Suggestion: School board employees are prohibited from **providing alcohol/drugs to students**. (Since this is already against the law, does it need to be included?)

#### **Model policy for in-person communications with students**

- **Conversations with students should focus on matters related to instruction and school activities. School board employees and volunteers should not initiate discussions about their private lives or the intimate details of the private lives of unrelated students.**

Comment: A student looks upset or has not been doing well in class. The teacher initiates with "Are you all right?" and the student's home life comes spilling out. Has the teacher just initiated a discussion about the student's private life?

Suggestion: School board employees and volunteers should not initiate discussions about their private lives or the intimate details of the private lives of unrelated students **unless there is a concern that the student's education is involved**.

#### **Model policy for on-site and off-site social interaction with students**

- **School employees and volunteers should avoid situations in which they are alone with an unrelated student and not observable by other adults or students.**

Comment: Does this mean not driving a babysitter home? No sleepovers for children with single teacher parents?

Suggestion: School employees and volunteers should avoid **school-related** situations in which they are alone with an unrelated student and not observable by other adults or students.

The guidelines are well-intended and should be able to address student safety without also heavily impinging upon the ability of teachers to also participate in community and family life in the

	community and to work with students beyond the classroom. We are part of “the village” as parents and as teachers and responsibly modeling communication best practices is a part of that dual role. Thank you for considering this and working to improve the safety and education of our children.
<b>February 8, 2011</b>	
<p><b>Suzan Guynn</b>  Director of human resources for Rockingham County Public Schools in Harrisonburg, VA</p>	<p><b>Proposed Guidelines for Prevention of Sexual Misconduct</b></p> <p>Thank you for the opportunity to comment on the proposed Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools, and more specifically, the technological aspects. As a 25 year education veteran, former middle and high school principal, and a seasoned director charged with personnel and human resources, I find the language of these guidelines, even the title, substantially offensive to the majority of professionals in education across the Commonwealth. Consider the condescending message (and subsequent perception) that such guidelines communicate to the public about the need to protect students from school employees. Further, it is my experience that adults prone to this conduct already ignore existing policy that is intended to direct employees to act as professionals and role models. (Ironically, it is also the technology proposed for impact that enables us to accurately target sexual misconduct that might otherwise go untraced and undocumented.)</p> <p>There is no bad technology, and it is unreasonable to expect reasonable implementation or enforcement of any guidelines that demand regression in the use of technology for communication. Sexual misconduct is not caused by cell phones and text messaging, or it would be safe to assume that sexual misconduct did not occur before the early 70's. If prevention of sexual misconduct is the true objective of these guidelines, perhaps employees, parents, and students are better served by having their attention directed to laws addressing sexual misconduct and sexual abuse. Surely, taking a swipe at technology as well as the nature of communication between teachers and students -- as a means of preventing sexual misconduct -- is not the message we want to send about technology or about our employees. I would prefer to think we would communicate to our public the highest expectations of -- and pride in -- our people and a similarly high and progressive standard for our use technology.</p>
<p><b>Gene Kotulka</b>  Director of Student Services  Orange County Public Schools</p>	<p>I am writing you on behalf of the Orange County Public Schools in response to the proposed guidelines for the Prevention of Sexual Misconduct that has been proposed by the Virginia Board of Education. While I applaud the intent of the Virginia Board of Education to protect our students from sexual misconduct by staff members, I am greatly concerned about the unintended consequences of the proposed legislation. I have listed my concerns below point by point:</p> <p><b>Procedures for one-on-one confidential interactions between students and clinicians, and private one-to-one conversations with students should take place within the potential view, but out of earshot of other adults — such as in a classroom with the hallway open door.</b></p> <p>Since each counselor must notify their supervisor in advance of one-on-one meetings with students, students would no longer be allowed to “drop in” to discuss academic and personal issues that are impacting the student immediately. Counselors must have the freedom and flexibility to meet with students when needed to build effective relationships and to provide broad services to their students.</p> <p><b>Communication between school division employees and students.</b></p> <p>As technology continues to emerge that enhances communication, it has become impossible to restrict all use of electronic communication. Currently, coaches, teachers, and administrators communicate effectively and appropriately with students through email, blackboard, and other social media sites about educational topics, homework, class projects, student activities, and other issues related to students.</p> <p><b>Physical contact and school board employees may not conduct an ongoing series of one-on-one meetings with a student without the knowledge of the principal and without the written permission of a parent or guardian.</b></p> <p>The new guidelines prohibit physical contact between students and staff members in secondary school unless it protects the student. Let me share a story about a high school teacher and student named Mark. Mark had taken the Algebra I SOL exam four times and had failed the exam all four times. When Mark was a second semester senior, he realized that he may not graduate because he had not passed the Algebra I SOL exam. Realizing that he may not graduate, Mark decided to quit school. However after a personal discussion with the teacher, he decided to remain in school. The teacher and Mark worked diligently over the next two months, meeting after school and on weekends to insure Mark’s success on the Algebra I SOL exam. The day of the exam, Mark was very nervous but the teacher was confident about him passing the exam and she expressed her confidence with Mark. Her statement helped him to relax before he took the exam. When Mark found out at the end of the day that he had passed the SOL and that he was going to graduate, he</p>

	<p>hugged everybody he could find. He was so excited that he ran down the hallway to find his teacher and hugged her like it was the best thing that ever happened to him. On that day in school and in Mark's home, many of tears were shed by staff members, teachers, students and family as they were excited to see Mark graduate. Do we want this type of student-teacher relationship to end? The recommended guidelines would prevent much of this from happening.</p> <p><b>All off-site, school-related activities involving school board employees and students must be approved by an authorized administrator and must be supervised by at least two unrelated adults.</b></p> <p>Most of our clubs, activities, band, drama, choir, and several sports programs have only one sponsor or coach. With the current budget crisis and the ever-rising tide of unfunded state mandates, school divisions will not be able to hire a second unrelated adult to supervise the students. Therefore, the proposed guidelines effectively will eliminate most of our after-school programs and deny our students the experiences that extend learning opportunities beyond the classroom.</p> <p>Although the intent of the Virginia Board of Education is to ensure that every child remains safe and free from sexual misconduct, I am still greatly concerned about the unintended consequences of the proposed legislation. Before adopting these guidelines, I strongly urge you to postpone the adoption and thoroughly engage the entire school community and stakeholders to reevaluate guidelines and investigate the unintended and unforeseen consequences. Many of the unintended and unforeseen consequences have been stated in this letter and in letters written by others to the Virginia Department of Education. It is critical that the proposed guidelines recognize the ever changing field of communication. It also is important that they recognize the importance of staff members building positive relations with students. Elements of the current draft of the guidelines need further revision in order to insure that they do not result in negative unintended consequences.</p>
<p><b>February 04, 2011</b></p>	
<p><b>Amanda Conway</b></p>	<p><b>Comments on new texting regulations</b></p> <p>I am contacting you to register my opinion on the proposed changes to the Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools.</p> <p>I am currently a high school teacher employed by Rockbridge County Schools in western Virginia. I am very concerned that the DOE is proposing new harsh regulations on electronic communication between teachers and students. Sites like Facebook and cell phone texting are the dominant methods that students use for communication. If teachers are not allowed to use those methods, I think it will further damage our ability to connect with our students. Even college admission offices are largely abandoning other communication means (including email) because students just don't use them.</p> <p>I use a Facebook page for my classes to keep students updated about assignments and changes to the class. I have to do this outside of school, because our school blocks it, but my students always comment on how helpful it is. I also occasionally answer text messages from students who have questions about homework or projects. Any public figure, like a teacher, has to be aware of their public conduct. As a result, no matter what I am doing in public, grocery shopping or posting on Facebook, I bear that in mind. The conversations with students I have outside the school environment are just as appropriate as the ones I have inside school.</p> <p>I understand that there are concerns about the hidden nature of these communication forms, and that the DOE is trying to prevent abuses of the situation. However, I see this as a classic case of punishing the many because of the behavior of the few! If we lose access to these increasingly important channels of communication, I feel that the gap between students and teachers will only widen. In an era where school attendance, graduation rates and SOL pass rates seem to be going down, one of our most important education tools is the teacher-student relationship.</p>
<p><b>February 1, 2011</b></p>	
<p><b>Libby Garvey</b> Chair for the Arlington School Board</p>	<p><b>Virginia Board of Education Proposed Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools</b></p> <p>The Arlington School Board takes seriously its responsibilities for the safety and security of its students, with protection against sexual abuse by a teacher or other employee chief among them. However, the Board is very concerned about several provisions in the proposed Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools.</p> <p>The proposed Guidelines would interfere with the kind of healthy relationships between students and staff members that the Arlington School Board believes are essential to student success. One of the four goals of the School Board's Strategic Plan is Responsive Education. An objective of that goal, which we measure through surveys, is that students have at least one adult in their building</p>

with whom they feel that they can talk about almost anything. In addition, Arlington Public Schools Policy 10-1 includes collaboration as a core value, stating: "We support relationships among students, staff, families and the community that ensure effective communication and promote opportunities to benefit our students."

The Arlington School Board and Arlington County Board chartered the Arlington Partnership for Children, Youth and Families, which focuses on the assets model to improve the health, wellbeing and safety of children, youth and families. The assets model encourages young people to have a trusted adult, in addition to their parents, with whom they can communicate. This trusted adult often is a teacher or other staff member, who can have a positive, life-long impact on a young person. Attached is a statement from the Partnership stating its concerns about the proposed guidelines. The Partnership has surveyed students and found that the percentage of 8th; 10th and 12th grade students who believed that their teachers really cared about them increased from 45 percent to 53 percent between 2001 and 2009. This perception of a caring school climate, a critical asset for youth, increased because Arlington teachers made efforts to build relationships with students. The draft Guidelines are overly prescriptive and fail to recognize that we have measures in place regarding sexual misconduct and abuse. They also fail to recognize that local school boards represent community values and understand the need to implement programs in a manner that benefit students.

The following are specific issues regarding the proposed Guidelines that cause us the most concern.

#### Procedures for one-on-one confidential interactions between students and clinicians

Developing effective relationships with students is critical to the delivery of comprehensive counseling services for students. It is imperative that counselors have the freedom and flexibility to meet with students who require academic, career or personal-social counseling in a variety of settings, including one-to-one meetings. We believe that all students need to be able to share their concerns with counselors in a safe and supportive environment.

The proposal that clinicians, including counselors, must notify their supervisors in advance of one-on-one meetings and that clinicians keep a log of every such meeting, including the place, purpose and duration of each meeting, would undermine the important, healthy relationship that we want students and counselors to have. For example, this would prohibit a student from dropping in to see a counselor about an academic or personal matter.

#### Communication between school division employees and students

A student may want to share important information with a trusted adult about a matter not related to instruction. This information may impact the student's social and emotional health and overall success in school. Limiting communication strictly to instructional issues impedes the student's ability to get the help he or she may need to adequately resolve an issue. Further, such limitations discourage students from seeking valuable assistance from an adult who can serve as a positive role model and advocate. It undermines a school community's efforts to build assets.

In addition, the proposed prohibition on employees and volunteers initiating discussion about their private lives undermines the healthy relationships that we in Arlington believe are essential to student success. Particularly in the beginning of the school year, we encourage our teachers to share something about themselves to help build their relationships with students. In addition, these Guidelines would essentially eliminate meaningful interactions between volunteer mentors and students because their discussions are not intended to be limited to instruction and school activities.

#### Physical Contact

The prohibition against physical contact unless necessary to protect the health and well-being of students is overbroad. While the model policy distinguishes between students in elementary school and secondary school, and recognizes that some physical contact for both ages may be appropriate, the general statement not allowing physical contact seems inconsistent with the model policy.

#### Social Interaction with Students

The model policy requiring written, parental permission for all off-site, school-related activities and that such activities must be pre-approved by an administrator and supervised by at least two adults is burdensome and unnecessary. Our students often walk as a class with their teacher to areas near their schools and sports teams often walk or run with a coach for practice at a local park. This apparently would be prohibited.

#### Virtual Education

Virtual school programs are typically associated with other public school divisions or universities that generally are bound by policies and provisions already in place in those institutions. Such

providers may be reluctant or unable to contract with schools based on ambiguous guidelines, particularly when they may already have a set of guidelines to which they must adhere; therefore, limiting learning opportunities for students.

#### Electronic Communications

The Model Policy for Electronic Communications with Students is problematic in many ways. The requirement that electronic communications be on platforms provided by or accessible to the school division would have a chilling effect on the very communication that we are trying to foster. The requirement that any emergency communication that takes place on unapproved platforms be reported in writing on the next school day adds additional burden to the employee and serves no useful purpose

#### Training Requirement and the Effect on Volunteers

Arlington has a robust volunteer program. "Lunch buddies" who may read to students in the cafeteria or weekly readers who meet with students after school to read to them or assist them with their homework are just a few of the many volunteers who work in Arlington schools. The training requirement in the draft Guidelines, even if permitted by "workshop or online with a means of confirming participation and completion," will deter some of the volunteers who are devoted to helping our student succeed.

#### Impact of Requirements on Students

As we have indicated, the draft Guidelines could have a negative effect on the instructional program and goals of the Arlington Public Schools. We also believe that they could cause confusion. By limiting communication between students and adults, students may hesitate to reach out for help, or to report sexual misconduct if it occurs. The effect on adults in the schools could also be negative. A teacher who suspects that a student is being abused at home may hesitate to inquire because the teacher would be violating the tenet that non-school activities should not be the subject of conversations.

#### Current Policies in the Arlington Public Schools

Arlington Public Schools complies with laws that require background checks for employees and requires certification from contractors. In addition, we have several School Board Policies (SBP's) that pertain to this topic (all of which are available on our website at [www.apsva.us/policies](http://www.apsva.us/policies)) .

Examples include:

- SBP 25-1.11 Safety of Students and Child Abuse and Neglect - Child Protective Services: The Arlington Public School Division (APS) shall maintain safe conditions on school property and provide appropriate safeguards for the protection of students. All students should have the right to learn in a safe and protective learning environment. Children who are abused and neglected cannot learn well or attain their full potential.
  - Policy Implementation Procedure 25-1.11: At least one adult will be designated by the principal to be in visual and voice contact with all students under supervision. During activities when visual and voice contact by an adult is not possible, additional adults will be assigned, or students will be restricted to areas and activities in which it is reasonable to expect that threats to safety will not occur. The number of students under a single adult's supervision will be no larger than that deemed by the principal to be reasonable in terms of the age group and type of activity.
- SBP 25-1.15 Student Sexual Harassment: The Arlington Public Schools shall provide learning environments that are free of sexual harassment. No student shall suffer reprisals for reporting any incident, making a good faith complaint, or participating in the investigation of an incident or complaint of sexual harassment. Confidentiality shall be maintained to the maximum extent possible. Substantiated complaints shall result in appropriate disciplinary action.
- SBP 25-1.17 Student Safety - Bullying/Harassment Prevention: Arlington Public Schools is committed to creating a safe, caring, respectful learning environment for all students. Bullying or harassment of students, including bullying based on an actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, mental, physical, or sensory disability, is strictly prohibited and will not be tolerated. Students who engage in bullying or harassing behaviors will be subject to disciplinary action. This policy applies to school buildings; school grounds; school-sponsored social events, trips, and sporting events; and to buses and bus stops. Bullying which occurs off of school premises, including misuse or inappropriate use of technology, is also prohibited and subject to school discipline when the order, safety or welfare of the school or its students is affected as a result of such out-of-school actions.
  - Policy Implementation Procedure 25-1.17: Arlington Public Schools strives to develop and maintain a climate of respect within each school. This includes adult modeling of respectful

	<p>behavior and caring responses to student concerns. APS will implement comprehensive procedures to reduce the incidence of bullying and harassment within the school division. Arlington Public Schools will establish student behavioral expectations that address bullying/harassment; provide ongoing staff and student training; establish procedures for reporting bullying/harassment; and provide consistent consequences when incidents of bullying occur.</p> <ul style="list-style-type: none"> <li>• <u>SBP 35-3 Employment</u>: Because the people who staff the school system are discharging a public trust of great value to the community and because the employees of the school system are the key to a successful educational system, the selection and assignment of persons determined by selecting officials to be the best qualified for vacant positions are essential to the delivery of educational services to the citizens of Arlington. <ul style="list-style-type: none"> <li>○ <u>Policy Implementation Procedure 35-3.1</u>: As a condition of employment all applicants who are offered and accept positions with the Arlington Public Schools must submit to fingerprinting and provide descriptive information to be submitted along with the finger prints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal record information.</li> <li>○ <u>PIP 40-4.18 Certification about Child Abuse and Criminal Convictions</u>: All APS services contracts will include language certifying that the contractor (i) has not been convicted of a felony or any offense involving the sexual molestation or physical or sexual abuse or rape of a child; and (ii) whether he has been convicted of a crime of moral turpitude. The certification language will be included even if the contract does not on its face involve services with or to students.</li> </ul> </li> <li>• <u>SBP 45-2 Acceptable Use of Electronic Networked Resources &amp; Internet Safety</u>: APS considers the safe and appropriate use of the Internet and networked resources to be essential to the safety and welfare of the school division. Arlington Public Schools (APS) also supports the use and integration of technology to reach educational goals, including those defined by the Virginia Standards of Learning for Computer/Technology, the APS curricula, and the Technology Standards for Instructional Personnel (TSIPs). In support of these goals, the Arlington School Board provides access for students, faculty, and staff to a variety of technology-supported resources including the Internet. *** All users accessing school system electronic networked resources, including the Internet, are expected to use these resources for instructional purposes or to conduct the business of the school division. All APS students and staff members are prohibited from using the division's computer equipment and communication services for sending, receiving, viewing, or downloading illegal or inappropriate material via the Internet. Students are prohibited from accessing materials that APS deems to be harmful as defined in Code 18.2-372 dealing with obscenity. <ul style="list-style-type: none"> <li>○ <u>PIP 45-2: Acceptable use includes, but is not limited to the following guidelines</u>: ...Use school facilities and electronic resources for school-related instructional and APS business activities. This includes but is not limited to the use of the Internet, e-mail, instant messaging, chat rooms, Web pages, local school and county networks, and other electronic and online resources. ***APS is not responsible for student or staff use of electronic technology resources outside of school. However, staff or students may be disciplined for any technology use that negatively affects the APS or that negatively affects the ability or fitness of any staff person to effectively serve the school division. The use of computer equipment and communication services, technology and the Internet by school personnel shall represent the school/program favorably in the school and in the community and must model appropriate usage for the student population.</li> </ul> </li> </ul> <p><u>Next Steps</u> The Arlington School Board urges the Board of Education to abandon the Draft Guidelines and charge local School Boards with responsibility for meeting the intent of the legislation by developing local policies that meet local needs and take into consideration local concerns.</p>
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**January 29, 2011**

<p><b>Kiara Hurt</b></p>	<p><b>CONCERNS</b> As a student, I find that communicating with my teachers outside of the classroom is very helpful. I am able to get assignments that I missed if I was absent in a timely manner so that I will not fall behind in the class. Also, my teachers use Facebook for EDUCATIONAL purposes only. They have created groups where they post homework and other handouts to better help us study. As students, we can post questions and get immediate help. My parents believe that it is THEIR business if they want me to talk to my teachers via Facebook or any other form of communication. This law will only hurt the students and parents!!!!</p>
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January 27, 2011

Jennifer A. Hall  
FACS Teacher at  
Bedford County  
Public Schools-  
SRHS

**Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools**

I am a member of the VEA and also a teacher at Staunton River High School in Moneta, VA. I have been teaching for the past three years at the high school level but prior to that, I was an adjunctive therapist at Carillion where I taught life skills to adolescents and adults in an inpatient psychiatric rehab. During this time I was bound by strict rules concerning patient and clinician contact and those rules were clear and specific to the extent they could be. I was able to maintain a healthy relationship with the patients I served as well as adhere to the guidelines of the appropriate code of conduct. When I changed careers I was in a different environment but still maintained, and currently do, the professionalism of having healthy relationships with students while at the same time developing a therapeutic relationship with them as well. This was extremely important when several students of mine chose me to confide in because they felt like they had no one else. I was able to let them know I had to discuss the content of the discussion with my superiors and also let them know I would help with whatever I was legally and ethically able to do. It was because of the boundaries set forth by the school and by my own ethics I was able to do so. That's why with the proposed legislation, I have some concerns about the wording and the limitations that may be placed on healthy therapeutic relationships between teachers and students.

The first issue relates to the 1:1 conversations about only school related material or instruction. Students feel like you care when *they initiate* and *you respond* to their personal lives. If this were not the case my one student would not have trusted me to initiate an investigation into abuse by her stepfather, and that could have resulted in tragedy. The wording needs to reflect the appropriate and ethical exchange of information on a personal level, not the absence of it.

I also have concerns about clinicians need to notify staff about a 1:1 student conversation as this is not always possible or therapeutic. The log would be appropriate and a discussion after, however not immediately prior to because there are times you will lose a student or their courage to confide in you. The conversations I have are always prefaced with the premise I will need to share some information and depending on the nature it can't always be kept confidential by law. If your wording reflects the interaction between student and professional to include the possibly of it being that of a public nature, it may address those issues.

Lastly, the issue of spontaneous hugs being inappropriate with older children may need to be addressed because there are children with special needs that are chronologically teens or adults however cognitively they are at the level of an elementary school child and that would make that an appropriate interaction depending on the student. I have one I work with now who needs to have a hug, initiated by her, so much she goes out of her way to come by and get one. I remind her of appropriateness in school but cognitively that hurts her feelings so we work on it daily.

I am urging you to look at some wording and provisions to consider making some changes. If the words stay the same in some areas it could have a negative impact on the same people it is trying to protect. The student.

Please consider some of the concerns introduced and please let me know if I can elaborate on anything I addressed in this letter. Protect our children however do it in a way that doesn't damage the therapeutic relation they can have with school professionals like me. That may be the only one they have.

January 26, 2011

John Porter  
Anatomy and  
physiology/  
environmental  
science teacher at  
Middlesex High  
School in Saluda

**Prevention of Sexual Misconduct and Abuse in Virginia Public Schools**

I would like to express my concerns about the proposed guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools and in particular the following bullets of the Model Policies.

Model policy for in-person communications with students.

Bullet 1 - Educators are challenged to peak the interests of students in learning. Many times that can only be accomplished by asking about interests and other details that may not be related to school. The language in the bullet vague and could cause issues if a biology teacher was to say if they enjoyed watching the Superbowl last Sunday. It continues to be vague as to the term "their". Are the educators to not talk about the educator's private life or the student's private life or both? My teachers served as role models and not because they knew their subject matter but because they cared enough to share their lives with me. Educators must be able to make subjects relevant to students' lives and that requires knowing more about students than what is related to educational subject matters.

Bullet 4 - As educators, we are required to report Child Abuse and Neglect. Often that information is gathered by students initiating a conversation that the student does not want any other person besides the trusted educator to hear. The proposed guideline does not address situations where

	<p>this is not feasible such as psychological testing by counselors that require absolute confidentiality.</p> <p><u>Bullet 5</u> - What is a one-on-one meeting? Are educators prohibited from allowing students to seek help during planning blocks because it may be considered a "series of one-on-one meetings" that they did not inform the parents or principal?</p> <p><u>Model policy for electronic communications</u></p> <p><u>Bullet 2</u> - Educators and students do not always have access to computers in cases where a student may need information but may be able to give that information via "text" messaging. Many of my students will not access email on a daily basis but will respond to text messages and will send messages to me regarding assignments. Providing for a consent form that allows administration to view records of both texting and/or social networking may make more sense. As a forensic science instructor, I know an investigator would much rather know you sent a text message than made a phone call. The text message leaves information on the sender and receiver's account and is much easier to investigate than verbal communications.</p> <p><u>Bullet 3</u> - This information is already available for investigation should the need arise.</p> <p><u>Model policy for on-site and off-site social interaction with students</u></p> <p><u>Bullet 2 &amp; 3</u> - The language in these would require two adults in every bus and would put an undo burden on smaller school systems.</p> <p><u>Bullet 5</u> - This bullet would prevent a teacher from giving a coat to a child that did not have a coat but then again teachers are not allowed to ask if the student has a coat.</p> <p><u>Bullet 7</u> - The language would prevent an educator that was a parent of a student from inviting other educators that were parents over for dinner in which alcohol was consumed because it may be construed as a party.</p> <p>I understand the intention of the law but as written, it does nothing to prohibit someone intent on committing a crime from doing so and places a needless burden on educators that are trying to engage students.</p>
<p><b>Alexandra Dore</b></p>	<p><b>Teacher-Student Texting/Calling</b></p> <p>My name is Alexandra Dore and I am a sophomore at New Kent High School. Not only do I attend New Kent, but I am also a sophomore at Chesapeake Bay Governor's School which specializes in science and math. I take classes with my governor's school from 8 a.m. to 10:30 a.m. and then continue my English and history studies at my home high school. To get to the college that the governor's school is based out of, I am bussed there and following a 45 minute drive away from my house, I arrive. None of my teachers or classmates live in that area, for we come from many different counties.</p> <p>I am involved in many aspects of both my high school and governor's school extra-curricular activities and due to the fact that I attend two schools at the age of 16, I am often overwhelmingly busy. I play varsity field hockey in the fall, I manage the varsity wrestling team in the winter, and I play varsity soccer in the spring. In the spring, I compete in Odyssey of the Mind and this is the first year that I am also competing in the Beta club talent convention.</p> <p>My coaches and teachers are not only teachers and coaches, but mentors, friends, and role models. They are men and women, young and old, and all part of my personal support group that ease my specific stressors and struggles through my high school journey. To contact my governor's school instructors I either call them or text them. Texting is preferred due to the fact that it is less time consuming and does not interrupt what the other is doing. If school is canceled due to inclement weather, it is rarely listed on the radio or television due to the fact that the governor's school is fairly small, constructed of approximately 75 students per campus. We are alerted personally by our teachers through a phone tree, and without it everyone is left in the dark. During my sports seasons, my coaches use texting and calling to alert their players in schedule changes or just to check in on our grades and stress level (due to the fact that varsity sport participation is a lot to manage along with a successful high school career). They also become close friends in which to confide in. The relationship which blossoms is neither unhealthy nor wrong and does not violate my boundaries or theirs. Often times I text or call my old teachers to set up tutoring sessions or ask for help with current assignments or lessons. The contact I have with them allows me to be successful.</p> <p>The relationship which is allowed to develop due to teacher and student contact through texting and/or calling is not unnatural, invasive or harmful in any way. One mistake made with this situation should not cause other students all over Virginia to have their time with their teachers limited to the 6 hours we spend in school daily. In most situations, teacher-student contact out of school is imperative to success in high school. I have the right to use my phone privileges to contact whomever when necessary and my rights school not be limited due to someone else's</p>

	<p>mistake, theirs should.  Thank you for your time and I hope you consider what I say, for I need the relationships I have been able to develop with my role models at school.  With much appreciation,</p>
<b>Kaylyn Kelly</b>	<p><b>Student-Teacher Texting</b>  This is Kaylyn Kelly and I'm 15 years old. I am a student at Chesapeake Bay Governors School and am active in many different school sports. Everyone I've talked to has agreed with me saying that teacher-student texting is an absolute need for students and teachers to have. In Governor's School we go on many field trips and are usually are given the numbers of our teachers to text them or call them to inform them of where we are, if we're lost, where to meet them, and many other important things. Also, it's an extreme convenience that most of our teachers are quickly accessible through the phone when we need to get information or ask questions about particular assignments. Without it, there's no way to contact our teachers if we need assistance on an assignment or if we were to get lost on a field trip.  I used to be a member of the crew team and if texting with my coaches were banned then I would have missed countless AM practices, sudden places to meet during a regatta, changes in event times, and times to schedule my one-on-one training with our coach or athletic trainer. I think students should be able to be alone with coaches or teachers because sometimes that is how certain people can concentrate on one's class work such as tutoring. And I know that athletic one-on-one training with my coach was a good thing because she could ask me questions about what I eat or do to workout, etc. that I wouldn't have felt uncomfortable answering around my peers and the same concept applies when I got one-on-one tutoring with my math teacher. I wouldn't want to ask him some of the questions unless I wasn't around my classmates so I didn't seem 'stupid.'  Do not ban student-teacher texting because many students use it to their advantage and if this isn't enough proof for you then I don't know what would be because something that involves teachers teaching students also requires the students to ask questions to their teachers during or OUT of school. If you take away our right to be in contact with our teachers then you're making a grave mistake on the students' part.</p>
<b>Jerrica Rawls</b>	<p><b>Student teacher texting</b>  Hello, I am a student of the Chesapeake Bay Governors School for math and environmental sciences; because of the hard, challenging classes I take, I absolutely NEED to t get in touch with my teachers. I have texted and called my chemistry teacher quite often with questions on how to do my homework or what I need to know for a quiz. It's comforting knowing that my teachers are available when I need their assistance. I'd I couldn't text my teacher then my grades would simply go down the drain. Why should everyone receive the repercussions of only a few mistakes?  Please protect our education and our futures....</p>
<b>January 25, 2011</b>	
<b>Elizabeth G. Lambert</b> Guidance counselor at Brunswick High School in Lawrenceville, VA	<p><b>Concerns about prohibiting use of social media</b>  I am writing to voice my deep concerns about the Board's proposal to prohibit all use of social media between students and teachers. I am not in favor of this measure which I feel would take away a very important means of communicating outside of the school setting. I am a guidance counselor in a rural Southside high school. I could give you numerous examples of how I use social media to communicate professionally and effectively with my students. As a matter of fact, I would feel like I lost my right arm if I could not communicate with them on Facebook. I have talked drop outs into coming back to school, I have given advice to scared teens who thought they might be pregnant and didn't know what to do, and I have sent thousands of messages of encouragement to students who needed it to get through a tough time. I know of a lot of teachers here at my school who use it to remind students to study, to answer questions about homework, and again, to give encouragement. This type of media is not going away; we should embrace its use and make it a positive experience. I am so tired of a few bad apples ruining the good things that we as professionals on the front lines of education try to do for our students. I hope this is not another example of that happening. The few who are going to use it for negative reasons are going to use it anyway, regardless of your policy. Let us who will use it to sincerely help our students continue to do so.</p>
<b>January 21, 2011</b>	
<b>Jonathon M</b>	<p><b>Comments on the ban</b>  I am both a student at Chesapeake Bay Governors School and Lancaster High School, and the ban is not going to work. I find on field trips that being able to contact my teacher if I am in trouble or one of my friends is, I have the ability to immediately contact my teacher. This ban is senseless and will only cause safety and other issues.</p>

	Furthermore, it will not prevent sexual interactions between teachers, because like Prohibition it will be worked around and it happens to like .001% of students, so justify the ban for me then.
<b>January 20, 2011</b>	
<p><b>Roxanne Rodes, M.S.Ed.</b> Special education teacher at Linkhorn Middle School in Lynchburg, VA</p>	<p><b>Concerns Regarding Proposed Virginia DOE Sexual Misconduct Guidelines</b> I respectfully wish to express that I am very concerned about the new Sexual Misconduct Guidelines being proposed by DOE. I deeply appreciate your consideration of these matters. Thank you in advance for your assistance, and willingness to work with teachers, students, parents to improve education in the Commonwealth of Virginia. I appreciate your sharing my concerns with the Virginia DOE. Please refer to my e-mail excerpt below: "Do the new guidelines prohibit teachers entirely from being a member of a social networking site, or does it just prohibit a teacher from communicating with a student (minor under 18 years of age that one personally teaches) via a social networking site? Would college and alumni websites like classmates.com be prohibited if the teacher never interacts with a student on these sites (For example, he or she just has classmates from his/her own college days as "friends" (individuals who are in their 20's, 30's, 40's, etc. only)? What about university discussions (Harvard Crimson online comments, M.I.T. open courseware discussion groups regarding classes, etc. Even classes with online Blackboard discussion groups that we may be forced to create and participate in for recertification with ODU, UVA, etc. for our teacher's license renewal? What about wiki's that the school system requires teachers to set up, or remnants from past school requirements, etc. including homework blogs that the school system makes us periodically update still? Please clarify. If any of these sites and networks are now prohibited, what steps should we take to notify the sites that we need to cancel accounts, etc. in order to be in compliance with new laws and guidelines? P.S. Is this even constitutional under the 1st. Amendment to the United States Constitution regarding freedom of speech, freedom of press, and freedom of assembly? What about the 14th. Amendment as well under the concept of "equal protection"? Are teachers being deprived of rights as citizens of the Commonwealth of Virginia and the United States that other citizens take for granted?"</p>
<p><b>Linda S. Robinson</b> English Department at James Monroe High School in Fredericksburg, VA</p>	<p><b>Public comment on proposed Guidelines for the Prevention of Sexual Misconduct and Abuse in VA Public Schools</b> As a teacher of high school English, as sponsor of my school's National Honor Society chapter, and as a former seven year veteran of the Fredericksburg City School Board, I am writing in strong opposition to the far-reaching terms of the currently proposed Guidelines for the Prevention of Sexual Misconduct and Abuse in VA Public Schools on the grounds that they will greatly impair my ability to perform the duties of my positions. I am a 59 year old teacher and parent. I am on a ten month contract, and during the school year my work day at school begins at 6:00 a.m. and ends at 4:00 if I am lucky, after which I go home to grade papers, prepare for the next day, and send out emails: I contact students who were absent and need copies of class documents; I remind students of make-up opportunities and schedules; I request volunteers from among my NHS members to help with upcoming projects, since we meet only once a month and many needs crop up in between; I respond to student and parent email requests for letters of recommendation, advice on assignments, and so on. This list goes on and on, taking up a good portion of each evening. Having a home and family obligations, I cannot spend any more hours per day at school than the ten or more I already put in, yet I try to be always accessible to both students and parents who have questions or needs--- and these contacts are always of a professional, not a personal, nature. There is simply no free time at school to attend to all these responsibilities, and to legally bar me or any of the countless other dedicated teachers from reasonably meeting our obligations is to severely impair our ability to do our jobs of helping students succeed. Although I am on only a ten month contract, I teach AP English, which entails student work over the summer months--- reading/analyzing novels and writing essays--- which of course I must also grade over the summer without additional compensation. To assist my students, I spend a substantial amount of uncompensated time emailing them feedback on their writing, and sending out helpful instructional materials. I do not have a classroom or school computer access over the summer months so must do all this work and contact from home. To be unable to use this means to maintain regular contact with my students would greatly hamper my ability to provide the required instruction and assistance to my students. Our National Honor Society selection process also begins in July when school is not in session. While packets of materials are mailed out to candidates in early July, it is often necessary to contact candidates via email or phone over the summer months to seek clarification of material on</p>

	<p>their applications, or to send mass reminders of approaching deadlines. Again, I do not have classroom or school computer access over the summer. I take my "vacation" time to assure that the needs of my students, and my duties as an educator and sponsor, are met to the best of my ability.</p> <p>The circumstances I have cited are my own, but most teachers/coaches/sponsors in school systems throughout our state would have similar stories to tell. Passage of the proposed Guidelines would make reasonable and professional communication by teachers ludicrously onerous. Teaching is, unfortunately, not a 9-to-5 --- or even a 6-to-4--- job. To do our jobs well and effectively, we must have the freedom to communicate with our students as necessary, when necessary, in their best interests. I greatly doubt the current guidelines would in any way impede the efforts of a determined predator, but they certainly will impair the abilities of thousands of dedicated teachers to do what must be done to work effectively with our children and parents. I hope you will strongly consider the impact of this legislation on those of us who are committed professionals simply trying to perform our jobs while drowning in a growing tide of requirements which there is never adequate time to perform; hence, we also give up our personal lives and time to get the job done--- and without the ability to continue to do this, the job won't be done.</p>
<p><b>Karl Loos</b> Athletic director, History dept. chair, 7th Grade Team Leader, A-Period Committee, Secondary Leadership Committee, Events Committee, Innovation Task Force at Paul Laurence Dunbar Middle School for Innovation</p>	<p><b>Sexual Misconduct Guidelines</b></p> <p>As a parent and a teacher, I appreciate the School Board trying to prevent inappropriate behavior activities between teachers and students.</p> <p>However, these new guidelines go too far and should not be enacted.</p> <p>In trying to prevent inappropriate behavior by a very few minority, you are tying the hands of the thousands of quality teachers in the state. Teachers who understand that educating a student means team-building and working together, which contact outside of school and in the community is crucial for. Teachers who understand that the hug that the elementary student who gets excited gives them may be the only hug that child gets for the day. Teachers who are professional and passionate.</p> <p>Teachers who break the rules should be punished. Don't punish all of us, though, by limiting how well we can reach our students.</p>
<p><b>Pamela R. Moran</b> President-elect of the Virginia Association of School Superintendents</p>	<p>I am writing to you on behalf of The Virginia Association of School Superintendents (VASS) and ask that this statement be shared with the Virginia Board of Education. The VASS Board has reviewed the proposed model guidelines for the Prevention of Sexual Misconduct that the Virginia Board of Education has under consideration for final action. Sexual misconduct towards a student is an egregious issue of the utmost seriousness and VASS members have no tolerance towards any such behavior exhibited by employees of the School Board. In addition to legal channels governed by state and federal law, the VASS Board believes that such inappropriate and illegal behavior also must be addressed through local School Board Policy governing the Code of Conduct for Employees of the School Board.</p> <p>While the intent of the proposed guidelines is to ensure that every child under the care of Virginia's public school employees is protected from sexual misconduct by staff, the superintendents also have concerns about unintended consequences if these guidelines were to be implemented as they currently are written. For example, as superintendents we are aware of staff members who use electronic communication devices as professional communication tools with students who have their own personal electronic communication devices and accounts. We know of coaches, teachers, principals, and superintendents who communicate with students via email and through social media sites about a variety of school-related activities or issues, such as, but not limited to, homework, canceled extracurricular events, or matters of policy or school practice affecting students in our schools. Because of the potential impact on appropriate, emerging uses of electronic communication technologies, VASS believes that more thorough consideration of the implications of the recommended guidelines must occur before the Virginia Board of Education takes action.</p> <p>We also know that Virginia's educators use a variety of free online digital content and web-based work sites as spaces in which they work with students in their classes. These open source and/or free sites such as Moodle, Wikis, KidBlogs, Google, VoiceThread, Edmodo, Scribd, Facebook, Twitter and others are not necessarily "provided" or hosted by the school division. These digital content and communication-based educational applications would be prohibited under guidelines found in the recommended policy. Currently, educators across Virginia are using these social learning media sites to motivate and engage digital learners at little or no expense to school</p>

	<p>divisions. Educators also receive guidance about the importance of using such sites for learning purposes from their national professional organizations. For example, the recent publication Writing, Learning and Leading in the Digital Age, a College Board–National Writing Project (NWP)–Phi Delta Kappa International (PDKI) report, encourages practices that would be in direct contradiction to recommendations of the proposed model policy guidelines. Conflicts between this policy and Virginia’s approved Educational Technology Plan and the USDOE’s National Education Technology Plan also exist and must be addressed.</p> <p>The members of VASS universally support the spirit of recommendations to set professional boundaries and appropriate limits for face-to-face and electronic communication and interaction between Board employees and students. School Boards and superintendents in Virginia have a long standing commitment to setting professional boundaries and expectations through an explicit and clear Employee Code of Conduct. Such a Code of Conduct has been already enacted in local Board policy in most divisions and used to take action when staff members have violated the law and/or the Code of Conduct.</p> <p>To ensure that thorough engagement occurs with the public and employee stakeholder groups in developing model guidelines before the policy guidelines are approved, VASS recommends the following:</p> <ol style="list-style-type: none"> <li>1. Delay of action upon the agenda item until each of the superintendents’ regional groups can provide in-depth feedback through VASS to the Board Of Education (VaBOE).</li> <li>2. Consideration by the Attorney General of these recommendations with time to publicize his opinion of the recommendations.</li> <li>3. Feedback on the agenda item from a representative stakeholder group made up of members who work directly with students and who can delineate unintended consequences of specific recommendations.</li> </ol> <p>Nothing is more critical to the work of Pk-12 educators than the relationships they build and nurture with the young people they serve. Again and again, research makes clear that educators must develop strong positive relationships with young people. We want to ensure that any BOE action to define “model” boundaries and limits for staff-student relationships does not limit positive interactions in ways that parents and educators would never have intended. We think these recommendations need more work before they are ready for action.</p> <p>In conclusion, VASS believes that the BOE policy guideline recommendations must be consistent with the professional use of changing electronic communication systems available today and which will continue to evolve into the future. Most importantly, the superintendents want to be sure that no child is ever victimized by anyone employed by our Boards. We recommend that the BOE further engage stakeholders in determining how both of those objectives can be met.</p>
<b>January 19, 2011</b>	
<p><b>Cecelia M. Owens-Graves</b> Retired Hampton teacher</p>	<p><b>Teacher-Student Texting Feedback: The Daily Press said it best in an opinion piece, dated January 7, 2011:</b></p> <p>"The underlying goal should be obvious: to preserve the stature and status of teachers. After all, that, along with their command of their subject and their commitment to students, is what makes them successful in shaping not only young minds but also character. It is hard for teachers to hang on to the stature and status of a professional if they are Facebook friends with students."</p> <p>The article continues with: "The standard of professional conduct is as old as education as a profession, or calling. The challenge for school boards is to update it to modern technology." All communication should be transparent, accessible to supervisors and professional in content and tone."</p> <p>I think that article speaks volumes. Personally I am against all contact and use of all the electronic toys available. Why does the Student Press Law Center (Daily Press, Jan. 13, 2011) consider it crucial for coaches and sponsors of extracurricular activities? After- school programs and extracurricular activities have been managed successfully for decades without them.</p> <p>Cell phones and pagers are a distraction and if the school board votes to include them, then a very strict policy on their use is mandatory - for the protection of the student as well as the teacher/sponsor. What is really sad here is, as said in the Opinion piece, "it's appalling that its even necessary for the guidelines to state the obvious." Whatever happened to good sense, responsible judgment and parental responsibility? We have sky high dropout rates, teenage pregnancies, drug and alcohol issues, and poverty concerns. Why are we spending our precious time on electronic gadgets that have nothing to do with educating our children?</p> <p>Talk about computer education and I will support it. Cell phones in students' possession have no place in our schools.</p>
<p><b>H. Alan Seibert</b></p>	<p><b>Comments from a Division Superintendent regarding the propose Regs for Prevention of</b></p>

<p>Superintendent of Salem Schools</p>	<p><b>Misconduct</b></p> <p>I am sure that you are inundated with comments on this topic, so other than to say that I agree with VASCD, Bill Boshier, and others who suggest that we should target the behavior and not the medium, the purpose of this email to provide a few anecdotes about how these well-intentioned "model guidelines" could negatively impact me personally.</p> <p>Also, I previously submitted the attached copies of a recently adopted Salem City School Board regulation on the topic (as well as the policy that anchors the regulation). Not that I think we have the answers for the Commonwealth, just to share that after several months of discussion with a high degree of participation that we elected to address professionalism not a particular medium. Now for two personal examples:</p> <p>First, as a small division, I am fortunate to have an active Advisory Council comprised of middle and high school students. I annually give my email address and cell phone number to these students so that they may keep me apprised of concerns or ask questions when they have them. Over the past four years, emails from my advisory council members have decreased. It is clear that they prefer texting and it would be unfortunate to cut off that means of communication. On the contrary, our Division plans to leverage it and will be debuting "Talk About It" a texting program that will encourage students to text in concerns and ideas later this month.</p> <p>Second, having formerly served in the division as an elementary principal, I cannot visit our middle or high school where those students now attend without receiving many hugs from former students. Wanting to maintain appropriateness, professionalism, and being sensitive to appearances, I have become adept at turning my body so as to greet the oncoming former students sideways with a one-armed, "hey, how'ya do'in" hug, thereby preventing a full embrace, but a sad day it would be that I would have to begin turning my back on former students. In closing, I know first-hand how hard it can be to reconcile policy and practice, so I thank you for leading this effort and for the additional opportunity to offer comment.</p>
<p><b>David Blosser</b> Latin teacher at James Monroe High School in Fredericksburg</p>	<p><b>Seeking Additional Comment: Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools</b></p> <p>I have become aware of the proposed Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools. I have very strong opinions on several of these Guidelines, and I would like for my thoughts to be added to the public comment.</p> <p>My name is David Blosser, and I am the Latin Teacher at James Monroe High School in Fredericksburg, Virginia. I have reviewed the proposed Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools, and I have some comments concerning in particular the guidelines for electronic communications. Although I recognize that we teachers need to create the safest environment possible for our students, I feel that several of these guidelines are restrictive to the point of being detrimental to my effectiveness as a teacher. If we allow these guidelines to take effect, I will be losing major avenues of communication with my students. When this communication is vital to their education, then we must not allow for this communication to be denied.</p> <p>When I was in high school, my Latin Teacher made it a point to write her home phone number inside the cover of each of our textbooks. If any of her students had questions, concerns, or problems with assignments, they never had an excuse if they didn't contact her. She wanted to make herself as available to them as possible. When I became a Latin teacher, I followed her lead. Now, however, my students have my cell phone number so that they can reach me whenever they need my help. Some teachers have expressed concern to me that students might abuse having my phone number, but with one exception in 8 years, all phone calls from students have been of an appropriate nature. As technology has evolved, I have changed what I find acceptable. Today's students are more likely to send a short text than they are to actually call someone, and so I have now allowed students to text me if they have brief questions or concerns. Without exception, all texts from students have been appropriate and my communication has been helpful to the student. If I were to tell students that they were no longer allowed to text me, I would be losing one of my most helpful lines of communication. You may say that students would still be able to call me on the phone, but I know that some students would rather not ask a question than have to use the telephone. With texting, they are able to quickly and conveniently receive my help. We should never deny our students the opportunities to receive our help - once denied, some students may not ask again.</p> <p>I also have concerns about the restrictions to student and teacher interaction through social-networking sites. Two years ago, I was absent for a month to undergo surgery. I was able to obtain a qualified substitute, but my AP Latin students were concerned that they wouldn't have sufficient opportunities to prepare for their AP exam. Since I would not see them on a daily basis,</p>

	<p>but I would have access to a computer, one student suggested that we create a Facebook group for our class. On Facebook, we would have an easily accessible site on which to post questions, comments, and plans for meeting. Students could ask each other questions and give help to each other rather than relying on me for assistance. Facebook proved to be such a helpful tool that I allowed other students to add me on Facebook. Many times, I have received messages from students asking for help with assignments, and I do not know if these questions would have been asked through other channels as easily. Could other pages be set up to accomplish similar tasks as Facebook? Certainly, but when Facebook is the tool that students are most comfortable using, why should we avoid its use? Instead of prohibiting teacher and student interactions through social media, we should create Facebook pages for our classrooms and our schools to better foster relationships between our students and their teachers and administration.</p> <p>Again, I believe that it is our responsibilities as educators to ensure that students are kept safe from misconduct and harm. I do feel, however, that many of these proposed guidelines would serve hinder the vital communication I have with my students. When technologies change, why should we restrict our access to them? We should, instead, embrace these new tools of communication and use them to further our goals of educating our children. Not only can I communicate more easily with my students, but I can also be a role model for how my students ought to behave while using these tools. My personal life might appear more open to students on Facebook than it has been in the past without it, but on that site and in my interactions with students there I am no less professional. And though some oversight may be necessary, to force teachers to document each instance of electronic communication may cause some to abandon their use and, once again, to lose such a vital source of communication. I strongly urge that these restrictive guidelines be further reviewed. To completely deny teachers the use of these methods of communication will do nothing but harm the education of our children.</p>
<p><b>Candace Perkins Bowen</b>  Director of the Center for Scholastic Journalism  <b>Mark Goodman</b>  Knight Chair in Scholastic Journalism  <b>John Sowen</b>  Assistant Director of the Center for Scholastic Journalism at Kent State University in Kent, OH</p>	<p>As representatives of the Center for Scholastic Journalism at Kent State University, Kent, Ohio, we urge the Virginia Department of Education to reconsider its proposed model policy for electronic communications with students.</p> <p>CSJ, a national center for research and a clearinghouse on issues affecting journalism teachers and their students, has found these educators must be in the forefront of technology use, and this policy would seriously restrict that.</p> <p>Today's journalism educators must prepare their students to achieve the highest professional standards and learn to use the latest tools of the trade, whether, after graduation, they plan to become tomorrow's media practitioners or simply citizens in our democracy. The proposed policy, particularly the following sections, would limit the ability to do so:</p> <ul style="list-style-type: none"> <li>• Teachers and other school board employees must restrict electronic communications with students to accounts, systems and platforms provided by the school division.</li> <li>• Teachers and other employees may not use personal wireless communications devices to "text" students and are prohibited from interacting with students through online social-networking sites. Teachers and other school board employees must decline or disregard invitations from students to interact through texting and social-networking sites.</li> </ul> <p>Although it is commendable to wish to protect students from sexual misconduct and abuse, those two provisions would not necessarily do that but would create roadblocks to good teaching and to good media advising. In particular, they would:</p> <ul style="list-style-type: none"> <li>• Prevent demonstrating for students responsible use of new communications technology. Virginia journalism programs now attend national and regional journalism conventions where speakers routinely describe and promote such technology as means to strengthen educational programs, including the use of social networking and the presentation of news to multiple communities. Without instruction and modeling by adults, students will still be exposed to the technology, but they will only learn how to use these digital media tools from their peers.</li> <li>• Limit teachers' methods for viewing or commenting on student work. This weakens the learning environment and encourages teachers to become out-of-date in their methods. In journalism classrooms across the country, students file stories and exchange information using the latest technology. Editors, staffers and advisers comment share and collaborate with each other. Preventing Virginia students from participating in such activities would put them at a serious disadvantage when they attend college with peers who have not been so restricted.</li> <li>• Hamper publications advisers from keeping in touch with students who are on assignment at a news event or who might be at a journalism convention where emergency' contact is</li> </ul>

	<p>needed for student safety. Curtailing all texting or other forms of electronic communications simply blames a modern method on problems that could arise instead of recognizing the educational value of it when educators and students are trained to use it properly.</p> <p>We understand the need and obligation to keep students safe, in reality and in perception, but we hope you will keep our points in mind as you consider this proposed policy. Scholastic journalism as a viable educational tool needs the use of emerging technology to carry out its educational mission. We believe it is a much sounder policy to regulate inappropriate uses of new technology (as the school does for all other forms of communication) than it is to ban all uses, the vast majority of which can be of great benefit to the student, the school and the community.</p>
<p><b>David J. Holleran, Ed.D</b>  Division Superintendent  <b>William T. Vrooman III</b>  Division Technology Coordinator for Mathews County Public Schools</p>	<p>A component contained in the proposed regulation modification related to § 22.1-253.13:7 of the Code of Virginia contains a section on electronic communications with students that has items that do not meet our district's future plans related to technology use.</p> <p>To be realistic, email, phone calls, casual conversations in class, halls and school events as well as any form of communication between staff and students has risks. I agree that the "behavior" of staff that communicates with students may require regulation to clarify district policy, but banning technology should not be a target of this regulation.</p> <p>Below I have included comments after the specific items that do not meet our plans in order to provide some insight into challenges small districts face and how this regulation in its current form limits our options.</p> <p><u>Model policy for electronic communications with students:</u></p> <ul style="list-style-type: none"> <li>• <u>-Teachers and other school board employees must restrict electronic communications with students to accounts, systems and platforms provided by the school division.</u>  There is a need to move forward with public cloud computing in smaller districts which will enable employees and students to use free accounts, systems and platforms that may not be directly controlled or provided by the school division, if small districts are required to pay and provide support for all these types of services and systems, budget priorities in other areas will override and ultimately reduce the access and opportunity students have to these systems.</li> <li>• <u>Teachers and other employees may not use personal wireless communications devices to "text" students and are prohibited from interacting with students through online social-networking sites.</u>  School districts now face the reality that one to one computing will be required to meet student needs, but there will never be sufficient funding to make this happen and to maintain a realistic device and software replacement cycle as well as enabling digital text book replacement plans, The only way a small district can meet this reality is if they allow students and staff to bring in their own personal devices to help save the district money and reallocate device and software funding to needy students and staff. In the future, students and staff may be more comfortable with their personal iPhone, iPad, digital book reader or other mobile device and will be happy to use this device rather than a 7-year-old computer provided by the school</li> <li>• <u>Teachers and other school board employees must decline or disregard invitations from students to interact through texting and social-networking sites.</u>  With so many social networking and related Web 2.0 sites available it is difficult to understand why school districts would want to ban this technology. Most middle school and high school students have cell phones with text, if you are a coach of extracurricular activities and need to let students know about a last minute change, providing them a quick text is the most effective communication method. In many cases one of the secondary phone numbers parents list on our automated school alert and closing system is their child's cell phone. This is the way the current generation of students and teachers communicate and schools need to embrace this technology. Invitation to participate in a wide range of educational discussions and topics is one of the most powerful aspects of Web 2.0 and social networking and should not be banned. Behavior and professional expectations should be the only items conveyed by this policy.</li> <li>• <u>Teachers and other school board employees may not knowingly engage in online gaming with students.</u>  There are online games that are educational and a teacher's participation with their class or individual student may be something that is highly desirable to enhance instruction and learning. This is no different than an employee that engages in chess practice and instruction after school in order to enhance the critical thinking skills of their students. In addition, there are several game design schools in the region that High School students might want to attend</li> </ul>

	<p>virtually for college credit and may ultimately need instructors to evaluate their design by playing the game with the student.</p> <ul style="list-style-type: none"> <li>• <u>School board policy on electronic communications with students also applies to teachers and other employees of virtual school programs and other vendors providing instructional services to students.</u></li> </ul> <p>Additional clarification and modification of the first three items above would make this item more meaningful during the program and vendor selection process as well as defining the expectations of contract instructors. In its current form it might limit the instructor's options in a virtual or distance learning setting and adversely affect the student's experience in this method of instruction.</p>
<b>January 18, 2011</b>	
<b>Sarah Kinzer</b>	My mom's a teacher. Will I still be allowed to talk to her, or...?
<b>January 16, 2011</b>	
<b>Leif Powers</b> Fairfax, VA	<p><b>Public Comment - Proposed Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools</b></p> <p>I'm Leif Powers, acting in my private capacity as a Virginian. I wanted to briefly comment on the Proposed Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools (VA.R. Doc. No. R10-2130; Filed November 16, 2010, 10:44 a.m).</p> <p>Reading a summary in a recent Washington Post item, I was concerned that the guidelines would create a conflict with teachers' ability to develop relationships and personally connect to the students, which is really key in getting through to a number of the kids who struggle in school. However, reviewing the guidelines in detail, I believe that the guidelines stopped just short of creating a daily obstacle to educators' lives. The guidelines are strict and somewhat nettlesome from an administrative standpoint (particularly on the IT side), and I'm not sure that they are worth the effort (this is largely out of the scope of this specific regulation). However, I do want to say that if it was indeed the intent of the guideline developers to create the strictest standards possible without creating significant problems, based on my cursory review, I think they have achieved their goal.</p>
<b>Jan Barrett</b> Journalism, English, teacher, newspaper and yearbook adviser at Lafayette High School, Williamsburg, VA	<p><b>Ban on texting</b></p> <p>The ban on texting and teacher's personal involvement with their students will not serve the purpose it is intended. I am not sure there is a way to alleviate deviant behaviors. That has become even more evident with the shootings in Tucson. But banning what has quickly become normal and everyday forms of communication between student and teacher will only exacerbate other problems, not eliminate sexual predators. Instead of banning, educators should embrace the new technology. I do think that is what teachers have already done by relying on texting and social networks to stay connected with their students. As a journalism teacher, it is a travesty that teachers will not be able to model what they teach.</p> <p>Here are other issues I see.</p> <ol style="list-style-type: none"> <li>1. Traveling with groups of students to conventions and conferences will be next to impossible as teachers will have to rely on students to relay all the informational changes to other students via their cell phones. Teacher's authority to control and take charge will be diminished.</li> <li>2. It will build a wall of inaccessibility between student and teacher. Teachers will become nearly unapproachable and shun student involvement for fear of losing their jobs.</li> <li>3. Who is going to police this matter? Will teachers be required to make their cell phone and personal computer records available to administrators? That would be opening another can of worms that few organizations have time for.</li> <li>4. I work with student publications in a business environment that is timely, as we must constantly meet deadlines and it highly charged. Often times my editors know more than I do about the status of a story, where to find business forms, whether or not they have submitted pages or made the deposits for the day etc. I will text them to find out the answers----fast, efficient, harmless. With the information I gather in minutes, seconds sometimes, I do whatever has to be done and move on to the next issue.</li> </ol> <p>I see a multitude of other issues but these are the top four. Please rethink the ban on texting and close personal involvement with students. It will only make teaching and reaching kids on their level that much harder.</p>
<b>Emily R. Fisher</b>	<p><b>Teacher-Student texting</b></p> <p>I wanted to express my opinion on the proposed limitations of teacher-student texting. Texting is used when needed by coaches and teachers to coordinate after school activities (including volunteer community service activities) particularly when there are no-notice changes to schedules</p>

	<p>because of weather and or transportation problems (not rare events). A total ban on these types of texting would not only make it more difficult for coaches/teachers to communicate with their students/players, but also becomes a safety factor when events are cancelled because of weather conditions and the student unknowingly tries to get to the school or an event having received no notification of the cancellation. Many families no longer have home phones and rely solely on their cell phones to communicate.</p> <p>Texting is the most efficient and surest way of getting out the word on cancellations, changes, etc. Banning texting will not stop the teacher who uses this medium inappropriately. Educating the students and teachers on what is proper would be more effective. Should a questionable text be sent, it could be available for administrators to decide if it was in fact inappropriate whereas the content of a telephone conversation would not be available for review.</p> <p>Texting is a technology tool, nothing more and nothing less. The user is the responsible party and if they are determined to act inappropriately they will find a way despite a ban. Go after the abusers, not the technology.</p>
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**January 15, 2011**

<p><b>Ms. E Widener</b> Science Teacher/ Forensics Coach</p>	<p><b>New technology limits</b></p> <p>As a teacher and coach, I find the proposed ban on using technology to interact with our students to be ridiculous. I've found that the best way to contact the students on my team about transportation changes and meet information is through technology. I know that some people make inappropriate use of technology but to punish everyone by banning it all together does more harm than good. It makes the people proposing the ban seem ignorant and closed minded. If we can't reach our kids in a way they understand we may not be able to reach them at all. It can make the difference between a student graduating or falling through the cracks. Please don't punish everyone for the acts of a few.</p>
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**January 14, 2011**

<p><b>Michael Karlik</b> Charlottesville, VA</p>	<p><b>Comments on DOE's Proposed Guidelines</b></p> <p>I am a graduate of Virginia's public schools and a current student at the University of Virginia. To me, the meaningful aspects of the proposed guidelines include a mandatory report to police when abuse is alleged or suspected (and not simply after the abuse is proven); and notification of the state superintendent when an employee resigns or is fired because of child abuse.</p> <p>But the Board also proposes to regulate the conduct of teachers in and out of the classroom in a way that could adversely affect twenty-first century teaching techniques. Being a teacher is more than being an instructor: sometimes, teachers have to be social workers, therapists, or advocates for individual students.</p> <p>That is why it is unfortunate that the Board wants to prohibit "interactions unrelated to instruction" and dictate the specific types of physical contact teachers may have: a hand on the shoulder or pat on the back is okay, but a "spontaneous hug" is "not appropriate with older children." So a distraught high school junior who discovers she is pregnant cannot seek an extended embrace from a trusted teacher?</p> <p>Or what about the requirement that "conversations with students should focus on matters related to instruction and school activities?" Does this forbid a teacher and student of Arab descent from talking about their shared heritage and culture once a week after class?</p> <p>The Board should consider dropping language like this, which seeks to absolutely prevent abusive contact by a miniscule number of instructors at the expense of healthful student-teacher interaction. Reasonable guidelines seem to warrant simply a prohibition on romantic relationships and inappropriate verbal and physical contact.</p> <p>Another worrisome area is the Board's treatment of electronic communication. Because social media are transforming rapidly, it is true that teachers and students may not readily comprehend the possible impropriety of online interactions. However, I am not sure that Board of Education members understand the potential for good that these technologies may offer.</p> <p>Imagine the heinous "offenses" that Virginia would outlaw if these social media restrictions were approved. A low-income student without an at-home computer could not text her teacher questions about homework assignments, in lieu of sending an e-mail. A teacher who posted pictures of a class project on Flickr could not respond to comments or inquiries by her students. And a student who wanted to quickly alert a guidance counselor to questionable content on Facebook could not correspond with him through a Facebook message.</p> <p>Kevin Ricks was able to molest so many students not because MySpace made it easier—but because school systems' nonsensical hiring, firing, and reporting policies allowed him to walk away without consequence. Ricks was able to transfer schools with a clean record because no authority ever investigated him. Each new principal had no idea that Ricks was a predator.</p>
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	<p>Lowering the threshold for reporting abuse should ensure that school systems can better monitor alleged molesters. However, prohibiting teachers from using their discretion when counseling, connecting with, and reaching out to students injects the state Board of Education needlessly far into public school classrooms.</p>
<p><b>Debbie H. Johnston</b> Chairman of the Newport News School Board.</p>	<p>Thank you for extending the comment period on the proposed Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools. As fellow education officials working to ensure that our schools are safe for all students, our School Board members appreciate the work that has gone into producing the proposed guidelines and applaud the intent.</p> <p>The Newport News School Board currently has policies and procedures in place that prohibit employees from, among other things:</p> <ul style="list-style-type: none"> <li>• failing to maintain an appropriate professional relationship with a student or employee; and</li> <li>• engaging in any interaction/activity of a sexual nature or intent with a student.</li> </ul> <p>We believe that these policies are broad enough to ensure that employees know that any sexual misconduct or abuse is prohibited and will not be tolerated. The proposed guidelines, however, appears to be so specific that they raise a number of practical concerns, as stated below.</p> <ul style="list-style-type: none"> <li>• <u>Guideline:</u> Conversations with students should focus on matters related to instruction and school activities. <u>Concern:</u> Most conversation will focus on instruction and school activities, but there are many times when students and teachers will discuss other things, such as a recent vacation, a death in the family, or the latest professional football game. This is a natural course of social life, and the proposed language would be a barrier to establishing perfectly acceptable and beneficial relationships between students and teachers.</li> <li>• <u>Guideline:</u> Teachers and other employees may not use personal wireless communications devices to "text" students and are prohibited from interacting one-on-one with students through personal online social-networking sites. Teachers and other school board employees must decline or disregard invitations from students to interact privately through texting and personal social-networking sites. <u>Concern:</u> Texting is a standard method of communication for young people today. To text a teacher about homework, or whether school club activity has been cancelled is commonplace. And while texting is no more dangerous than a phone call, which would not be regulated, texting is more efficient and useful in today's environment.</li> <li>• <u>Guideline:</u> Physical contact between an adult and student that is expected and appropriate in preschool and in the early elementary grades — such as a spontaneous hug between a teacher and a child at the end of the day — is not appropriate with older children. Physical contact meant to encourage or reassure students, such as a hand on the shoulder or a pat on the back, should be brief and unambiguous in meaning. <u>Concern:</u> These two guidelines appear to be at odds. One says physical contact is not appropriate for "older children," and the other implies that certain types of physical contact are appropriate. If this guideline were to be approved, it would be helpful if the term "older children" was more specifically defined by age or grade level and to define what type and under what circumstances physical contact would be appropriate.</li> <li>• <u>Guideline:</u> All off-site, school-related activities involving school board employees and students must be approved by an authorized administrator and be supervised by a least two unrelated adults. <u>Concern:</u> The term "supervised" implies a paid or official position. Would this prohibit a teacher from taking students on a field trip if several parents also attended, but no other employees were there to "supervise."</li> </ul> <p>On behalf of the entire Newport News School Board, I respectfully request that the guidelines be reviewed and revised to ensure that the concerns above are addressed before the document is finalized.</p> <p>Thank you again for extending the time to comment on this matter.</p>
<p><b>January 13, 2011</b></p>	
<p><b>Cindy McClintock</b> Williamsburg, VA</p>	<p><b>Proposed rules teacher-student texting</b></p> <p>At the suggestion of one of the band boosters, our high school band director utilizes JOTT for mass communications with students and parents. It's been absolutely wonderful to receive event cancellations (because of weather) on both our phones and e-mails, especially since e-mail delivery may be delayed or we may simply be off-line. It has also been helpful when schedules have slipped by half an hour. I will note that parents were able to opt-in for the JOTT messages, so my husband and I receive them as well.</p>

	<p>May I suggest that the rules allow teachers to mass-communicate with groups of students, as long as the appropriate principal or vice-principal is included in the distribution? And parents sign permission slips?</p>
<p><b>Mrs Jennifer Landis-Herman</b></p>	<p><b>Accused pedophile in school: ATTN: Newport News School Board Members</b> As a parent of a current middle school aged child I do not have a problem with the cell phone issue the board is reviewing. I do however want to ask the school board to review its policy or lack of a policy in regards to accused pedophiles being allowed on school grounds. ... [REDACTED INFORMATION] I would like someone to write a policy regarding individuals accused of crimes against children so no one has to go through dealing with a known child predator in an elementary school or on school grounds or school functions. ... [REDACTED INFORMATION]</p>
<p><b>Jennifer Neal</b> Virginia Beach, VA</p>	<p><b>Teacher - Student Texting</b> I read the article about teacher - student texting and feel that this is a very bad idea. Teachers should communicate in the open with students, the way it was before technology stepped in. We may have this technology to use at our desire but is it really the safest way to communicate between adults and minors and this is what it boils down to. Parents want to know what is going on with their children and when text messages are sent directly to a child, anything can happen. So, for the safety of our teachers and for the safety of our children communication should be made to the parents, not the child. Or communication should be put in writing on paper. Yes, this type of communication is "old school" but it is safest.</p>
<p><b>Suzanne Gill</b> English/journalism teacher of 44 years and The Smoke Signal adviser</p>	<p><b>Proposed electronic communication ban between students and teachers</b> I am a journalism/English teacher who is opposed to the potential ban on most electronic communication between students and teachers. I use gmail to accept assignments from my reporters so I can access it at home in order to grade the first, second and final drafts on a timely basis. My students found that it allowed instant response rather than printing the article which I then had to mark and return. Our school email is not always accessible at home and assignments that are submitted online are not always available either. Gmail is much more reliable than the school platforms for communication. Journalism requires repeated and quick responses to articles to get the school newspaper done on time. My students have felt that I am accessible to them for asking questions, getting a response quickly and especially on field trips where we use our cell phones to communicate during the trip. It allows me to keep track of them and respond quickly to their needs. In a field trip I took my students on to Washington DC, one of my students had a seizure on the street while he was going to lunch. My students were able to call me at the convention and I took a cab to the hospital where my student had been taken by ambulance. How were my students supposed to inform me of this except by cell phone? Banning communication between teachers and students is a bad idea at the high school level. FaceBook and social network sites are visible to the world. Text messaging is available even after a person has deleted the message from the phone. Several of my students have all their text messages sent to their parents so their parents can monitor what they've received and sent to their friends. Banning such messages between teachers and students is not necessary. Relationships online between teachers and students are easily reviewed and it should be up to the parents to monitor such relationships which every teacher recognizes is inappropriate.</p>
<p><b>Barbara McArthur</b> Newport News, VA</p>	<p><b>Guideline</b> For a number of years I worked as a school social worker in PA. In my experience, the kinds of teachers/staff who would become "involved" with a student were not going to follow any guidelines. The reality is that their jobs are already in jeopardy once they "cross the line" and become inappropriately involved Restricting all teacher/student texting, particularly after school hours will penalize the students who are involved in extra-curricular activities.</p>
<p><b>Karen Richardson</b> Executive Director on behalf of the Virginia Society for Technology in Education Board of Directors</p>	<p>The Virginia Society for Technology in Education represents over five thousand public school teachers, administrators, and higher education faculty. With a mission to promote excellence in education through professional development, VSTE endeavors to support the integration of existing and emerging technologies. Recently, the VSTE Board reviewed the Board of Education's //Proposed Guidelines for the Prevention of Sexual Misconduct &amp; Abuse in Virginia Public Schools// dated November 18, 2010 with revisions dated January 13, 2011. VSTE agrees with the overall intention of these guidelines to prevent inappropriate conduct between employees and students in Virginia's public schools. However, we join with other organizations such as the Virginia Association for Curriculum and Development (VASCD) to voice concerns about the limitations placed on social media communications; moreover, we submit these guidelines are in conflict with goals established in the</p>

	<p>2010-15 Educational Technology Plan for Virginia . We disagree with assumptions that social media communications and one-on-one conversations between teachers and students, if allowed, will be inappropriate in nature. Research demonstrates the critical link between educator and learner relationships and their value to high levels of learning which is expected and needed in today's schools. For this to occur in this day and time, connectivity via bricks and mortar as well as virtually is vital, cost effective, and just makes good common sense.</p> <p>Technologies used in education do not create inappropriate interactions and therefore prohibiting their use would not prevent these situations. Professionalism should be at the heart of the effort to prevent inappropriate interactions. The medium is not the issue; in fact, educators should model appropriate digital citizenship when using technology to communicate in appropriate, timely, and powerful ways. VSTE strongly advocates for professional development and training materials to better prepare educators to leverage the technology for positive interactions with students.</p> <p>In the last several years, VSTE has written extensively about and showcased examples of schools in Virginia using social media and mobile learning applications to create dynamic educational environments. Student use of such technology is in line with the National Educational Technology Plan as well as the 2010-15 Educational Technology Plan for Virginia and involves the development of skills that are critical to their future success in college and the workforce. Joining with the VASCD, we disagree with language that suggests model policies for electronic communications with students should be restricted to "accounts, systems, and platforms provided by the school division" and argue that setting up such in-house systems would be far from the cost neutral claim provided in the document's conclusion. Additionally, opening the door to directives for divisions to use only in-house technology solutions, even in this narrow case, is a dangerous precedent. The Virginia Board of Education should not be in the business of codifying the source of solutions to technology-based instructional matters anymore than it should be declaring that lessons that meet the standards of learning should only be developed in-house.</p> <p>The crafting of these guidelines to protect our students from inappropriate forms of contact, while well intentioned, could serve to halt innovation in classrooms all over the Commonwealth. We ask that you revisit the language of this policy so that teachers seeking to build appropriate relationships with students utilizing new forms of communication will not be hampered by the potential actions of a few with ill intent. If you would like the input of our organization in this effort, we would be more than willing to work with you.</p>
<p><b>January 12, 2011</b></p>	
<p><b>John T. Jenkins</b> Social Studies Department of Menchville High School</p>	<p><b>Student-Teacher contact</b></p> <p>No doubt you are receiving many comments from educators across the state, so I thank you in advance for taking the time to read this message. I will be as concise as possible.</p> <p>The draft guidelines for regulating student-teacher contact currently being considered have two components that may seriously interfere with the ability of a high school teacher such as myself to be an effective educator.</p> <p>The first one is, <i>"Teachers and other school board employees must restrict electronic communications with students to accounts, systems and platforms provided by the school division."</i> Critical here is the phrase "provided by the school division." Literally thousands of teachers use a variety of websites, blogs, wikis, and other internet-based media to communicate with students. In this budgetary climate, the school divisions encourage but do not provide such methods of communication. In my high school using such web-based tools is essential because administrators have severely limited the number of photocopies that teachers can make. Perhaps the guideline could be reworded to say "authorized" or "permitted" by the school division and accomplish the same goal without the unintended consequence of undermining legitimate instructional usage.</p> <p>The second guideline is, <i>"Teachers and other employees...are prohibited from interacting with students through online social-networking sites."</i> I teach high school students and I can tell you that the majority of them are on Facebook. Using Facebook to communicate with students allows me to communicate with them in real time in situations when, for instance: they are studying for a test at night and have a question; when there is inclement weather and school closing and students have questions about the schedule; and to create threaded discussions for exam reviews. Although I understand the rationale behind prohibiting such contact, it seems to me that given the thousands of teachers who use social network to enhance their teaching and to better accommodate their students' needs, versus the tiny number of teachers who use such media inappropriately, the negative effects of such a policy far outweigh the (potential) benefits.</p>
<p><b>Richard Lusk</b> English teacher at</p>	<p><b>Student-Teacher Contact Policies</b></p> <p>I am an English teacher at Menchville High School with Newport News Public Schools.</p>

<p>Menchville High School with Newport News Public Schools</p>	<p>One of the proposed guidelines states that:  <i>“Teachers and other school board employees must restrict electronic communications with students to accounts, systems and platforms provided by the school division.”</i>  I would suggest that, although the reasons for the guidelines are obvious, the wording is too Draconian and severe. For the record, any of my ‘two-way’ communication with students is limited to school-wide email or through the school system’s online gradebook. However, I do have a number of free websites that I use <i>to provide</i> my students with information about assignments and lessons.  For that reason, I believe that this guideline should state <i>““Teachers and other school board employees must restrict TWO WAY electronic communications with students to accounts, systems and platforms provided OR APPROVED by the school division.”</i>  Either of these two modifications would effectively deal with the issue without adversely impacting those of us who use common sense in our interactions with students.</p>
<p><b>Deputy David Barke</b>  Administrative services division of the York Poquoson Sheriff’s Office</p>	<p><b>Proposed Teacher Student Texting Ban</b>  Just wanted to add my comments on this matter.  I have 3 children in public schools in the City of Poquoson. My oldest is a Junior and also attends New Horizons Technical Center at Thomas Nelson Community College.  I think we should just leave it alone. We already have laws in place to deal with any crime that may occur between the teacher and the student. I would assume school districts have policies in place to deal with inappropriate behavior. I think it’s the parents’ responsibility to monitor their children’s texting and social networking usage.  Face book, MySpace and whatever comes next is the future. Students are using face book more and more and at a younger age. If a teacher has a face book page and the status said "Don't forget about my test on Friday" it could act as a good thing.  I must say until this year, no teacher has ever to my knowledge contacted my 17 year old. This year he has a teacher that will text my son (and myself) to update us a variety of things ... Don't forget about the test ... No School because of Snow ... Good Job on the last test ... Don't forget to bring your permission slip back today ... etc. I do not see this as a bad thing. As a side note, this particular teacher has a self imposed policy of not "friending" any of his students on Face book. I respect that, and so does my son. I think as they grow older and get involved in more activities I can see where it could be used more and more. People like coaches, extracurricular actives instructors etc.  In talking to others in my office, most feel as I do. I am told some other teachers have a personal face book page that students are not allowed to "friend". They also have a "teacher" face book page that their students can be "friends" with. This way the professional and personal life's are kept separate. This at least on the surface sounds like good middle ground. I am told of a guidance counselor that has one of these professional face book pages that uses it to announce college material and related things.  In closing, please understand in my opinion a blanket across the board ban would do more harm than good. We need to embrace the new technology and figure out how to make it work to help both the students and teachers.</p>
<p><b>Sarah Taylor</b>  English Teacher at Harrisonburg High School/Blue Ridge Community College</p>	<p><b>Support for the Proposed student-teacher texting ban</b>  I received this contact information from a teacher who opposes the ban; she was encouraging fellow teachers to make contact to try to stop the ban, but I actually support the ban. If all teachers were older, stable, and had common sense, then there wouldn't be a need for the ban, but there are a lot of young, unstable, and flighty teachers out there that blur the lines between the student and teacher, confusing some students. We have a lot of students out there who don't have good parent advocates who will contact the school if something seems strange or concerning to them about a relationship between their child and a teacher. This ban will especially protect these kinds of teachers and students. I know if my teenage daughter was regularly texting or facebooking with one of her teachers (no matter if it was same gender or opposite gender), especially socially, but really for any reason, I'd be extremely concerned and find myself in a position where I'd have to possibly get a teacher in trouble for something that might be innocent, but I just wouldn't be willing to take that risk. Another benefit to the ban would be it would protect teachers who don't want this contact but get it unwillingly. For example, I put my personal cell phone number on a field trip information sheet for a summer school trip so parents could contact us on the trip since the school would be closed. One of the students started texting me after that with school questions over the summer (when are fee days, etc.). But when the questions continued into the school year and included less school-related messages (merry Christmas, etc.), I stopped responding and had to explain to him that I didn't think it was appropriate and that sending and receiving texts costs me</p>

	<p>money. I could tell that he was confused and his feelings were hurt. Having this ban in place would give me an official reason to point to in that kind of situation. All teachers have school emails, and most phones that text will send a message to an email address. If a student really needs to send a teacher a message, it should be to the official school email address; that way, both the student and teacher remember what roles they play to each other.</p>
<b>Simmons</b>	<p><b>Teachers texting students</b>  Allow texting, voice messages, etc., BUT require all such messages to students to include in the address(es) a "cc" to the appropriate school office, e.g. the principal's office. Of course, not all such messages will be read or listened to by that office. The potential for such, however, should strongly discourage any inappropriate messages.</p>
<b>Cara Zimmerman Walton</b>	<p><b>Proposed legislation concern</b>  I would like to express my concern about the new legislation concerning the: Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools.  Many teachers work in their local community. Part of being an educator is not only interacting with students when we are at school, but also interacting with them in our community, churches, athletic clubs, local theaters, and many other venues. Social networks have become, in a way, a part of that community. Facebook is a wonderful way to advertise upcoming events and set up groups where students can communicate about what is going on in school and the community. Like anything else there are negative aspects of social networking, but these are few and I believe they are far outweighed by their positive aspects. I, personally, have a policy where I do not allow current students to friend me on Facebook, but I have allowed students who have completed my class to friend me and they have asked me for advice on many matters about school from time to time. I feel that it has been a positive experience for all of us.  Also, when students are involved in activities, texting is a way to communicate with them about changes in schedules and other information they may need to know about an event. If a student is missing from an event or is late getting there, cell phone communication or texting is a quick way to find the location of that student and check to make sure that they are okay.  While I understand the intent of this legislation I feel that it will be harmful to the schools of Virginia. We should embrace and learn to work with new technology, not try to limit its use. There are going to be those few who abuse technology, but please don't punish those of us who use it to have positive interactions with students. We trust teachers to teach our students and we need to trust that the vast majority have the wisdom to monitor their interaction with students in the community and in social media. It is my belief that those few who would abuse this means of communication would do so even if there was a policy in place, it makes no sense to implement this blanket policy and punish the rest of us.</p>
<b>Pete Mercier</b> Director of Guitar studies at Menchville High School	<p><b>Regarding Teacher to Student Communications via Social Networking Websites</b>  I am writing to express some concern about the DOE's new policy banning teacher-student interactions through various forms of modern technology and social networking websites. I believe it is a hyper reactive response to a few instances where inappropriate conduct ensued between teachers and students after interacting through these various media, however, it is punishing the many for the actions of the few.  I realize that many members of educational authority are distinguished teachers who served many years in VA public schools and that some are from other fields, however, I believe they are missing the larger picture regarding social network forums. These websites allow teachers to create internal sites that can be informative and provide curriculum-related material(s) that allow for easier, more efficient access to the flow of information between teachers and students. While websites like TeacherWeb are great, students aren't nearly as likely to login to these, however they frequently check in to Facebook, MySpace, Twitter, and the like.  I believe the DOE is sending a message to teachers, administrators, and school employees and the message is not a positive one. The message is, "We do not trust the people that we hire to engage in ethical and appropriate interactions with students." If this were not the case, I would love to the reasoning for banning teacher to student interactions through these various technological media.  For all of the discourse about building student relationships and incorporating technology in the classroom, the proposed measure seems to exist in complete contradiction with modern educational thought and 21<sup>st</sup> Century learning. These media forms offer students and teachers another means of interaction and offers another way for teachers to build healthy, professional relationships with students. While we see students every day, we deal with 125 to 150 of them on a daily basis. There is not enough time in a school day to build solid relationships with all of our students, but social media outlets extend that time and allow teachers and students to connect</p>

	<p>beyond the hours of the school day.</p> <p>While I am vehemently against teachers becoming “friends” with their students, I am a proponent of building quality relationships and engaging students in a number of ways to enhance their learning and productivity, as well as building their professional, social, and technological skills. The issue with social networking sites is one of ethical responsibility. To completely ban student/teacher interactions is to indite all teachers of being unethical and irresponsible, and I believe it is an unfair accusation that likewise limits student/teacher relationship building and information sharing.</p>
<p><b>David P. Loughran</b> Harrisonburg HS English, Girls' Cross Country, Boys &amp; Girls Indoor, Outdoor Track &amp; Field</p>	<p><b>Proposed Communication Legislation</b></p> <p>Good Morning. Just a quick note in opposition of the new proposed electronic communication legislation.</p> <p>As a head track coach I deal with 60-80 athletes on a daily basis. Many have needs to communicate with me where communicating by cell phone is a necessity.</p> <p>From questions about upcoming events, to a forgotten appointment that keeps them from practice, to emergencies, cell phone communication is a must for me and my staff.</p> <p>Just this past weekend (after considering the legislation and reminding myself that there was a day when we didn't have such easy communication) we had a bus leaving at 6:45 am. At 6:25 an athlete was without a ride. After communicating with me and getting picked up by a teammate, they slid on a icy roadway and hit a stop sign. After communicating with me several more times (and getting his father and police to the scene), we were able to pick them up with bus and get on our way to the meet.</p> <p>In many ways (this being one glaring example) the ability to communicate with my athletes is essential to their experience on our team.</p>
<p><b>Christine Benson-Sapp</b></p>	<p><b>Proposed Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools</b></p> <p>I have read the proposed guidelines presented by the Virginia Department of Education, and I feel that many of them are quite restrictive for teachers. I have worked with children and young adults for ten years now, and I have always formed special bonds with those that I've worked closely with. Because of these special bonds, there are times when my students use me as more than just a teacher; they use me as a mentor, a counselor, a big sister, sometimes even a mother, and sometimes this means that my students need one-on-one alone time with me. With the restrictions the board of education has presented, my job will be just a teacher, and I feel that many of my students will feel lost if I can't perform those other duties. While I understand that students and teachers should not be alone together or discuss personal things, there are situations that arise that require a personal conversation that does not pertain to school or education. These conversations are often necessary to help a student's well-being. Also, I believe that social networking between students and teachers is acceptable as long as the teachers make sure that what is posted on their websites or profiles is appropriate for the general public.</p> <p>I am aware that we need to keep our students safe from harm of all kinds, but we can do that without restricting ourselves to a simple pat on the back and quick referrals to administration or counselors. Teachers are hired because they are educated and determined and are passionate about their careers; they are also hired (in most cases) because they have common sense.</p> <p>Thank you for using these comments in your consideration of these proposed guidelines.</p>
<p><b>Susan Traner</b> Newport News Public Schools</p>	<p><b>high school teacher perspective on</b></p> <p>I would like to offer my perspective on the new DOE guidelines up for consideration that deal with how faculty can and cannot communicate with students.</p> <p>I am a national board certified teacher with a master's degree and thirteen years experience teaching in VA high schools. I have been teaching AP English for the past four years, have served for many years on DOE SOL committees, and am proud to say that I teach in the same high school where I went to school. I am also currently department chair of my school's English department. I offer these details in hopes that you will infer or assume that I am a reasonable and dedicated teacher who isn't reckless or rogue in my attempts to teach students in my classes.</p> <p>There are three separate aspects of this policy that I will address, as I see them as three separate issues under the one umbrella.</p> <p>First of all, the policy suggests that teachers should only be able to use school division products, but with the budget constraints, this seems to be almost laughable. Where my division used to be able to pay for our TeacherWeb.com websites, we now have to pay for them ourselves. Though it is obviously a mode that is 100% academically focused, under this new guideline (should my division accept it fully), I would no longer be able to receive emails from students via this website. What better place for my students to email me than from the site that houses the pacing calendar,</p>

	<p>unit handouts, links for enrichment, etc? I have distribution lists set up via that site where I can email just parents, just students, or both with pertinent information. Often for students I send mass emails about deadlines, schedule changes, etc. For parents, often the emails are reminders about conference nights, announcing when grades have been posted, or college prep services put on by the guidance department.</p> <p>Secondly, the policy addresses possibly banning teacher-student texting. This seems extreme since the policy seems to say nothing about calling, which to me would be harder to trace and easier to be personal. To students of this generation, there is little difference between texting and talking on the cell phone, except that for them they see it as easier and less personal to text. What is the difference, besides the fact that kids are more likely to ask questions and seek out help from teachers if they can do it through the more distant mode of the text message? In years past, I would tell them that they could call when studying if they had a question, but after I had a baby, kids felt nervous about calling, fearing they'd wake up my child. With texting they know that they can text and if I don't text back I must be busy, asleep or unable to talk. Many of us have started giving out cell numbers and our connections with students have improved. They feel we are really there for them whenever/wherever. For the kid who has no adult who makes that sort of commitment, it means something more. Texting, for this generation, is the only real non-face-to-face mode of communication, even with their parents.</p> <p>In terms of using social networking such as Facebook: At the beginning of the year, when I pass out my syllabi and offer my contact information, I tell them that I am on Facebook and that they can email me or friend me if they wish. I explain that I will never attempt to friend them, for some of them may have aspects of their page that they would like to keep private from me. As a mother of a kindergartener who is a workaholic and has an equally dedicated husband who also teaches high school, our lives, those portrayed on Facebook and outside of Facebook, are benign. I am careful that no picture, post or piece of information I share on Facebook is inappropriate to my teen "audience." As I teach this "consider your audience" concept in high school academic writing, it seems to make sense that I would practice it in my private life. For kids whom I have no number, I Facebook email them to remind them of deadlines, missing assignments and ask about tardies. As a senior teacher, texting and Facebook have been valuable tools with which I can ensure I do absolutely everything I can to make my kids avoid truancy and complete makeup work. I have two young ladies this year and one last year who are here every day mainly because of my "nagging" them on Facebook. Because they can't hide anywhere, they figure they might as well come to class. There was a very short article in the New York Times this Sunday about the use of tweeting in a Bio lecture where they tweet their questions to the professor even during class and all the kids in class get them in real time and an associated research study. The article suggested that because they have this avenue, the students were more apt to seek out the professor even during face-to-face office hours, etc.</p> <p>In education, we speak out of both sides of our mouths. On one hand, we want to be conservative and make sure everyone's relationship is professional because a few creepy teachers believe that romantic or physical relationships with kids are justifiable. On the other hand, we talk about working with this new era of kids with 21<sup>st</sup> century expectations. This summer Tony Wagner, author of <i>The Global Achievement Gap</i>, came in to talk with some of our district's leadership teams, and he said the #1 thing kids desired and found necessary to perform for a teacher was an authentic relationship. He pointed out that the standoffish, distant, but respectful relationship most of us had with our teachers, where we admired them from a far and knew very little about one another, is not enough for this generation of kids.</p> <p>If you are interested in hearing from students about what they think of such communication modes and relationships, I could give you some names.</p> <p>Sexual predators will always find a way to prey on students. With these proposed guidelines, some of us who are reaping the rewards of such communication modes will suffer while the predators will find a way to do what they were doing "back in the day" before cell phones and Facebook.</p>
<p><b>Julie Hildbold</b></p>	<p><b>Cell and text</b></p> <p>Communication should always be professional between teachers and students, regardless of the mode or means. The means of communication is clearly widening today: facebook, twitter, cell phones, iphones, etc. So the issue really is not the means, but the manner. Banning communication through cell phone (texting for example) is almost laughable. Focusing on this one technology makes no real sense. As a teacher and coach, it is nice to know, at 5:45 a.m. on a Saturday morning, as we head out to a debate tournament, that one of my students is ill and can't make it. I only get that message through a text. My students and my own teenage children don't</p>

	<p>use the same methods we use to use. They don't call. In fact, on many cell programs, calls are charged, texts are not. My sons tell me that calling is rude while texting is not. On to facebook - it is ubiquitous and is only growing. Rather than banning it, let us instead teach people how to use it politely. Don't punish all of us for the failings of a few.</p> <p>Extracurricular activities (debate, SCA, newspaper, yearbook) really involve coordination and much time during the eves and weekends. I use facebook (and I am the administrator) to let students know about evidence, tournaments, etc. I tried calling and emailing them but my team does not use those outdated methods. Let's again, go to the root of the issue rather than indiscriminately banning technology. It's a knee-jerk reaction. The state of Virginia needs to do its job of vetting the teacher population and maybe attracting quality educators by offering a living wage!</p>
<p><b>Kitty Boitnott,</b> Ph.D. NBCT and president of the Virginia Education Association</p>	<p>The Proposed Guidelines, dated January 13, 2011, were revised in response to the first call for public comment. I write to briefly review the continued concerns of the Virginia Education Association.</p> <p><u>Communication between School Division Employees and Students</u></p> <p>VEA continues to question the strict policy limiting conversation with student to matters related to instruction and school activities as we know that teachers create positive learning communities by connecting student interests to the classroom. Research and best practice in classroom management recognize the value of teachers connecting what students learn in class to student experience, hobbies and interests that might serve as "hooks" for engagement with the curriculum. The Proposed Guidelines prohibit "an ongoing series of one-on-one meetings with a student without the knowledge of the principal AND without written permission of a parent or a guardian." VEA believes that such an absolute policy could work against teacher strategies to alter disruptive behaviors and engage students in learning, including the highly effective "two minute intervention" strategy.</p> <p>It is well-documented that schools are often places of safety for children abused or neglected in other settings: by parents, other family members, or family friends, etc. Restricting school employee communication with individual students might prevent a student from disclosing abuse received outside of school.</p> <p><u>Electronic Communication with Students</u></p> <p>VEA asked for clear definitions of terminology, and whether the policy against "on-line social networking sites" would prohibit "wikis" or "a Facebook fundraising page" set up by a booster club. Revisions did not provide the requested definitions or address the VEA questions. Instead phrases "one-on-one," "privately," and "personal" were added.</p> <p>VEA commented that text messaging is a legitimate means of exchanging information and a rapidly growing communications channel. As revised the Proposed Guidelines still prohibit teachers and other school employees from using this communications tool.</p> <p>VEA explained that many teachers provide cellular phone numbers to students and parents and have no other "landline" telephone number. Language added to the Proposed Guidelines restricts use of "personal communications device or account to contact an individual student" to urgent or emergency circumstance, and requires the teacher to provide a written report to a school supervisor the next school day with the date, time and nature of the contact. Are we to understand that teachers can call students and parents from landline telephones but not from cellular phones?</p> <p><u>Physical Contact</u></p> <p>VEA commented that the Proposed Guidelines on physical contact with students did not reflect state law authorizing physical contact for purposes such as defense of self or others, maintaining order or control, and enforcing school rules prohibiting weapons and other items. A statement in the proposed Guidelines that "school employees and volunteers should avoid physical contact when alone with an unrelated student" was struck and replaced with statement prohibiting physical contact with a student when other adults are not present "unless necessary to protect the health and well being of the student." This revision is NOT an accurate reflection of statutory authority to use physical contact and reasonable force for self defense, defense of other students, maintaining order and control, and enforcing rules prohibiting weapons and other items.</p> <p>Further, the Guidelines fail to recognize that a teacher may often be the ONLY adult in a roomful of students. Even if another adult, such as another teacher or an aide is in the classroom, that adult could be occupied with other students and not provide the type of witness that the Guideline requires for every contact with a student. VEA noted a variety of legitimate and appropriate reasons school employees may have for making physical contact offering a partial list including - breaking up a fight, restraining an out-of-control student, spotting a gymnast during a routine, a band instructor helping a novice student properly position his or her hands on a clarinet.</p>

	<p><u>Social Interaction with Students</u>  New provision - <u>Procedures for one-on-one and confidential interactions between students and clinicians</u>  The new section addresses "Clinical Professionals (nurses, psychologist, counselors, therapists etc.)" Other school employees, including teachers, have responsibilities with students under Individualized Education Programs. Special needs students may not be the only school population who benefit from individual meetings with school personnel.  VEA commented earlier that the Guidelines could have unforeseen and unintended consequences harmful to educators or students. We appreciate the Board's acknowledgement that t further study and comment were needed. As always, we stand ready to work with the Board and the Department on this and other important policy decisions.</p>
<p><b>January 11, 2011</b></p>	
<p><b>Marissa Williams</b></p>	<p><b>Texting</b>  I think there is a lack of information of what can be done or cannot be done as far as teachers picking up cell phones from students. Here are a few examples. I have picked up cell phones in prior years and have caught various students cheating on tests and major exams. They have texted each other answers and have emailed themselves cheat sheets. In cases like this, we take it up to the administrator and actions are followed accordingly.  One year, I picked up a cell phone and found sexting in which I was sickened at what was found. So much so, that I wanted to make sure that the mom of the girl receiving the text to know what her daughter was seeing. When I took it up to the admin., I was told that it was illegal to go through a child's text and my license was threatened. Nothing was done to the student. It was understood in my eyes that texting was like writing a note in class. I thought I could pick it up. Not so. These rules need to be clear and all teachers need to know what can or can't be done.</p>
<p><b>Britt Watwood, Ed.D.</b>  Online learning specialist with the VCU Center for Teaching Excellence</p>	<p><b>Proposed Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools</b>  In regards to the proposed guidelines, I would like to endorse the attached statement sent to you by the Virginia Society for Technology in Education.  I teach a course in VCU's School of Education graduate program entitled "Educational Technology for School Leaders (ADMS 647)". In this course, we examine both the social issues and the instructional potential of web-based social media. Our intent is to help future administrators see both sides of the issue. As the VSTE statement notes, the proposed guidelines, while well intentioned, would eliminate some engaging forms of instruction.  The CNBC documentary on Facebook this past week noted two facts - that Facebook now has 500 million users and that it is becoming part of the infrastructure of the world. Our education system needs to prepare our students on the ethical use of social media and not simply ban its use. In effect, social media is moving from applications used by few to a utility used by most. We do not ban the use of electricity or drinking water, nor should we ban this utility. Instead, we need guidelines covering professional use. To allow the actions of a degenerate few to affect the learning outcomes of the majority runs counter to the ideals of this country and the Commonwealth. As VSTE suggested, I would ask that your team revisit the language of this policy so that teachers seeking to build appropriate relationships with students utilizing new forms of communication via social media will not be hampered by the potential actions of a few.</p>
<p><b>Thomas E.M. Hutton</b>  Attorney with Patterson, Buchanan, Fobes, Leitch &amp; Kalzer Inc. PS of Seattle, WA</p>	<p><b>Boundary Invasions</b>  If I could chime in as well, Mr. Pyle, I caught wind of your guidelines on The Edjurist, an education law blog, which highlighted some initial criticisms you may be hearing as the discussion continues. I briefly addressed a few of those concerns in a response I posted there:  <a href="http://www.edjurist.com/blog/should-state-boards-of-education-issue-guidelines.html?lastPage=true#comment11135775">http://www.edjurist.com/blog/should-state-boards-of-education-issue-guidelines.html?lastPage=true#comment11135775</a>  As a rule I tend to be sympathetic to all of these kinds of concerns: (1) agency overreach; (2) overblown fears of technology and clumsy efforts to address them; and (3) more generally, the centralization and legalization of all things educational. But on the substantive issue here, I would respectfully suggest that on close reading the VSBOE guidelines appear more thoughtfully done than one might know from some of the initial reactions to them in the blogosphere.  The guidelines are not focused entirely or even primarily on technological communications, for example, although the prevalence with which today's perpetrators groom their victims this way is chilling. As the guidelines urge, districts are finding ways to utilize these great tools while avoiding the real problem: easy one-on-one communications with no third set of eyes. As another example, the argument that we should eschew a broad brush and focus narrowly on perpetrators highlights the whole point of the boundary invasions approach, namely that schools must focus earlier on</p>

	<p>addressing norms and behaviors that in most instances are in fact "innocent" -- but that if accepted are exactly what enable perpetrators to victimize children. Addressing the institutional culture in this way can provide the red flags and legal grounds that allow the school district to intervene in time. The narrower approach often has meant that by the time the district learns of the problem or has enough evidence to warrant action, the harm's been done. Case in point: Doe v. Flaherty, 623 F.3d 577 (8th Cir. 2010).</p> <p>In the interest of full disclosure, my firm has done a great deal of work on this issue, so we're supportive of efforts like VSBOE's. And by the way, ELA's upcoming webinar will address all these issues: <a href="http://educationlaw.org/webinar.php">http://educationlaw.org/webinar.php</a> .</p>
<b>Sackett</b>	<p><b>Cell phones teachers/students</b></p> <p>I appreciate the convenience of my child receiving messages from coaches and teachers. Parents need to watch their children and teach them to tell if anything inappropriate occurs. Let's not punish all the good coaches and teachers in fear that a few may behave inappropriately</p>
<b>Connie McBryde-Keith</b>	<p><b>Teacher-student texting ban</b></p> <p>Personally, I think this is a very bad idea. Not all teachers or students are up to no good. In addition to the stated reasons dealing with athletes and field trips I find that students use text and email to get work when they are home sick or absent as well as clarifying instructions and even submit work electronically. This ban would hinder students from catching up on work, thus making it necessary for the teacher either to stay even longer after school or the student miss current instruction while trying to make up missed work. Let's not throw out the baby with the bathwater.</p>
<b>Sherri Oesterheld</b>	<p><b>Comments about sexual abuse policy</b></p> <p>I have some very real concerns with some of the statements in this policy. I have taught school in VA since 1980.</p> <p>I teach some of my students in Sunday School at church. I live in a neighborhood with some of my students. My children are best friends with some of my students. Some of my students have home situations which affect their school work. Some of my students have had eating disorders that were brought to my attention by other students. In all of these cases, I have initiated conversations about the students' lives at home. I have asked about their sports events, about their extracurricular activities, about whether they needed help. I have also called their parents or gotten guidance counselors involved, but I have certainly asked them about their lives. I thought we were supposed to care about students. I have been in homes of my son's best friend (who also happened to be one of my students) when their parents served alcohol to the adults present (I don't drink, so I didn't partake).</p> <p>These rules are unbelievably restrictive. It would basically require me to no longer participate in life in my community. The policy should not restrict the lives of teachers to this extent.</p>
<b>January 10, 2011</b>	
<b>Troy R. Hutchings</b> Faculty, Northern Arizona University & author of dissertation "Teacher Sexual Misconduct with Students: The Role of Teacher Preparation Programs as a Prevention Strategy"	<p>[My] dissertation is aimed at the general lack of training given to the topics of educator ethics, boundary violations and misconduct by teacher preparation programs. However, the emergent data contained in the study goes beyond that particular topic.</p> <p>Since the research was completed two years ago, my focus has not really been on teacher education programs, but rather defining the "slippery slope" that leads to misconduct. The most controversial point in my message is that offenders are most often not pedophiles or perverts, rather very effective teachers. In other words, all educators are vulnerable to this slippery slope. In the last two years I have given many, many talks to attorney groups, at school board law conferences, deans of colleges of education, school administrative law conferences, state standards boards and misconduct commissions, the military and other educational constituents. I have even been contacted by the president of one state's teachers' union to conduct training for all of their teacher members...in other words, as hard as it is for educators to fully acknowledge that they are vulnerable, the message seems to be resonating.</p> <p>I am currently starting another research project involving extensive interviews with male and female teacher-offenders that have been incarcerated for sexual misconduct with students. I am discovering that their stories are remarkably similar...excellent teachers, well-regarded, who became "teacher-savior" to needy students while simultaneously struggling with their own need for affirmation that was fulfilled with their interactions with students.</p> <p>It looks as though Virginia is on the cutting edge of educator ethics, boundary violations and misconduct training if the proposal passes...what your team is doing is absolutely critical work.</p>
<b>Ann Etchison</b> , executive director on behalf of the Virginia ASCD	<p>The Virginia Association for Supervision and Curriculum Development represents over two thousand public school teachers, administrators, and higher education faculty with a mission to advance excellence in teaching, learning, and leadership. In September of 2010, our organization adopted a position statement on Teaching, Learning, and Leading for a Changing World in which</p>

Board of Directors	<p>we advocate for <i>high quality instructional programs that include the use of advanced technologies to access and facilitate learning.</i></p> <p>Recently, the VASCD Board reviewed the Board of Education’s <i>Proposed Guidelines for the Prevention of Sexual Misconduct &amp; Abuse in Virginia Public Schools</i> dated November 18, 2010 and the revisions to the policy dated January 13, 2011. While VASCD agrees with the overall intention of these guidelines to prevent inappropriate conduct between employees and students in VA public schools, we are concerned by the limitations placed on social media communications and do not feel the revisions go far enough to address these concerns; moreover, we submit these guidelines are in conflict with goals established in the 2010-15 Educational Technology Plan for Virginia and disagree with assumptions that social media communications and one-on-one conversations between teachers and students, if allowed, will be sexual in nature. We do not support the notion that digital conversations or one-on-one interactions between students and teachers should be prohibited to avoid the few inappropriate exchanges that might potentially occur. Instead of denying the social context of the 21<sup>st</sup> Century, any inappropriate use of technology must be addressed individually based on existing legal and policy guidelines.</p> <p>VASCD members can cite numerous examples of schools where Facebook, Twitter, iPod applications, Wikispaces, text messaging, and other forms of social media are being used constructively as a means for students to communicate with each other, their teachers, and the community beyond the classroom. In fact, these 21<sup>st</sup> century forms of communication appeal to the learning styles of the vast majority of public school students and involve the development of skills that are critical to their future success in college and the workforce. As VASCD’s 2010 position statement reads, “Students should apply knowledge and skills to novel situations and authentic problems, demonstrating creativity, innovation, self-reflection, and flexibility in thinking.” The acquisition and use of these important skills routinely involves the use of social media technologies for today’s students.</p> <p>We appreciate the additional language regarding accounts, systems, and platforms, but remain concerned that students and teachers still have access to outside platforms for instructionally appropriate communications while working at home, while traveling, or on snow days. In fact, one very interesting aspect of the communications revolution and growth of social media is the asynchronous nature of learning. There are dedicated professionals willing to provide instruction and feedback to students during non-school hours and are able to do so because of social media tools.</p> <p>Similarly, the proposed guideline that teachers “may not use personal communications devices to ‘text’ students and are prohibited from interacting one-on-one with students through personal online social-networking sites” fails to acknowledge the reality of how today’s students interact with both peers and adults. The medium is not the issue; in fact, teachers are the very people who are in a position to model for students the ways in which adults use social media to communicate in appropriate, timely, powerful ways. Without these models, where will our students learn these essential skills? Examples of effective and appropriate use of social media tools exist in schools and classrooms throughout the Commonwealth.</p> <p>We acknowledge the challenges associated with establishing well intentioned policies designed to prevent inappropriate forms of contact in a world where communications practices are changing rapidly. However, we ask you to revisit the language of this policy so that teachers seeking to build appropriate relationships with students and join today’s new forms of communication won’t be sent back to twentieth century learning environments because of the potential actions of a few with ill intent. If you would like the input of our association in this effort, we would be more than willing to work with you.</p>
<b>January 9, 2011</b>	
<b>Chelsea Henderson</b>	<p><b>Student Response to “Action/Discussion Item J”</b></p> <p>Please allow me to introduce myself. My name is Chelsea Henderson and I am currently a freshman at Christopher Newport University. Last year I graduated from Monticello High School in Albemarle County.</p> <p>I found the Virginia Department of Education’s proposal for the “Prevention of Sexual Misconduct and Abuse in Virginia Public Schools.” While I can appreciate the goal of this proposal, I find problems in its approach and would like to offer you my perspective.</p> <p>I come from a broken home and it was tough for me to cope with my circumstances. The end of middle school and the beginning of high school marked the peak of the problems I had dealt with for years. Fortunately, I was able to connect with the assistant principal of my middle school and later the assistant principal of my high school. It was difficult for me to talk about my experiences, so I communicated with them through email. Later, we progressed to phone calls and text</p>

	<p>messaging. There were several instances when I needed to talk with someone immediately, and they were the people I called.</p> <p>When I look at the guidelines of this proposal I think back to those days and wonder what would have happened if I were not able to contact the people I trusted most. I think of other students who are in similar situations and wonder how they will overcome their own hardships, or where the one hug they receive per day will come from if it cannot be the adult at school that they trust. It also seems as though the mandates of the program will negatively impact mentoring programs.</p> <p>Essentially, one-on-one quality time is a large part of mentoring. I have been a mentor to several students for the past three years and I have learned that being available, reachable, and compassionate are necessary components in being a mentor. I do not see how these factors can be met under the guidelines of the proposal.</p> <p>One of my family members is in her fourth year of college and plans to become a teacher in the same community she grew up. Her inspiration is found in the need she sees in the students of this area for positive role models, and it is her dream to build relationships with them. If this aspiring teacher was to serve her students in her full capacity, I predict that some students may need her beyond the respective school day hours.</p> <p>Albemarle County Public Schools' motto is "Rigor, Relevance, and Relationships." "Relationships" indicates that the stakeholders in Albemarle County understand the importance of strong, positive rapport between students and their elders. Whether their elder is a bus driver, a custodian, a cafeteria employee, or a teacher, they all have the opportunity to greatly impact a child's life. In Albemarle County, we represent our appreciation for the "relationships" factor through a "We Notice" program. During this program, any county employee nominated by a student is recognized for their execution of connecting with the students they serve.</p> <p>I feel strongly about this matter in particular, as my successes are products of the mentoring I received in Albemarle County. I hope that you will consider these things before going through with this mandate. Thank you for the opportunity to express my concern.</p>
<p><b>Leonid S. Knyshev,</b> CEO - Qpointment</p>	<p><b>Electronic communications policy - item J 1/13/2011:</b></p> <p>It has come to my attention that your board is about to adopt a potentially unconstitutional policy. <a href="http://www.doe.virginia.gov/boe/meetings/2011/01_jan/agenda_items/item_j.pdf">http://www.doe.virginia.gov/boe/meetings/2011/01_jan/agenda_items/item_j.pdf</a></p> <p>Your students are adopting real-time communication systems faster than your policy can possibly hope to keep up with.</p> <p>For example, are you familiar with Google Wave technology? That product allows an unlimited number of people to communicate in real-time. It has been donated by Google to Apache Software foundation, which means it will now be developed independently.</p> <p>Facebook is rolling out its messaging product that is vastly superior to regular e-mail and includes elements that were unique to Google Wave technology.</p> <p>The role of teachers is transitioning from lecturers to on-demand experts. Facebook offers tools to segment information based on list membership. It also offers real-time presence indicators. A student would benefit from on-demand access to their teacher. Technology from companies like my own permit visibility into availability calendars across systems.</p> <p>I will be honest with you - I could not care less for the safety aspect of this policy. It will not stop criminals. The argument "think of the children" is incredibly misguided and is stifling much innovation.</p> <p>Regardless of how much you dislike the concept, a teacher can set Facebook profile to "fully public". That can include aspects of their private lives that are none of this Board's concern in a free society.</p> <p>I am not an attorney. I think you understand that a competent attorney will find far more ways to challenge every one of your policies in court.</p> <p>Now as to actual analysis.</p> <p><u>Model policy for electronic communications with students</u></p> <ul style="list-style-type: none"> <li>• Under most circumstances, Teachers and other school board employees must restrict one-on-one electronic communications with individual students to accounts, systems and platforms provided by or accessible to the school division. Your students are not on the same platform as your teachers. The probability that your system will adopt something as useful as current generation of consumer Internet communication tools is zero. It takes funding to create highly useful systems. That funding simply cannot exist for your usage. Thus, you are creating a walled garden about which no one among your students cares.</li> <li>• Teachers and other employees may not use personal wireless communications devices to "text" students and are prohibited from interacting one-on-one with students through personal</li> </ul>

online social-networking sites. Teachers and other school board employees must decline or disregard invitations from students to interact privately through texting and personal social-networking sites.

Why on Earth not? Why is SMS a problem and yet a teacher can call a student's home phone? In my house, a home phone no longer exists.

Teachers can offer guidance on revealing personal profiles and report them to social network site operators if there are terms of use violations. Have you read the terms of use for major social networking websites? They are written by expensive lawyers.

- If, because of an urgent or emergency circumstance, a teacher or other school board employee uses a personal communications device or account to contact an individual student, the date, time, and nature of the contact must be reported in writing to his or her supervisor on the next school day.

This policy has null effect on criminal behavior and imposes red tape where none should be.

- Teachers and other school board employees may not knowingly engage in online gaming unrelated to instruction with students.

What is your definition of "online gaming"? Are you aware that term also refers to online gambling? Why can't a teacher lead a WoW guild?

- School board policy on electronic communications with students also applies to teachers and other employees of virtual school programs and other vendors providing instructional services to students.

Aside from misguided safety concerns, who cares?

Best Practices:

- Division technology and instructional staff collaborate to develop local policies that allow for appropriate electronic communications between school board employees and students while deterring misconduct and providing accountability.

You have accountability today for all SMS, MMS, email, and social media through the subpoena process. By enforcing this policy, you will force clandestine communications without such option.

- Developments in personal digital communications and social networking are reviewed annually by division technology staff and school board policies are revised as needed.

No wonder governments can't get anything done. 12 months is too slow to respond to emerging trends like Chatroulette. Do you know how we do business in Silicon Valley? We have monthly software releases based on immediate customer feedback.

Best Practice:

- Information about school board policies on in-person and electronic communication between employees and students is included in student and parent handbooks and posted on the school division Web site.

No one reads that except lawyers when they are getting ready to sue you. Ever.

OK, here is what you should do.

1. Encourage real-time communication using technologies including, but not limited to, Facebook groups and Facebook messaging.
2. Allow teachers to adopt the on-demand expert role rather than babysitter role. That means homework is done in-class and lectures are viewed offline.
3. Clearly define criminal actions in plain English and provide a way to report them with maximum time to respond not to exceed 24 hours, 7 days per week. There should be administrative penalties for allowing an incoming request to be unassigned for over 24 hours and 1 minute.
4. Work with law enforcement to employ lawful channels for electronic surveillance based on credible probable cause.
5. Realize that "think of the children" is not a valid argument for restricting communications channels.

This cat is out of the bag. We have technology for encrypted peer to peer communication commonly available on every smart phone today. I wrote some of such software for a product that is not yet launched. Believe me, students can be quite resourceful when it comes to overriding school policies. I personally wrote a program that disabled all restrictions on all computers I had to use even back in 1997. You do not want them to be motivated enough to start using fully encrypted tools not subject to CALEA.

There is nothing in this policy that will affect criminal behavior. It is not your job to act as law enforcement.

I request this letter be included as a matter of public record as comment on this proposed policy.

	It is time to join us and the rest of the world in the 21st century where communication is ubiquitous and access to information sources is real-time.
<b>January 7, 2011</b>	
<b>H. Alan Seibert,</b> Superintendent Salem Public Schools	<p><b>A few thoughts from a small division regarding "social media" and professionalism</b></p> <p>Dr. Wright,</p> <p>I know that you are profoundly busy, so please feel free to forward this message and the two attachments on to the most appropriate office or disregard entirely. My feelings will not be hurt! I understand that there is some push back regarding the BOE's consideration of guidelines intended to better safeguard students from misuse of social media. While I agree that the unintended effects could outweigh the good intentions, my purpose for this message is not to echo concerns already expressed, but to share the outcomes of our local Board's efforts to set expectations to address a similarly identified need.</p> <p>I know that Salem City Schools is a small division, and I do not presume that we have answers for the entire Commonwealth, but we did choose to address similar concerns on these issues and establish expectations in a positive way. Also, I know that our Board was a bit of a pioneer in this area because when our Board took this issue on last year the VSBA asked for copies because we were one of the first members of their policy service to try to wrap our arms around these complex issues.</p> <p>FYI - I am attaching our Board Regulation that specifically addresses the use of social media. I am also attaching the policy it is based upon (only the last bullet in the policy references online environments). We had a high level of participation in addressing the this topic. We knew that we could not address it through Acceptable Use Policy because that only applies to equipment owned by the division. Instead, we elected to use existing expectations about professional conduct, to provide a few examples of what we consider acceptable and unacceptable, and to acknowledge that the technology providing the medium for the challenges today may not be what is vexing us tomorrow.</p> <p>I encumber your time with all of this only because I think that there may be a way to change the conversation and achieve the desired ends in a constructive and affirming manner.</p> <p>Thank you for all you do...hang in there!</p>
<b>January 5, 2011</b>	
<b>Ann Etchison</b> Executive Director, Virginia ASCD	<p><b>Proposed Guidelines for the Prevention of Sexual Misconduct and Abuse in VA Public Schools</b></p> <p>Can you send me any finalized materials at this point? Has any of the language been changed (so that we don't spend time objecting to aspects of the guidelines that have been changed as a result of the public comment period)? While we certainly agree with the overall intention of these guidelines (i.e. preventing inappropriate conduct between employees and students in VA public schools), we are disturbed by the suggested limitations placed on social media communications (and would suggest they are inconsistent with aspects of the 2010-15 Educational Technology Plan for Virginia) as well as any assumptions that assume social media communications and one-on-one conversations between teachers and students are sexual in nature. Many teachers effectively build relationships with some of our most challenging students by being available for one-on-one conversations and appropriate support that may occur in a classroom with a closed door in the interest of the student's privacy. We certainly favor the prevention of sexual misconduct and abuse but do not support the notion that digital conversations or one-on-one interactions should be prohibited to avoid inappropriate exchanges. Moreover, we can cite numerous examples of schools where Facebook, Twitter, iPod applications, Wikispaces, and other forms of social media are being used constructively as a way students communicate with each other, their teachers, and the community beyond the classroom---a 21st century form of communication and language that appeals to the learning styles of the vast majority of public school students. In developing guidelines with an important focus (i.e. prevention of sexual misconduct), we disagree with guideline language that suggests "model policies" for electronic communications with students would be restricted to "accounts, systems, and platforms provided by the school division" (not cost neutral) and that teachers "may not use personal wireless communications devices to 'text' students and are prohibited from interacting with students through online social networking sites". Examples of effective and appropriate use--- both for instructional purposes and for needed communication with both students and parents---are working throughout the Commonwealth. Please advise whether the concerns I've expressed have been addressed since the first review was shared with the Board in November. If not, we would like you to share our concerns and will find a representative to speak at next week's Board meeting.</p>

<p><b>Lora Stader,</b> Harrisonburg, VA</p>	<p><b>“Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools.” - concerns</b></p> <p>I am writing to express my concern that the following guidelines are too broad and infringes on ones freedom of speech. (Freedom of speech is the freedom to speak freely without censorship or limitation, or both. The synonymous term freedom of expression is sometimes used to indicate not only freedom of verbal speech but any act of seeking, receiving and imparting information or ideas, regardless of the medium used. Wikipedia)</p> <p>Here are a couple of what if examples... What if the teacher or school employee has their own biological children that they want to text during the day? For reasons such as... hey I am sick, or I need a ride after school or I am riding the bus instead of walking. etc. What if a teacher or school employee wants to monitor their own biological children's social network activity by friending their children's friends or vice versa? They may not actually communicate with their child's friends, but are friends with them to keep an eye on their own biological child's online activity. ?? How can you tell a parent/school employee that they can't communicate on there own time, with their own children using whatever medium they choose? How can you tell a parent/school employee that they cannot communicate with other students especially if it's friends of their own children?? Do you see what I am trying to convey? I have heard that some schools have thought about using social networking(such as facebook) as part of learning. What an awesome way to reach out to kids. This is the generation of savvy technology users and we need to embrace it instead of stopping it. I believe that you need to rethink how this is written. Perhaps the policy needs to be written with more detail instead of in such a broad statement. Teachers and other school board employees must restrict electronic communications with students to accounts, systems and platforms provided by the school division.</p> <ul style="list-style-type: none"> <li>• Teachers and other employees may not use personal wireless communications devices to “text” students and are prohibited from interacting with students through online social-networking sites. Teachers and other school board employees must decline or disregard invitations from students to interact through texting and social-networking sites.</li> <li>• Teachers and other school board employees may not knowingly engage in online gaming with students.</li> <li>• School board policy on electronic communications with students also applies to teachers and other employees of virtual school programs and other vendors providing instructional services to students.</li> </ul>
<p><b>January 4, 2011</b></p>	
<p><b>Frank D. LoMonte</b> Executive Director Student Press Law Center</p>	<p>The Student Press Law Center serves as a source of legal information for students and educators in the field of journalism, and we were asked by several of our Virginia members to review the Board of Education agenda item, “Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools” (hereinafter referred to as “the Guidelines”) scheduled for consideration at the Board’s January 13 meeting. For the reasons that follow, we suggest that the public comment period be reopened to enable affected members of the school community to have meaningful input and help address the potential adverse consequences of the Guidelines as they are written. While the Board’s eagerness to address the disturbing incidence of inappropriate sexual relationships between students and school employees is entirely understandable, some of the proposed restrictions would have significant consequences beyond what the Board and its staff may have envisioned. Our members have concerns specifically about two sections of the Guidelines, on which these comments will focus.</p> <p>The first section appears at p. 3 of the Guidelines, entitled: “Policy for electronic communications with students,” and specifically includes the following recommended district-level policies:</p> <ul style="list-style-type: none"> <li>• Teachers and other school board employees must restrict electronic communications with students to accounts, systems and platforms provided by the school.</li> <li>• Teachers and other employees may not use personal wireless communications devices to “text” students and are prohibited from interacting with students through online social-networking sites.</li> </ul> <p>We interpret the restriction to school-provided “systems and platforms” to mean that teachers may use neither non-school e-mail accounts nor social-networking sites (including the popular “micro-blogging” site, Twitter) to exchange electronic messages with students. We encourage the Board to solicit input from coaches and from sponsors of extracurricular activities, including newspapers and yearbooks, about how important these communication tools are to those who supervise out-of-class student activities, and in particular, overnight trips. It will hamstring the ability of teachers to manage students attending out-of-state conventions and competitions if they cannot use their personal cell-phones to call or text-message students when the bus is late or the dinner destination</p>

has changed. If the Board's paramount concern is for student safety, that purpose is ill-served if the result of the Guidelines is that club sponsors and coaches can no longer effectively keep track of the comings and goings of their students on out-of-town trips.

It is certainly true that school employees have, at times, taken students to hotels for illicit purposes. Making it a punishable offense for a teacher and a student to enter a hotel together would theoretically deter such behavior. But you would not enact such a prohibition, because you know that there are many legitimate reasons for which teachers and students would be at the same hotel, and you know that such a rule would greatly complicate overnight trips to conventions and sporting events. If you would not endorse a ban on teacher-student hotel visits, then for the same reasons, you should not endorse a ban on teacher-student texting.

We also encourage you to elicit the input of knowledgeable journalism educators, including those from the Journalism Education Association and from your many fine journalism colleges in Virginia, about "best practices" in the teaching of journalism in the 21<sup>st</sup> century. What you will hear is that schools are moving rapidly to incorporate social media and Twitter into the teaching and practice of journalism, because that is the way news increasingly is being shared. Many outstanding student publications maintain Facebook sites to recruit staff members, solicit submissions, update readers on breaking news, and otherwise take advantage of the immediacy of social media. Some of the best journalism teachers use Twitter as the equivalent of a targeted "intercom" that enables them to instantly deliver a message to the entire staff of a newspaper or yearbook at once, no matter where the students are located. It is difficult to see the student safety benefit in outlawing the use of Twitter to disseminate a (publicly visible) message that announces the time and place of the yearbook staff meeting.

The second section of concern appears at p. 2 under the heading of "Model policy for in-person communication with students," and states that no school board employee may conduct an "ongoing series" of individual meetings with a student without notifying the principal and obtaining written parental consent. This policy must be viewed in combination with the aforementioned restrictions on communications using non-school platforms or devices, and with the statement (p. 2) that electronic communications must be "transparent" and "accessible to supervisors."

When these recommendations are viewed in total, they would make it virtually impossible for students to engage in any type of investigative reporting using school employees as sources. If employees may neither meet (in a "series" of meetings, however that term is understood) confidentially with students nor communicate with students except using means that are "transparent" to their supervisors, it will be exceedingly difficult for an employee to furnish information to the student media without risking retaliation. Although student journalism often is treated dismissively by the adult world, high school students have in fact brought important news stories to public attention using confidential sources, and for examples you need only look to the award-winning work of student journalists at Maryland's Rockville High School, who in 2008 published the results of a three-month investigation of street gangs that the police credited with actually reducing the level of gang activity in their school.

If the Board is intent on enacting restrictions of this kind, we suggest that the Board guard against the anti-whistleblower effects by enacting – either as a part of these Guidelines or as a stand-alone provision – comprehensive whistleblower protection language along the following lines:

*WHISTLEBLOWER PROTECTION: No student or school employee may be disciplined or retaliated against in any manner for seeking to call attention to matters of public concern involving school practices, conditions or events, or for otherwise-lawful acts taken in furtherance of such 'whistle-blowing' conduct.*

While we appreciate that these Guidelines are advisory and may be revised at the district level, it is important that the Board assume that some districts – if not most of them – will enact the Guidelines exactly as written in deference to the state's expertise and authority. It is extremely difficult for interested parties to monitor and have genuine input into the actions of 130-plus local districts. If the Guidelines cannot practicably be implemented exactly as written, then they should not be distributed with the confidence that "glitches" will be noticed and fixed locally.

Regrettably, the 30-day public comment period for the Guidelines coincided with Thanksgiving, final exams and the winter holiday break. This effectively shrunk the 30-day comment period into something more like 10 days. The changes contemplated by the Guidelines are too significant to be hurried into effect without considering the input of all affected stakeholders, and this means reopening the comment period and taking account of all potential consequences.

Thank you for accepting this input beyond the expiration of the initial comment period, and for giving your careful consideration to all ramifications of this important decision.

**January 3, 2011**

<p><b>Kelly Furnas,</b> Executive director for Journalism Education Association at Kansas State University in Manhattan, KS</p>	<p>While I wish to applaud the efforts of the Virginia Department of Education to draft guidelines for the prevention of sexual misconduct and abuse in Virginia public schools, I would caution the organization from overreaching with its good intentions to the detriment of common sense. I would urge the department to reconsider its proposed model policy for electronic communications with students, specifically:</p> <ul style="list-style-type: none"> <li>• Teachers and other school board employees must restrict electronic communications with students to accounts, systems and platforms provided by the school division.</li> <li>• Teachers and other employees may not use personal wireless communications devices to "text" students and are prohibited from interacting with students through online social-networking sites. Teachers and other school board employees must decline or disregard invitations from students to interact through texting and social-networking sites.</li> </ul> <p>Our organization, the Journalism Education Association, is made up of more than 2,300 high school journalism teachers from across the country. In addition to the day-to-day outreach by and for our members, we also conduct two national conventions each year for high school journalism teachers and students, generally drawing more than 10,000 attendees a year. At those conventions, speakers and presenters routinely laud the need for journalism students to use multiple forms of communication when practicing their craft. Texting and the use of social-networking sites are among the most common and most popular examples of the tools student journalists must use.</p> <p>Virginia enjoys a rich and strong tradition of student journalism, and many of the high school newspapers in your state maintain a presence on one or more social-networking websites. Creating a model policy that would forbid teachers from viewing or commenting on student work is not only creating a poor learning environment for students but also potentially making your teachers out-of-date as educators.</p> <p>As for the restriction on texting, I fear the Department of Education is simply blaming a modern mode of communication for woes that well pre-date its existence. Texting a student is no more likely to be offensive or misconstrued than a letter, phone call or e-mail. Student journalists use texting to schedule interviews, verify facts, and disseminate breaking news.</p> <p>(And on a much broader scale, I fear a policy forbidding student-teacher texting is likely to have dire consequences by eliminating an efficient mode of emergency communications. As a former media adviser at Virginia Tech, I'm perpetually thankful that I was able to text my students in 2007.) Please do not let this letter be misconstrued: I admire the efforts to keep students safe, and I keenly recognize the need to maintain not only the reality of a safe environment but also the appearance of one. However, I think for students/teachers as a whole and scholastic journalism in particular, elements of this policy are a classic example of overreaction and misplaced blame.</p>
<p><b>Andy Bedinger</b> Virginia Beach</p>	<p><b>Guidelines for the Prevention of Sexual Misconduct and Abuse</b></p> <p>I just became aware of the proposed guidelines. I have concerns with the section regarding electronic communications.</p> <p>It goes without saying that I fully support the spirit of the law and guidelines to protect our students. Unfortunately, the guidelines as written will have a serious impact on my ability to communicate in a <b>positive</b> manner with my students. I use my cell phone to answer questions via texting at least 5 times a week. I would prefer a phone call, but the students would rather leave the questions unasked than make the call.</p> <p>I know other teachers that use wikis and blogs that are not provided or maintained by the school division. (namely, because they are better than the one provided through Microsoft SharePoint). I hope the Board can table the guidelines, and your office can find some alternatives to the guidelines as they are written.</p>
<p><b>Jennifer Seavey</b> Alexandria, VA</p>	<p><b>New Social Media Guidelines - Jan. 13, 2011</b></p> <p>The essence of the content on new social media guidelines that will be voted on next week reached FCPS advisers today. I am very concerned about the rigidity of the guidelines. Let me explain.</p> <p>First, understand I am one of the "old-schoolers" in the publications adviser ranks. While I have a Facebook account, I don't allow any current high school students to friend me. I don't encourage FB pages for school events as a primary method for communicating school activities. I believe there should be non-Internet-accessed means to market events and get the word out. I don't use smart phones as part of my lesson plans, although a number of teachers at my school have done so successfully. That said, when I travel with my journalism and business students several times a year, I do encourage key individuals to have my cell phone number programmed into their phones. We do use this kind of communication to keep in touch. When you're at a convention of 5,000 students and need to go different ways over several days, it would be impossible to keep in touch without a text message here and there. I have sent reporters to cover events and found I wanted to</p>

	<p>get another question in their minds before a Q &amp; A. I've needed to catch a source riding a bus home. I am 58 years old. I don't want any more contact than is necessary, but there are instances where communication IS necessary. While I'm sure there have been any number of egregious instances of abuse, I would ask that a monolithic policy wasn't put into place. In my case, I would say my students' safety is my paramount concern, and being able to contact them readily when the need exists is a necessity.</p>
<p><b>Valerie P. Kibler</b> Harrisonburg, VA</p>	<p><b>Deep concern about the new social media guidelines</b></p> <p>As an educator of 23 years in the Commonwealth, I am truly concerned about the proposed legislation that will institute rigid new guidelines in regards to social media. While I totally understand the state trying to prevent sexual relationships between students and teachers, I feel that the limiting of futuristic technologies that we should rather be embracing is not the action that should be taken. As teachers, we're asked to do so much more than simply teach our subject matter, but those of us who are truly teachers 24/7 do not take this responsibility lightly. I teach journalism and AP English in Harrisonburg at the high school. I have a facebook account, my students have both individual and group accounts for our newspaper and they also have twitter. We text constantly (mainly outside of the classroom where I teach the importance of face communication) - but when I take my students on field trips both in and out of state, I can't think of a more necessary device than my cell phone to keep up with kids.</p> <p>I've always encouraged my kids to have their phones away when we were listening to a keynote speaker. But as I scolded one for having it out and "appearing" to be texting at a convention last year, I found out not only was my student tweeting about the speaker we were hearing right then, she was also looking up a word that the speaker had used that she didn't know.</p> <p>I get texts from students (current and former) all the time - to tell me things like "I just got accepted to Vassar!!!!!" or "I want to doublecheck what we have due tomorrow for class". I don't care if I get these - I can make the choice whether to respond or not. I set up guidelines with my kids about what is appropriate and what isn't - they know I'm not going to stay up late to answer their texts - I might just answer them at 4 in the morning when I get up. Same with facebook - they know I only use it when it is necessary to communicate with them, but they also know they can send me a chat message when they need help with a story, interview or assignment for class. I must also add that as the student council adviser, I have constant communication with my officers and if I see something inappropriate come up in a news feed, I can simply say, "Do you think that photo is something you should have up on your page as the SCA President?" Sometimes the mere suggestion provokes thought in my students that I don't think has happened before. And for that reason since they know some of their teachers and parents are their "friends" on facebook, sometimes they do stop to think twice about what they will post. I can't help but think this carries over to their actions in "real life".</p> <p>Running a school publication requires that students be communicating with people constantly. We should be finding ways to TEACH kids to use these modes of communication responsibly rather than making them off limits. I really feel strongly that this legislation will only harm teachers who are trying as hard as they can every single day to enrich the lives of their students. It is not going to deter sexual deviants in the least.</p> <p>I'd be glad to discuss my personal use of technologies in my classroom with anyone anytime. I hope I speak for many (and I believe I do) when I say there are many more of us out here using technology properly than there are abusing it.</p>
<p><b>Martha Covington,</b> Stafford, VA</p>	<p>I am the photojournalism teacher at Brooke Point High School. I only recently learned through the media of the proposed Guidelines that are calendared for Board action on January 13. Having read Agenda Item H from the November 18, 2010, Board meeting, I am concerned with the language of the proposal. As a teacher there are many times when electronic communication between an educator and a student are not only convenient but necessary. I take students on field trips and always get cell numbers of the students I take. If the student has an emergency they can contact me immediately via cell phone. I know there was a day and time when that was not possible, but why would we not avail ourselves of that technology since it is there for us?</p> <p>These guidelines also have grave potential to hamper the ability of students to work effectively on journalistic publications. Last year during the massive snow storms we had I was able to keep in contact with my students about assignments and deadlines even though they were not in school. We did not miss a single deadline even though we missed many days of school. We have an established networking system using g-mail and google documents where we are able to share, edit and revise copy for our publication. This allows students to work more effectively from home. I would ask that much consideration be taken before passing this proposal. Most educators are intelligent people who are very concerned with the welfare of students.</p>

**January 1, 2011**

<b>Thomas Brewster,</b> Falls Mills, VA	I have some concerns about the social media model policy up for passage at the January meeting. I hope you don't mind me sharing my concerns. Currently, the issue of teachers friending students is widespread. I am concerned about enforcement of such a policy at the local level. Especially if no harm has been inflicted. Also, we have teachers who use external networking sites (NING) for educational purposes because their divisions do not have internal networking capacity. I agree with the message. Teacher should not be engaged online with students unless they are on a supervised, monitored, and secure network authorized by the local school division. However, I feel that a policy from RVA would be difficult to manage without local input and support. A strong and clear message from the Board would certainly be appropriate, with further study initiated by Board action in January.
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**December 29, 2010**

<b>Frank D. LoMonte</b> Executive Director Student Press Law Center	<b>Guidelines for the Prevention of Sexual Misconduct and Abuse</b> My organization, the Student Press Law Center, only recently learned through the media of the proposed Guidelines that are calendared for Board action on January 13. Having read Agenda Item H from the November 18, 2010, Board meeting, we cannot tell when the 30-day public comment period began and ended. Can you please inform us whether there is time remaining to submit comments and, if so, to whom they should be directed? These guidelines have grave potential to hamper the ability of students to work effectively on journalistic publications, and in light of the significant (and likely unforeseen and unintended) adverse consequences, it would be unfortunate if the Board rushed these guidelines into effect during a holiday period when many students and school personnel are unable to fully participate in the discussion. Thank you for any information you can provide ...
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**December 26, 2010**

<b>K. N. Lucas</b>	<p>My name is Kandise Lucas, and I am a parent, child/family advocate, and educator whose God-given life assignment is to speak out for and improve the educational conditions of students and families that have no voice, and are commonly abused, neglected, and/or discriminated against. I stand by the fact that education is a civil right that every child in every family is entitled to regardless of race, creed, ethnicity, economic status, or social standing.</p> <p>Below are the recommendations that I have shared in response to the Virginia Department of Education's request for public comment regarding establishing policies and procedures as it relates to educator misconduct and abuse/neglect of our children by educators.</p> <p>These recommendations are being proposed in response to an increasing level of abuse, neglect, and misconduct by educators within the Commonwealth toward our most innocent and vulnerable children; our children with disabilities, children of color, and children that are economically disadvantaged.</p> <p>These recommendations are also in response to the increasing hostile, anti-child, illegal, and unethical atmosphere that exists within our schools that not only discourages the reporting of abuse, neglect, and misconduct by our peers, but also subjects those educators, parents, and students that operate in integrity and according to the law by reporting abuse, to retaliation, discrimination, intimidation, or even worse.</p> <p><b>REDACTED CONTENT</b></p> <p>Whether it is Kevin Ricks, (<a href="http://www.washingtonpost.com/wp-srv/special/metro/kevin-ricks-timeline/">http://www.washingtonpost.com/wp-srv/special/metro/kevin-ricks-timeline/</a>), or <b>REDACTED CONTENT</b>, the real and horrific threat to our children and their futures is the same. The responsibility of the educational, legal, social services, and overall community at large is still the same. The accountability that is nonexistent must be reclaimed at every level. Most importantly, we must begin to be "the village" again for our children so that our schools reclaim their rightful places as one of the safest places on earth for our children. For some of them, whose faces and names I personally know, school may be the <b>ONLY</b> safe place for them in their world.</p> <p>I. The Crisis That Is Subjecting Our Children To Predators Within The Classroom</p> <p>Fact One: Students within the Commonwealth are being abused and neglected within our public and private schools by licensed educators.</p> <p>Fact Two: Educators that engage in abuse, neglect, and misconduct are often not held accountable by administrators, superintendents, or school boards, social services, law enforcement, elected officials, or the media instead they are often protected and defended.</p> <p>Fact Three: Many superintendents, whether out of ignorance or intentionally, within the Commonwealth fail to report, and even, at times, cover up for and defend educators that have been found to be guilty of abuse, neglect, and/or misconduct to the proper authorities in an effort to avoid bad publicity and/or possible legal liabilities. Virginia Code requires them to report these individuals</p>
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to child protective services within 72 hours if they receive or discover abuse and/or neglect. Superintendents are also required, by law, to report these individuals to the Virginia Department of Education within ten days of the knowledge of or suspicion of abuse and/or neglect of students.

Fact: A significant number of school districts promote and maintain environments that discourage, and at times, even punish those educators that report their peers for misconduct.

Fact: Many of those students that are victims of abuse, neglect, and educator misconduct are students with special needs, students of color, and students that are economically disadvantaged.

Fact: Many human resources departments within school districts fail to properly investigate the criminal backgrounds of the educators they hire. In addition, districts fail to conduct annual criminal background checks on current employees, some of which may have had their last check over thirty years ago.

Fact: School officials, law enforcement, and social services agencies have often received complaints and warnings from parents, students, and others regarding educators that abuse and neglect students, but these complaints often go unaddressed and/or inadequately addressed, allowing classroom predators to not only have full access to abuse and/or neglect students for decades, but to migrate from school district to school district, state to state, as they do so. As a result, classrooms have become a "safe haven" for child molesters, abusers, and those that neglect children.

Fact: In the Commonwealth of Virginia, an individual will be fined more for speeding than for failing to report the suspected and/or actual abuse of a child as required by the Mandated Reporter Law. A proposal should be set forth that is similar to the PREA Federal law, which requires that individuals that knowingly fail to report sexual, physical, and/or emotional abuse and/or neglect, will be sentenced to the same criminal sanctions as the individual that committed the act, in addition to being required to register as a sex offender if warranted. They will be considered to be "accessories after the fact."

II. HOW CAN THOSE THAT ARE CHARGED WITH PROTECTING OUR CHILDREN IMPROVE THEIR EFFORTS TO DO SO?

- 1) VADOE purchase a criminal background check program that allows for annual reviews of those seeking licensure and those that are licensed. The fee for completing the checks can be charged to educators.
- 2) VADOE require each educator to submit a current criminal background check from the State Police with each licensure renewal request.
- 3) VADOE forward a monthly request, via email, to all area superintendents requiring that they report any and all educational professionals that have been found to have committed educator misconduct, abuse, and or neglect, whether they were terminated or permitted to resign. Require that if there are no reported instances for a specific district, that it be documented as well.
- 4) VCU and VADOE incorporate a mandatory pre-questionnaire component to the "Child Abuse Recognition" online assessment, and require that the assessment be completed annually during each district's staff development week:
 

"Criminal Disclosure Statement"

Ex) "To my knowledge, I have not committed, been charged, or convicted of a criminal act within the past twelve months." (Educator provides initials to confirm) A listing of criminal acts with a box to be checked "yes" or "no" may also be utilized to ensure clarity.

"Mandatory Reporter Acknowledgement Statement"

Ex) " I understand that I am a Mandated Reporter within the Commonwealth of Virginia, and that I am required to report any instances of suspected or actual abuse and/or neglect to the Department of Social Services within 72 hours of having knowledge of the incident. (Educator provides initials to confirm) "Mandatory Reporter Compliance Statement"

Ex) "I affirm that I have fully complied with the Commonwealth of Virginia's Mandatory Reporter Law by reporting any and all suspected and actual incidents of child abuse and/or neglect to the Department of Social Services within 72 hours of having knowledge of the incident. (Educator provides initials to confirm)
- 5) VADOE forward a monthly request, via email, to all area court clerks, state police, media sources, and social service agencies requiring that they report any and all educational professionals that have been found to have committed educator misconduct, abuse, and or neglect, whether they were terminated or permitted to resign.
- 6) Require that each district incorporate mandated reporter compliance, educator misconduct, and child abuse/neglect prevention and reporting training within their professional development calendar. In addition, require that every superintendent and school board member within the Commonwealth receive training regarding this issue as it relates to their legal and moral

	<p>responsibilities to protect children by thoroughly completing criminal background checks, quickly reporting suspected and confirmed instances of abuse, neglect, and misconduct. Districts must also be required to include an "Educator Code of Conduct" component with their "Student Code of Conduct" policy document that parents are provided within, and that outlines the policies for reporting abuse, neglect, and misconduct of educators.</p> <p>7) VADOE establish a toll free number and anonymous email box that allows for reporting educator complaints related to abuse, neglect, and misconduct. Each school district should be required to notify parents, students, guardians, and others of this service that is available through the VADOE on their website</p> <p>8) VADOE collaborate with the Virginia Attorney General's Office in order to establish a volunteer task force, (educators, VEA, parents, law enforcement, social services, elected officials, Superintendent's Assoc., School Board Ass., faith-based, child advocacy, and civil rights groups), that provides training and support for school districts that request it and for districts that are found to have failed to comply with the mandated reporter laws. In addition to providing training and proposing more severe penalties for those mandated reporters that fail to report.</p> <p>9) VADOE provide unpaid internships to college and university students within the fields of law and law enforcement in order to provide for the human resources that are required to initiate and maintain criminal background/misconduct data base that is listed on the same data base as the teacher licensure query system. The VADOE may also solicit several teams of educational professionals to carry out these duties and offer licensure renewal credit under "Educational Projects." These methods would prove to place minimal financial burden on the agency, but would still work to ensure that educator data is accurate and current.</p> <p>10) VADOE sponsor rotating quarterly townhall meetings, which are open to the general public, which allow for public comments regarding educators misconduct, abuse, neglect, and criminal histories. These events should be aired via internet on the VADOE's website, in addition to being posted for later viewing.</p> <p>11) Initiate legislation that requires that teachers be drug tested when they are initially hired, randomly, and when there is a report and/or suspicion of drug abuse/use manifested on school grounds.</p>
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**December 5, 2010**

<p><b>Robert Crowder,</b> Dunnsville, VA</p>	<p><b>Department of Education Guidelines, Virginia Board of Education Guidelines</b></p> <p>I am totally appalled that so called "educated adults" see the need for implementing guidelines telling teachers how not to interact with their students. This is totally overkill and tells me that either the Department of Education is of the mindset of penalizing all for the poor judgment of a few OR that teachers are incompetent in knowing how to handle relationships with their students. If it is the latter, this tells me that either we are not properly preparing teachers for their occupation or we are not properly investigating the backgrounds in the employment process. 120 such cases of supposed improper action in 10 years in the entire Commonwealth do not justify the imposition of all these guidelines.</p> <p>In many cases a Teacher is the only adult that a child receives encouragement from and offers the support needed. Frequently the student, when allowed, feels more comfortable talking out personal concerns with a teacher they respect than any other adult including their parent(s) or other relative. The very first proposed guideline would penalize any Teacher that listened to a student's "private concerns". Who is to say who "Initiates" such a conversation? Most times it is initiated by the student.</p> <p>Is the Teacher, in such a situation, supposed to walk away from the student and deny them the opportunity to discuss, what to the student, is a major problem with an adult that they respect and trust? I am aware of many occasions when a student in expressing joy at an educational or sport accomplishment will want to hug a coach or teacher. Is the Teacher or Coach supposed to push them away? This is the way any responsible Teacher will react if the first and last proposal is implemented.</p> <p>I have several family members that have been or are in the educational profession in all three levels and they have related numerous occasions over the years where some of their students would be lost without a teacher spending time in addition to teaching them a subject.</p> <p>In my opinion the implementation of these guidelines would cause dedicated teachers to function as a robot. It would be better to simply use video tapes or computer programs to teach rather than the cost involved in having an adult function as a video tape. Then who would counselors advise students to turn too when they have a family problem that is a major problem?</p> <p>Using a shotgun approach to kill an insect is the easy way out and doesn't take a high level of education to use.</p>
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**Kitty Boitnott**  
 President, Virginia  
 Education  
 Association

Thank you for the opportunity to provide comments on the “Proposed Guidelines for the Prevention of Sexual Misconduct & Abuse in Virginia’s Public Schools.”  
 Members of the Virginia Education Association (VEA) are bound by high ethical standards and are committed to a safe learning environment for all students. For example, a VEA resolution passed in 2007 reads as follows: “The VEA believes that school employees should maintain a professional relationship with students free from sexual coercion, innuendo, and/or action.” (Resolution E-10). Further, every member of the VEA and the National Education Association subscribes to the “Code of Ethics of the Education Profession,” which commits them to adhering to “the highest ethical standards.”

In recent years, VEA has reaffirmed these principles while providing additional guidance to our members. For example, we always caution educators to exercise the utmost discretion when using social networking sites or digital technologies. We offer in-service programs to our members regarding the importance of maintaining a professional relationship with students at all times. Especially for our younger educators, who are not that far in age from their high school students, we routinely offer guidance and advice on how to maintain a professional demeanor at all times. We welcome the opportunity to engage in dialogue about this difficult and sensitive issue. A policy on abuse and misconduct provides important clarification and guidance to employees surrounding an issue that may otherwise get swept under the rug.

At the same time, however, we believe the applications of some of these guidelines—without amendment or further explanation—might have unforeseen and unintended consequences that could actually be harmful to either educators or to students. We share your goal of the guidelines being as clear and unambiguous as possible.

**Communication Between School Division Employees and Students  
 In Person Communication**

Bullet #1 limits conversations with students to “matters related to instruction and school activities.”

**Concern:** If adhered to strictly, this policy would work against teachers’ efforts to connect what students are learning in class to prior experience, to hobbies, and to interests that might serve as “hooks” for engagement with the curriculum. One VEA member related a story of trying to engage a group of disinterested boys in the curriculum of 12<sup>th</sup> grade English. In conversation about their interests, she discovered that several of them participated in dirt-track racing – not a school activity. She took the time to attend one of the races, potentially violating both this restriction and the restrictions about out of school trips and activities. The students saw her there, realized she was willing to learn about their interests, and they in turn engaged in her class. It isn’t always about school activities. Sometimes, the students who need the best our teachers have to offer are least likely to be part of any school-related activity.

Bullet #5 states “School board employees may not conduct an ongoing series of one-on-one meetings with a student without the knowledge of the principal and without written permission of a parent or guardian.”

**Concern:** Such an absolute policy could work against teacher strategies to alter disruptive behaviors and engage students in learning. For example, the highly effective “two-minute intervention” requires the teacher to –

- Spend 2-5 minutes with a student for 10 consecutive days;
- Talk to that student about something that interests him/her;
- Keep the conversation on an informal basis;
- Move from teacher talk to student talk and keep the focus on that subject alone.

We also worry that these restrictions on communication may limit students’ access to trusted adults in a time of crisis. For many children, school is one of the few safe and positive environments they experience. These attempts to protect children from abuse and misconduct from school employees may prevent them from having the opportunity to disclose the abuse they are receiving outside of school. Disclosure of abuse rarely happens in front of a group of students. Rather, children get to know an adult, carefully determining who might be safe and trustworthy, and wait until they are alone with the adult to disclose. Preventing the child from having that opportunity to speak one-on-one about details of their private lives with an adult may actually put more children in harm’s way outside of school.

School personnel play a vital role in protecting children from abuse and neglect at home, in the family, or in the community. Guidance regarding reporting suspected misconduct and or abuse should mirror state law Virginia Code section 63.2-1509 mandating school personnel report “reason

to suspect that a child is an abused or neglected child.” Notice to the school principal or his designee can take the place of report to social services if information is received by a teacher or school staff member in the course of professional services in a school. The principal or his designee shall make the report to social services forthwith. School personnel risk fine for failure to file a required report within 72 hours of first suspicion of child abuse or neglect.

**Electronic communications with students**

Throughout this section, we encourage you to define terminology clearly; for example, “online social-networking sites.” What exactly does that include? Would “wikis” be prohibited? Would a fundraising page on Facebook set up by the choral boosters be prohibited?

Bullet #1 “Teachers and other employees may not use personal wireless communications devices to ‘text’ students and are prohibited from interacting with students through online social networking sites.”

**Concern:** Some teachers have only cellular phones (no landlines) and make that phone number available to students and their parents. Text messaging is a legitimate means of exchanging information—one of the most rapidly-growing communications channels—and we question whether policy guidance that allows for no legitimate use of a text message between an educator and a pupil will be outdated before it is published.

**Physical contact**

Guidance regarding physical contact with students should reflect state law prohibiting corporal punishment and authorizing physical contact for purposes such as defense of self or others, maintaining order and control, and enforcing school rules prohibiting weapons and other items. The proposed guidelines do not acknowledge that school employees are responsible to maintain discipline and order in schools. Guidelines should not risk giving students and parents a false impression that school personnel are prohibited from touching students. State statutes Virginia Code sections 22.1-279.1, 18.2-57 and 63.2-1511 prohibit corporal punishment, defined as the infliction of, or causing the infliction of, physical pain on a student as a means of discipline. The prohibition on corporal punishment does not prevent (i) the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control; (ii) the use of reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance which threatens physical injury to persons or damage to property; (iii) the use of reasonable and necessary force to prevent a student from inflicting physical harm on himself; (iv) the use of reasonable and necessary force for self-defense or the defense of others; or (v) the use of reasonable and necessary force to obtain possession of weapons or other dangerous objects.

**Concern:** The three bulleted items do not address a variety of legitimate and appropriate reasons school employees may have for making physical contact with a student. A partial list would include:

- A teacher attempting to break up a fight or appropriately restrain an out-of-control student
- A coach “spotting” a gymnast during a routine
- A band instructor helping a novice student properly position his or her hands on a clarinet

**Social Interactions with Students**

We question whether some of these restrictions are feasible in small communities where teachers attend church with their students, coach youth soccer teams, attend neighborhood Christmas parties, and live their lives and raise their own children alongside the families of their students.

**Consequences for violations of school board policy.**

Guidance regarding consequences for violations of school board child abuse policies should reflect state law regarding the standard for determining whether actions taken during the course of school employment constitute child abuse. Virginia Code section 63.2-1511 D provides if actions or omissions of a teacher, principal, or other person employed by a local school board or employed in a school operated by the Commonwealth were within such employee's scope of employment and were taken in good faith in the course of supervision, care, or discipline of students, then the standard in determining if a report of abuse or neglect is founded is whether such acts or omissions constituted gross negligence or willful misconduct.

Thank you again for the opportunity to comment on the proposed guidelines. On behalf of the 60,000 members of the VEA, we stand ready to work with you to continue to provide the most up-to-date and accurate guidance to educators on this important topic.

**December 1, 2010**

**Linwood Christian**  
Petersburg, VA

Dear Virginia Board of Education members,  
In the recent month and weeks I have been hearing that this board is considering some type of

	<p>regulation/rule that would forbid teachers here in the Commonwealth "friending their students on facebook or other social medias such as twitter, etc. First let me say that if this is something that this board in not going to just consider, but take action, I support you and it. As a parent I do not want my child and his teacher having that kind of relationship. The only relationship that they should be having is teacher student and nothing else. There are quite few arguments out there against this, but in my research I have found that there are just as many arguments for it. States such as Florida have put this type of ban into action and some teachers have lost their jobs. I don't believe that a teacher should have that much time on their hands that they should be having a facebook relationship with a student. To be quite honest as parents we shouldn't have that kind of relationship with our childrens' teacher unless we've known each other prior.By putting this into action, it will be a small step in preventing lines from being blurred. I have my son's teacher's phone number, but it's only if I have questions or concerns about his progress. Also my son's teachers have my contact information (home and cell phone, and email address) and this is for educational purposes and to assist in my child's improvement. There is too much going on whereby teachers are taking very inappropriate liberties with students. What is even worse is that it seems parents are making it possible, by 1) not monitoring their child's internet usage, 2) not monitoring their child's cell phone usage (my feeling is unless they are working a child shouldn't have a cell phone anyway). 3) Being concerned with whether or not they will still be liked by their child. I guess, because the era is different now than when I was brought up, what was just is not any longer. I'm the type of parent that until my child is paying his own rent, he doesn't do anything in private that he can't do before the family. I question when strange things happen or come into my house. Enough about me. I do so hope that you all will require the local school divisions to look into taking the same action. Thank you for taking the time to listen/read my email. Should you have further questions I can be reached by phone at ...</p>
<p><b>November 30, 2010</b></p>	
<p><b>Janette Boyd Martin</b> Virginia State Conference NAACP Education Committee</p>	<p>Please consider the following inquiries below when the committee meets to discuss policy regarding the above subject.</p> <ul style="list-style-type: none"> <li>* Are provisions or an appeal process in place for ex- school board or other employees convicted of sexual misconduct to attend school functions for their personal children ....</li> <li>i.e. picking up or driving children to school, artistic, academic, athletic competitions or graduations.?</li> <li>* Will school personnel and / or staff who work with students be provided with <i>training</i> to handle referenced issues ? ( ex. on-line <b>Abuse</b> training such as offered by VCU )</li> <li>* Will individual schools be responsible for handling incidents or complaints referencing the above issue or will school divisions be <b>encouraged</b> to develop a panel of specific representatives from the school division staff to deal with issues ...ex. guidance counselors, administrators, School Nurse, etc?.</li> <li>* Sexual misconduct can be a form of bullying..... will special emphasis be placed on identifying and / or giving support to those students who might be victims of the "<b>Abusers</b>," and are reluctant to seek help?</li> </ul>
<p><b>November 29, 2010</b></p>	
<p><b>Troilen Seward</b> Legislative Liaison Virginia Academy of School Psychologists</p>	<p>The Virginia Academy of School Psychologists (VASP) strongly supports the guidelines for implementing policies and procedures that establish clear and reasonable boundaries for interactions between students and teachers, other school board employees and adult volunteers. We, however, find the policy for in person communications with students troublesome in several places, given the scope of our duties and responsibilities.</p> <p>The bullet that references "employees and volunteers should not initiate discussions about their private lives or the intimate details of the private lives of unrelated students" could be problematic. If the "their" is referring to only the employee and volunteer, then there is not a problem. If, however, it is referring to the student, the potential for not following the policy exists for school psychologists, who in their testing, for example, may have to question responses or drawings made by students. Those questions could elicit information about students' private lives. Is it possible to re-word that bullet so that it does not apply to school psychologists engaging in the performance of their duties?</p> <p>The other bullet that presents a problem is the one that states "private one-on-one conversations with students should take place within the potential view, but out of the earshot of other adults-such as in a classroom with the hallway door open." School psychologists are not always in a room wiith glass in the door so they are visible to others, yet their working environment must be private so as to ensure test security and testing validiity. Testing with the door open is not a possibility. We in no way want to exempt school psychologists from the intent of these guidelines, but without a statement that addresses their concern in these two referenced bullets, performance of their</p>

	<p>duties could become problematic. Every school psychologist who has read the guidelines and who has contacted me has asked the same questions or expressed the same concerns. Any clarification in the above would be appreciated.</p>
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## Appendix B: Public Comments Received After February 12, 2011

Name	Comment
<b>March 9, 2011</b>	
<p><b>Wendell C. Roberts,</b> Staff Attorney Virginia School Board Association</p>	<p>Barbara Coyle, Executive Director, Virginia School Board Association (“VSBA”) received Dr. Wright’s second draft of the “Guidance for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools” in her email dated, February 25th. We very much appreciate the opportunity to review the draft and provide comment in advance of the Superintendents Leadership Advisory Council (SLAC) meeting tomorrow morning. I will be attending the SLAC meeting in Barbara’s place on behalf of the VSBA. It is clear that the latest revision takes into account many of the concerns expressed by stakeholders after the distribution of the first draft. Dr. Wright stated in her note accompanying the second draft that her goal was “to maintain a message of importance but leave the strategies and procedures for implementing the policies to those closest to the front line.” We believe that Dr. Wright was successful and very much prefer the second draft to the first.</p> <p>We have, however, discussed some possible amendments to the second draft which we believe would accentuate the role of parents in the development and implementation of policies that protect children from sexual misconduct and abuse, particularly with regard to their supervision of their child’s social networking. Our proposed amendments are detailed in the attached document. Please feel free to contact me directly any time today if you have any questions. As I indicated earlier, I will be at the SLAC tomorrow and can speak to them then if you wish.</p> <p>By way of introduction, I recently joined the team here at VSBA as a Staff Attorney on February 28th. I will be working with Elizabeth Ewing, Director, Legal and Policy Services, Gina Patterson, Asst. Executive Director, and, of course Barbara. I will be assuming many of the duties of Kate Kaminski, who left the VSBA last Fall. Prior to VSBA, I served as School Board Counsel to Henrico County Public Schools for six years.</p> <p>I look forward to meeting you both in person tomorrow.</p>
<b>March 8, 2011</b>	
<p><b>Charol Shakeshaft</b> Professor and Chairperson Department of Educational Leadership Virginia Commonwealth University</p>	<p><b>Draft Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools</b></p> <p>I commend the Virginia Department of Education for preparing guidelines for school divisions on the prevention of educator sexual misconduct. This is a good first step toward confronting an issue that affects 10% of students in K-12 education. In Virginia, that percentage translates into more than 125,000 students in elementary, middle, and high school who are the targets of sexual misconduct by those paid to protect and teach them.</p> <p>I regret that the latest version of the guidelines has been streamlined. Many of the useful details of how to prevent sexual misconduct have been removed. Prevention of sexual misconduct by educators is a topic about which most school officials have little knowledge. Although most teachers, administrators, and policy makers mean well, they aren’t familiar with the repertoire of prevention tools. An earlier version of these guidelines contained supportive and useful approaches to prevention. Educators often fear that guidelines for the prevention of educator sexual misconduct will result in false accusations or restrictions on effective teaching. In fact, comprehensive guidelines have the opposite effect. Good guidelines and regulations result in few false allegations by providing clear instruction for investigation and behavior. Moreover, guidelines and regulations provide educators with clarity around actions without preventing positive interactions with students. There are very few times that an educator needs to be alone, behind closed doors,</p>

	<p>after school hours with a student. There are many ways to work with students that do not require boundary crossing and most effective teachers know this. Most of the fear around prevention of boundary crossing proves unfounded when such guidelines and regulations are available.</p> <p>While screening is necessary and appropriate, it is unlikely to identify the majority of abusers. Most have no criminal record. While there are background protocols that will identify those most at risk for abusing, these are expensive and beyond the available funds in most divisions.</p> <p>The majority of abusers are employees who lack judgment and/or are emotionally delayed. Education, clear behavioral expectations, and careful supervision are likely to prevent these educators who are at-risk for becoming abusers to take those steps. Many of the guidelines that would help keep those at-risk from abusing have been removed in this version. It is very important that educator sexual misconduct be treated apart from general sexual harassment or child maltreatment policies. The traditional remedies and regulations in those areas are not sufficient to prevent educator sexual misconduct. The guidance on policy elements for divisions in the earlier version was extremely useful.</p> <p>In the long run, education not only protects children, it also saves money. The average settlement in civil suits against school districts is 6 million dollars, not including attorney fees. Cases that include a trial are most likely to be decided in favor of the plaintiffs and carry even larger financial awards than do settlements.</p> <p>The recommendations for best practice included in the earlier version were drawn from research and enacted policy in other states that have been shown to protect children, to prevent those at-risk for abusing to act, and to save divisions time and money litigating civil suits. Most administrators and teachers need suggestions for best practice. This is not an area that has been included in their university education nor is it an area that most educators understand. Those who don't abuse (which are the large majority of educators) don't imagine a world in which these things happen and, therefore, are often blind to behaviors in others that should set off alarms. Providing model policies and practices helps educate everyone.</p> <p>If the guidelines that are to be adopted do not include these model policies and practices as part of the document, I would hope they might at least be included in an appendix.</p> <p>Moreover, I would hope that the Department might provide the leadership and support to develop or adopt an online module that specifically addresses educator sexual misconduct, much like the training available online for prevention of abuse of children that is currently offered through VCU. This would provide an inexpensive vehicle for education on the prevention of educator sexual misconduct for divisions. It would also provide a more effective delivery system than workshops in schools. Currently there is very little specific education on the prevention of educator sexual misconduct occurring at any level in Virginia.</p> <p>Thank you for the opportunity to comment on these guidelines.</p>
<b>March 6, 2011</b>	
<p><b>Charol Shakeshaft</b> Professor and Chairperson Department of Educational Leadership Virginia Commonwealth University</p>	<p>Has this come up for approval? I thought it was on for the February meeting, but I didn't see it (maybe I missed it). These [January 13, 2011, draft] are the most comprehensive and helpful regulations in the United States. Virginia is a leader here. Thank you.</p>
<b>March 4, 2011</b>	
<p><b>Jack D. Dale</b> Superintendent,</p>	<p>Thank you for sharing the February 25, 2011 draft of the VDOE guidelines for the prevention of sexual misconduct. The latest revision takes into account the concerns</p>

<p>Fairfax County Public Schools</p>	<p>we raised in our letter of February 11, 2011, and we appreciate the department's responsiveness to our comments. We have only a few, relatively minor suggestions in regards to the February 25 draft.</p> <p>First, we suggest that the second bullet in the "In-Person Communication" section on page one be expanded to cover other off-campus locations. For example: "Frequent invitations to students to visit an educator or volunteer's home, frequent visits to a student's home, <u>or frequent meetings/invitations for other social contacts with a student off-campus without the permission or knowledge of the student's parents.</u>"</p> <p>Second, we recommend the deletion of "formal reprimands" from number five on page six. From our perspective, if an employee actually has engaged in sexual misconduct, a reprimand is too lenient a penalty, and the guidelines should not suggest otherwise. Local school districts ordinarily would (and should) dismiss an employee involved in sexual misconduct with students, and should advise the receiving district of the misconduct dismissal when providing an employment reference. On the other hand, if the local school district simply counseled or reprimanded an employee for risky behavior not yet at the "misconduct" level, it might not be appropriate to forward the personnel document to a subsequent employer.</p> <p>For example, if an employee were counseled in writing about being too "touchy" with students and corrected the offending behavior, it might be unfair to jeopardize future employment. If the employee's conduct were serious or repeated, however, the sending school district should place the receiving school district on notice of prior problems. Given the range of sexually related incidents that could result in a reprimand, but fall short of dismissible sexual misconduct, we recommend that this guideline be confined to dismissals, leaving the reprimand issue to local discretion. Apart from these concerns, we are comfortable with the new guidelines, and believe that local school boards could productively use them as a starting point for revising their own policies. Thank you for the opportunity to review the draft.</p>
<p><b>March 03, 2011</b></p>	
<p><b>Pam Moran</b> Superintendent Albemarle County Public Schools</p>	<p>My impression is that this latest draft is right on target to establish a focus on appropriate behaviors and address what constitutes inappropriate behaviors in any venue- face to face or electronic.</p> <p>My comment is not an official VASS position given that we are seeking final feedback from the leadership council but I see this as vastly improved and on point. Thank you for listening to the feedback and adjusting the guidelines to address behavior. You will receive an official position from VASS sometime in the near future. I am copying Tom Smith on this.</p>
<p><b>February 17, 2010 (Oral Comment)</b></p>	
<p><b>Kitty Boitnott</b> President Virginia Education Association</p>	<p><b>Public Comment Received Concerning Proposed Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools."</b></p> <p>Good morning President Saslaw, members of the Board and Superintendent Wright. My name is Kitty Boitnott, and I am president of the Virginia Education Association. I am here this morning to talk about the "Revised Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia's Public Schools." I know that this item has been delayed until the March meeting, and I hope that it is your intention to use the additional time to review and consider the comments that have been sent to you. Many of our members have shared copies of their remarks, and I trust that you will take a serious look at the thoughtful, articulate, professional comments that highly accomplished educators have submitted.</p> <p>Members of the Virginia Education Association (VEA) are bound by high ethical standards and are committed to a safe learning environment for all students. For example, a VEA resolution passed in 2007 reads as follows: "The VEA believes that school employees should maintain a professional relationship with students free from sexual coercion, innuendo, and/or action." Further, every member of the VEA and the National Education Association subscribes to the "Code of Ethics of the Education Profession," which commits them to adhering to "the highest ethical</p>

standards.”

In recent years, VEA has reaffirmed these principles while providing additional guidance to our members. For example, we always caution educators to exercise the utmost discretion when using social networking sites or digital technologies. We offer in-service programs to our members regarding the importance of maintaining a professional relationship with students at all times. Especially for our younger educators, who are not that far in age from their high school students, we routinely offer guidance and advice on how to maintain a professional demeanor at all times. We welcome the opportunity to engage in dialogue about this difficult and sensitive issue. A policy on abuse and misconduct provides important clarification and guidance to employees about an issue that may otherwise get swept under the rug. At the same time, however, we believe the applications of some of these guidelines—without amendment or further explanation—might have unforeseen and unintended consequences that could actually be harmful to either educators or to students. Our detailed concerns have been enumerated in the public comments we submitted on December 3, 2010 and January 12, 2011. I’m not going to review them now, since you have copies of them.

Instead, I want to remind you of the unintended consequences to high quality instruction and student achievement that may come from these guidelines. The research is clear and abundant—in order for students to be most successful, teachers must design relevant, responsive and rigorous curriculum. They must connect a student’s interests and prior experiences to the SOL content they are charged with delivering. Students learn best when they feel safe and secure in the learning environment, and much of that safety and security comes from building a trusting relationship with the professionals within the school building. I worry that taking steps to limit educators’ ability to foster these relationships by limiting student and teacher interactions will lead to less responsive and lower quality instruction, which will lead to lower student achievement.

## **Appendix C:**

### **Sample Policies on Sexual Misconduct & Abuse**

## **I. Texas Educators' Code of Ethics — Excerpt from November 19, 2010 Texas Education Agency News Release**

Updated educators' ethics code addresses social media

AUSTIN -Teachers must refrain from inappropriately communicating with students through the use of social media under the requirements of an updated Educators' Code of Ethics endorsed by the State Board of Education today.

The Code of Ethics was updated by the State Board for Educator Certification (SBEC), which oversees educator certification issues. Rules proposed by SBEC must come to the State Board of Education for review before they become effective.

Texas Education Agency staff requested the change to the ethics code because they said they are receiving disciplinary case referrals in which teachers were found to have sent students thousands of text messages. Sometimes the content of the messages was not inappropriate on their face but the volume of messages and time of day the messages were sent indicated that the educator was "grooming" the student for a future sexual relationship.

A school district employee commits a second-degree felony under Penal Code Section 21.12 if the employee engages in sexual contact with a student who is not their spouse.

The new provision in the Code of Ethics says:

(I) Standard 3.9. The educator shall refrain from inappropriate communication with a student or minor, including, but not limited to, electronic communication such as cell phone, text messaging, email, instant messaging, blogging, or other social network communication. Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to:

- (i) the nature, purpose, timing, and amount of the communication;
- (ii) the subject matter of the communication;
- (iii) whether the communication was made openly or the educator attempted to conceal the communication;
- (iv) whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
- (v) whether the communication was sexually explicit; and
- (vi) whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student.

## **II. 2010 Massachusetts Association of School Committees Model Policy**

### **FACEBOOK AND SOCIAL NETWORKING SITES**

The Superintendent and the School Principals will annually remind staff members and orient new staff members concerning the importance of maintaining proper decorum in the on-line, digital world as well as in person. Employees must conduct themselves in ways that do not distract from or disrupt the educational process. The orientation and reminders will give special emphasis to:

- 1) improper fraternization with students using Facebook and similar internet sites or social networks, or via cell phone, texting or telephone.
  - a. Teachers may not list current students as “friends” on networking sites.
  - b. All e-contacts with students should be through the district’s computer and telephone system, except emergency situations.
  - c. All contact and messages by coaches with team members shall be sent to all team members, except for messages concerning medical or academic privacy matters, in which case the messages will be copied to the athletic director and the school Principal.
  - d. Teachers will not give out their private cell phone or home phone numbers without prior approval of the district.
  - e. Inappropriate contact via e-mail or phone is prohibited.
- 2) inappropriateness of posting items with sexual content
- 3) inappropriateness of posting items exhibiting or advocating use of drugs and alcohol
- 4) examples of inappropriate behavior from other districts, as behavior to avoid
- 5) monitoring and penalties for improper use of district computers and technology
- 6) the possibility of penalties, including dismissal from employment, for failure to exercise good judgment in on-line conduct.

The Superintendent or designee will periodically conduct internet searches to see if teachers have posted inappropriate materials on-line. When inappropriate use of computers and websites is discovered, the School Principals and Superintendent will promptly bring that inappropriate use to the attention of the staff member and may consider and apply disciplinary action up to and including termination.

### III. Amended Mississippi Educator Code of Ethics

#### NEWS RELEASE

*Release Date: January 20, 2011*

*Contact: Wendy Polk, APR, Director of Communications, 601-359-3706*

#### **MDE releases its proposed Mississippi Educator Code of Ethics**

JACKSON, Mississippi (January 20, 2011) – Leaders from the Mississippi Department of Education (MDE) presented a draft of the Educator Code of Ethics and Standards of Conduct to the Board of Education today. The proposed draft includes standards for educator/student relationships, unlawful acts and others areas of professional conduct.

“We continue to see the number of incidences of unacceptable behavior, such as inappropriate relationships between teachers and students, increase in number,” said State Superintendent of Education Tom Burnham. “These recommendations set clear guidelines for educators. Our hope is that this Code of Ethics will protect the health, safety and general welfare of our students and educators.”

The purpose of the Code of Ethics is to define the parameters of professional behavior of teachers. The Code was developed by a 20 member task force that included educators, elected officials, community leaders and MDE representatives. Along with the Code of Ethics, there is proposed legislation to amend Section 37-3-2. This would provide specific grounds for revocation or suspension of a teacher or administrator’s license for sexual misconduct and require local Superintendents to report to MDE unethical conduct relating to an educator/student relationship.

“On behalf of the Mississippi Board of Education, I want to emphasize that the Board’s top priority is to do what is best for the children of Mississippi,” said Board Chairman Charles McClelland. “We are committed to the safety and security of all of our students and want each one of them to be in a positive learning environment.”

The standards are defined under the following categories:

- Professional conduct – *An educator should demonstrate conduct that follows generally recognized professional standards.*
- Trustworthiness – *An educator should exemplify honesty and integrity in the course of professional practice and does not knowingly engage in deceptive practices regarding official policies of the school district or educational institution.*
- Unlawful Acts - *An educator shall abide by federal, state, and local laws and statutes and local school board policies.*
- Educator/Student Relationships - *An educator should always maintain a professional relationship with all students, both in and outside the classroom.*
- Educator/Colleague Relationships - *An educator should always maintain a professional relationship with colleagues, both in and outside the classroom.*
- Alcohol, Drug and Tobacco Use of Possession - *An educator should refrain from the use of alcohol and/or tobacco during the course of professional practice and should never use illegal or unauthorized drugs.*

- **Public Funds and Property** - *An educator shall not knowingly misappropriate, divert, or use funds, personnel, property, or equipment committed to his or her charge for personal gain or advantage.*
- **Remunerative Conduct** - *An educator should maintain integrity with students, colleagues, parents, patrons, or businesses when accepting gifts, gratuities, favors, and additional compensation.*
- **Maintenance of Confidentiality** - *An educator shall comply with state and federal laws and local school board policies relating to confidentiality of student and personnel records, standardized test material, and other information covered by confidentiality agreements.*
- **Breach of Contract of Abandonment of Employment** - *An educator should fulfill all of the terms and obligations detailed in the contract with the local school board or educational agency for the duration of the contract.*

**Excerpt of amended code:**

Standard 4. Educator/Student Relationship

*An educator should always maintain a professional relationship with all students, both in and outside the classroom.*

- 4.1. Ethical conduct includes, but is not limited to, the following:
  - a. Fulfilling the roles of mentor and advocate for students in a professional relationship. A professional relationship is one where the educator maintains a position of teacher/student authority while expressing concern, empathy, and encouragement for students
  - b. Nurturing the intellectual, physical, emotional, social and civic potential of all students
  - c. Providing an environment that does not needlessly expose students to unnecessary embarrassment or disparagement
  - d. Creating, supporting, and maintaining a challenging learning environment for all students
- 4.2. Unethical conduct includes, but is not limited to the following:
  - a. Committing any act of child abuse
  - b. Committing any act of cruelty to children or any act of child endangerment
  - c. Committing or soliciting any unlawful sexual act
  - d. Engaging in harassing behavior on the basis of race, gender, national origin, religion or disability
  - e. Furnishing tobacco, alcohol, or illegal/unauthorized drugs to any student or allowing a student to consume alcohol or illegal/unauthorized drugs
  - f. Soliciting, encouraging, participating or initiating inappropriate written, verbal, electronic, physical or romantic relationship with a student.

Examples of these acts may include but not be limited to:

  1. sexual jokes
  2. sexual remarks
  3. sexual kidding or teasing
  4. sexual innuendo
  5. pressure for dates or sexual favors
  6. inappropriate touching, fondling, kissing or grabbing
  7. rape
  8. threats of physical harm
  9. sexual assault
  10. electronic communication such as texting
  11. invitation to social networking
  12. remarks about a student's body
  13. consensual sex

## IV. Louisiana House Bill 570 (2009)

HLS 09RS-735

**ENGROSSED**

Regular Session, 2009

HOUSE BILL NO. 570

BY REPRESENTATIVES HOFFMANN, HENRY BURNS, CHAMPAGNE, CORTEZ, DOVE, FOIL, LITTLE, PERRY, PUGH, ROBIDEAUX, SIMON, SMILEY, JANE SMITH, AND THIBAUT AND SENATORS APPEL, CROWE, DUPLESSIS, KOSTELKA, MICHOT, SMITH, AND WALSWORTH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SCHOOLS/EMPLOYEES: Provides relative to policies, procedures, and practices at public elementary and secondary schools concerning electronic communications by an employee at a school to a student at that school

1 AN ACT  
2 To enact R.S. 17:81(Q) and 3996(B)(21), to require the governing authority of a public  
3 elementary or secondary school to formulate, develop, adopt, and implement  
4 policies, procedures, and practices applicable to school employees relative to  
5 electronic communications by an employee at a school to a student at that school; to  
6 provide policy guidelines and requirements; to provide limitations and exceptions;  
7 to provide that the occurrence of certain electronic communications be reported by  
8 the school employee; to provide for immunity from civil liability; to provide an  
9 effective date; and to provide for related matters.  
10 Be it enacted by the Legislature of Louisiana:  
11 Section 1. R.S. 17:81(Q) and 3996(B)(21) are hereby enacted to read as follows:  
12 §81. General powers of city and parish school boards  
13 \* \* \*  
14 Q.(1) Each city, parish, or other local public school board shall formulate,  
15 develop, adopt, and implement, by not later than November 15, 2009, policies,  
16 procedures, and practices applicable to school system employees relative to an  
17 electronic communication by an employee at a school to a student at that school.

1           (2) The policies, procedures, and practices required by Paragraph (1) of this  
2           Subsection, at a minimum, shall:

3           (a) Define electronic communication. The definition shall recognize the  
4           multiple means available for making such a communication, both those that facilitate  
5           direct communication, including but not limited to voice or text-based  
6           telecommunication devices, or both, and computers, and those that facilitate indirect  
7           communication using an intermediate method, including but not limited to  
8           Internet-based social networks.

9           (b) Require that all electronic communication by an employee at a school to  
10           a student at that school relative to the educational services provided to the student  
11           shall use a means provided by or otherwise made available by the school system for  
12           this purpose and prohibit the use of all such system means to electronically  
13           communicate with a student for a purpose not related to such educational services  
14           except communication with an immediate family member if such communication is  
15           specifically authorized by school board policy.

16           (c) Specify that the occurrence of any electronic communication made by an  
17           employee at a school to a student at that school or that is received by an employee  
18           at a school from a student at that school using a means other than one provided by  
19           or made available by the school system shall be reported by the employee in a  
20           manner deemed appropriate by the school board.

21           (d) Specify that it is a duty of a school system employee to comply with the  
22           policies, procedures, and practices and provide that a failure to comply may  
23           constitute willful neglect of duty.

24           (e) Establish and provide for the imposition of consequences for a violation  
25           of the policies, procedures, and practices, including but not limited to termination of  
26           employment in accordance with applicable provisions of state law.

27           (f) Provide a means for the timely reporting and investigation at the school  
28           system level of an alleged failure by a school employee to comply with the policies,

1 procedures, or practices and for concluding such an investigation and resolving the  
2 allegation.

3 (g) Provide a means whereby any alleged failure by a school employee to  
4 comply with the policies, procedures, or practices that also may be a violation of  
5 state or federal law is reported to the proper authorities.

6 (h) Provide a means to assure that all school system employees are informed  
7 fully of the policies, procedures, and practices and the possible consequences at the  
8 school and school system level for a failure to comply.

9 (i) Provide a means to assure that a parent or other person responsible for a  
10 child's school attendance is fully informed of the policies, procedures, and practices.

11 (j) Provide a means for a parent or other person responsible for a child's  
12 school attendance to request that the child not be contacted through electronic  
13 communication by any school employee unless the purpose of such communication  
14 is directly related to the child's educational services and is sent to and received by  
15 more than one student at the school.

16 (3) Any city, parish, or other local public school board having existing  
17 policies, procedures, and practices relative to electronic communication by an  
18 employee at a school to a student at that school shall conduct by not later than  
19 November 15, 2009, a formal evaluation of all such policies, procedures, and  
20 practices to determine their compliance with the provisions of Paragraph (2) of this  
21 Subsection and shall take all action necessary to conform the existing policies,  
22 procedures, and practices to such requirements.

23 (4) No city, parish, or other local public school board or member of such a  
24 board shall be civilly liable for any electronic communication by an employee to a  
25 student that is prohibited as provided in this Subsection.

26 (5) For the purposes of this Subsection, the term "city, parish, or other local  
27 public school board" shall mean the governing authority of any public elementary  
28 or secondary school.

1 §3996. Charter schools; exemptions

2 \* \* \*

3 B. Notwithstanding any state law, rule, or regulation to the contrary and  
4 except as may be otherwise specifically provided for in an approved charter, a  
5 charter school established and operated in accordance with the provisions of this  
6 Chapter and its approved charter and the school's officers and employees shall be  
7 exempt from all statutory mandates or other statutory requirements that are  
8 applicable to public schools and to public school officers and employees except for  
9 the following laws otherwise applicable to public schools with the same grades:

10 \* \* \*

11 (21) Electronic communication by an employee at a school to a student at  
12 that school. R.S. 17:81(O).

13 \* \* \*

14 Section 2. This Act shall become effective on July 1, 2009; if vetoed by the governor  
15 and subsequently approved by the legislature, this Act shall become effective on July 1,  
16 2009, or on the day following such approval by the legislature, whichever is later.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Hoffmann

HB No. 570

**Abstract:** Requires the governing authority of a public elementary or secondary school, including a charter school, to formulate, develop, adopt, and implement by not later than Nov. 15, 2009, policies, procedures, and practices applicable to school employees relative to electronic communication by an employee at a school to a student at that school. Specifies, at a minimum, that such policies, procedures, and practices include certain provisions.

Proposed law requires each local public school board to formulate, develop, adopt, and implement by not later than Nov. 15, 2009, policies, procedures, and practices applicable to school system employees relative to an electronic communication by an employee at a school to a student at that school.

Specifies that the policies, procedures, and practices, at a minimum, shall:

- (1) Define electronic communication and shall recognize the multiple means available for making such a communication, including specified forms of both direct communication and indirect communication.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Education to the original bill.

1. Relative to the proposed law prohibition of certain electronic communications by school employees with students, adds an exception to such prohibition for a communication with an immediate family member if such communication is authorized by school board policy.
2. Provides that failure by a school employee to comply with school board policies, procedures, and practices relative to electronic communications may constitute willful neglect of duty instead of shall constitute willful neglect of duty.
3. Adds that the school board policies, procedures, and practices as required by proposed law also shall include a means for a parent or other person responsible for a child's school attendance to request that the child not be contacted through electronic communication by any school employee unless the purpose of such communication is directly related to the child's educational services and is sent to and received by more than one student at the school.
4. Adds that no school board or member of such a board shall be civilly liable for any electronic communication that is prohibited by proposed law.

## **V. National School Boards Association's Council of Attorneys Sample Boundaries Policy**

### **Maintaining Professional Staff /Student Boundaries**

The purpose of this procedure is to provide all staff, students, volunteers and community members with information to increase their awareness of their role in protecting children from inappropriate conduct by adults.

In a professional staff/student relationship, school employees maintain boundaries that are consistent with the legal and ethical duty of care that school personnel have for students.

A boundary invasion is an act or omission by a school employee that violates professional staff/student boundaries and has the potential to abuse the staff/student relationship.

An inappropriate boundary invasion means an act, omission, or pattern of such behavior by a school employee that does not have an educational purpose; and results in abuse of the staff/student professional relationship.

### **Unacceptable Conduct**

Examples of inappropriate boundary invasions by staff members include but are not limited to the following:

- Any type of inappropriate physical contact with a student or any other conduct that might be considered harassment under the Board's policy on Harassment and Sexual Harassment of Students;
- Showing pornography to a student;
- Singling out a particular student or students for personal attention and friendship beyond the professional staff-student relationship;
- Socializing where students are consuming alcohol, drugs or tobacco,
- For non-guidance/counseling staff, encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussions, staff members are expected to refer the student to appropriate guidance/counseling staff. In either case, staff involvement should be limited to a direct connection to the student's school performance;
- Sending students on personal errands unrelated to any educational purpose;
- Banter, allusions, jokes or innuendos of a sexual nature with students;
- Disclosing personal, sexual, family, employment concerns, or other private matters to one or more students;
- Addressing students, or permitting students to address staff members with personalized terms of endearment, pet names, or otherwise in an overly familiar manner;
- Maintaining personal contact with a student outside of school by phone, email, Instant Messenger or Internet chat rooms, social networking Web sites, or letters (beyond homework or other legitimate school business) without including the parent/guardian.
- Exchanging personal gifts, cards or letters with an individual student;
- Socializing or spending time with students (including but not limited to activities such as going out for beverages, meals or movies, shopping, traveling, and recreational activities) outside of school-sponsored events, except as participants in organized community activities;
- Giving a student a ride alone in a vehicle in a non-emergency situation; and/or
- Unnecessarily invading a student's privacy, (e.g. walking in on the student in the bathroom)

## **Appearances of Impropriety**

The following activities are boundary invasions and can create an actual impropriety or the appearance of impropriety. Whenever possible, staff should avoid these situations. If unavoidable these activities should be pre-approved by the appropriate administrator. If not pre-approved, the staff person must report the occurrence, to the appropriate administrator, as soon as possible.

- Being alone with an individual student out of the view of others;
- Inviting or allowing individual students to visit the staff member's home;
- Visiting a student's home; and/or
- Social networking with students for non-educational purposes.

## **Reporting Violations**

Students and their parents/guardians are strongly encouraged to notify the principal (or other administrator) if they believe a teacher or other staff member may be engaging in conduct that violates this policy.

Staff members are required to promptly notify the principal (or other administrator) or the superintendent if they become aware of a situation that may constitute a violation of this policy.

## **Disciplinary Action**

Staff violations of this policy may result in disciplinary action up to and including dismissal. The violation will also be reported to the state Office of Professional Practices. Violations involving sexual or other abuse will also result in referral to Child Protective Services and/or law enforcement in accordance with the board's policy on Reporting Child Abuse and Neglect.

## **Training**

All new employees and volunteers will receive training on appropriate staff /student boundaries within three months (*or insert number of days/months*) of employment. Continuing employees will receive training every three years.

## **Dissemination of Policy and Reporting Protocols**

This policy and procedure shall be included on the district Web site and in all employee, student and volunteer handbooks. Annually, all administrators and staff will receive copies of the district's reporting protocol.

**Date: 02.10**

## **VI. Arkansas Professional Licensure Standards Board Guidance Document**

### **Arkansas PLSB Recommendations Regarding the Educational Applications of Social-Networking Technology**

Increasingly, educators are utilizing for educational purposes social-networking technology tools. The Professional Licensure Standards Board, in concert with the Arkansas Education Association, the Arkansas Association of Educational Administrators, and the Arkansas Association for Supervision and Curriculum Development, offers the following cautionary guidelines to assist educators in assuring that their usage of these tools is consistent with the spirit and intent of the *Code of Ethics for Arkansas Educators*:

- 1) To the extent possible, use the social-networking tools provided through school accounts rather than tools available through your own personal accounts.
- 2) Provide parents/guardians and appropriate school officials a written explanation of your reasons/purposes for using each tool.
- 3) Use social-networking tools only during appropriate business/school hours.
- 4) Regularly check for inappropriate material on any tool site that you use to which your students and/or the public can post. Report any such material to your school's administration.

Approved 5/14/2010

Professional Licensure Standards Board