

## CLARK COUNTY SCHOOL DISTRICT REGULATION

R-4100

### RELATIONSHIPS, INTERACTIONS, AND COMMUNICATIONS BETWEEN DISTRICT EMPLOYEES OR REPRESENTATIVES/VOLUNTEERS AND STUDENTS

The Clark County School District (CCSD) is committed to ensuring that all relationships, interactions, and communications between CCSD employees or representatives/volunteers and students, regardless of age, are appropriate by establishing clear procedures for all employees and representatives, defining appropriate and inappropriate conduct, mandating the reporting of inappropriate conduct, cooperating with law enforcement, and ensuring compliance with applicable laws.

#### I. Background Checks and CCSD Badges

- A. Pursuant to state law, all CCSD employees must complete CCSD's background check process and be issued a CCSD badge before they may contact, interact, or communicate with students.
- B. Pursuant to state law, all representatives who are neither CCSD employees or volunteers, but perform their job duties at school sites working directly with students and are likely to have unsupervised contact with students are required to submit fingerprints to the school district and pass a background check prior to being allowed to work with or serve students and every five (5) years thereafter, and be issued a CCSD badge before beginning their duties. The CCSD-issued badge must be worn at all times while on CCSD property and while participating in CCSD activities, events, programs, or performing their duties.
- C. All volunteers, unless otherwise stipulated by state law and as described in sections D through H of this regulation, who are likely to have unsupervised contact with students are required to submit fingerprints to the school district and pass a CCSD background check at the time of application and every five (5) years thereafter.

Pursuant to state law:

"Volunteer" means any person who, without compensation, works at, assists with, or oversees any activity or event conducted or sponsored by a public school during or outside of school hours. The term:

1. Includes, without limitation, a coach, assistant coach, director of in-school or extracurricular activities, and chaperone of any overnight trip.
2. Does not include a student who is enrolled at an institution of higher education and is:
  - a. Taking a course which requires the student to be present in the classroom of a school on a limited basis to observe and be observed in the classroom; and
  - b. Under direct supervision of a teacher or his or her professor at all times while in the classroom.

“Unsupervised contact” means direct contact or interaction with one or more students who are not under the direct supervision of an employee of CCSD or other person designated by a public school as the person responsible for students.

A student is under the direct supervision of an employee of a school district or other person designated by a public school as the person responsible for the student(s) if the employee or other person:

1. If indoors, is present in the same room as the student(s) or has visual contact with the student(s).
2. If outdoors, within 30 yards of the student(s) or has visual contact with the student(s).

A person shall not be deemed to have unsupervised contact with students if he or she has the potential for only incidental unsupervised contact with students in commonly used areas on the grounds of a public school.

- D. A volunteer who is likely to have unsupervised contact with students is not required to fingerprint if the volunteer submits a completed verification form prescribed by the Nevada Department of Education, a statement from a federal, state, or local governmental entity or nonprofit entity, or other sufficient evidence to the CCSD Board of Trustees, or the Board of Trustees otherwise determines that:
  1. Not more than six (6) months before the date on which the volunteer is required to submit his or her fingerprints to CCSD, a federal, state, or local governmental entity or nonprofit entity determined the volunteer to be eligible to interact with students at school as a volunteer; and

2. It is the policy of the entity to conduct an investigation into the criminal background of a volunteer who will interact with students at school, and that investigation:
    - a. Includes the submission of fingerprints to the Federal Bureau of Investigation; and
    - b. Meets any other requirements prescribed by regulation of the State Board of Education.
- E. A volunteer who is likely to have unsupervised contact with students is not required to fingerprint if the volunteer submits a completed verification form prescribed by the Nevada Department of Education, a statement from a federal, state, or local governmental entity or nonprofit entity, or other sufficient evidence to the CCSD Board of School Trustees, or the Board of Trustees otherwise determines that:
1. The volunteer is employed by a federal, state, or local governmental entity which has determined that the person is eligible to have unrestricted interactions with students as part of his or her official duties, which may include an unsupervised meeting with a student at a school; and
  2. It is the policy of the entity to conduct an investigation into the criminal background of an employee who will have unrestricted interaction with students as part of his or her official duties, and that investigation:
    - a. Includes the submission of fingerprints to the Federal Bureau of Investigation; and
    - b. Meets any other requirements prescribed by regulation of the State Board of Education.
- F. A volunteer who is likely to have unsupervised contact with students is not required to fingerprint if the volunteer submits a completed form prescribed by the Nevada Department of Education, a statement from an entity included on the list of entities compiled by the Nevada Department of Education, or other sufficient evidence to the CCSD Board of School Trustees, or the Board of Trustees otherwise determines that:
1. Not more than six (6) months before the date on which the volunteer is required to submit his or her fingerprints to CCSD, an entity included on the list of entities compiled by the Nevada Department of Education determined the volunteer to be eligible for employment or licensure or to serve as a volunteer; and

2. It is the policy of the entity to conduct an investigation into the criminal background of an employee who will have unrestricted interaction with students as part of his or her official duties, and that investigation:
  - a. Includes the submission of fingerprints to the Federal Bureau of Investigation; and
  - b. Meets any other requirements prescribed by regulation of the State Board of Education.
  
- G. A volunteer who is likely to have unsupervised contact with students is not required to fingerprint if the volunteer submits a completed verification form prescribed by the Nevada Department of Education, a statement from an entity that is not included on the list of entities compiled by the Department of Education, or other sufficient evidence, or the CCSD Board of School Trustees otherwise determines that:
  1. Not more than six (6) months before the date on which the volunteer is required to submit his or her fingerprints to CCSD, an entity not included on the list of entities compiled by the Nevada Department of Education determined the volunteer to be eligible for employment or licensure or to serve as a volunteer; and
  2. It is the policy of the entity to conduct an investigation into the criminal background of an employee, licensee, or volunteer, as applicable, and that investigation:
    - a. Included the submission of fingerprints to the Federal Bureau of Investigation; and
    - b. Meets any other requirements prescribed by the State Board of Education;
  3. The Board of Trustees determines that the investigation is at least as stringent as an investigation into the criminal background of a volunteer conducted pursuant to NRS 391.104; and
  4. The Board of Trustees accepts the investigation. The Board of Trustees may, in its sole discretion, accept or reject an investigation for any reason.
  
- H. A volunteer who is likely to have unsupervised contact with students is not required to fingerprint if the volunteer submits to another entity authorized to forward fingerprints to the Central Repository for Nevada Records of

Criminal History a complete set of the volunteer's fingerprints and written permission authorizing the entity to forward the fingerprints to the Central Repository for its report on the criminal history of the volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the volunteer.

- I. CCSD reserves the right to conduct a CCSD background check of any volunteer or CCSD Representative.
  - J. All volunteers who are likely to have unsupervised contact with students must be issued a CCSD badge before beginning their service, inclusive of participating in any CCSD activity, event, program, or other business, or contacting, interacting, or communicating with any student. The CCSD-issued badge must be worn at all times while on CCSD property and while participating in CCSD activities, events, programs, or other business.
  - K. All volunteers who will never have unsupervised contact with students are not required to go through a background check.
  - L. Administrators, teachers, and coaches who allow persons who do not have a CCSD-issued badge to have unsupervised or regular contact with students shall be subject to discipline.
- II. Appropriate Relationships, Interactions, and Communications with Students
  - A. CCSD employees and representatives, including volunteers, must ensure that all relationships, interactions, and communications with students are honest, professional, respectful, and restricted to education-related matters or other developmentally appropriate topics.
  - B. If a student approaches a CCSD employee or representative/volunteer with a question or problem relating to, or to discuss, a personal matter or issue, the employee or representative/volunteer should be sensitive and, if the employee feels the student needs assistance, must redirect the student to a school administrator or counselor.
- III. Electronic Communication between CCSD Employees or Representatives/ Volunteers and Students about Education-Related Matters
  - A. Electronic communication includes the communication of any written, verbal, or pictorial information through the use of an electronic device, including,

- without limitation, a telephone, a cellular phone, a computer, or any similar means of communication.
- B. All schools are required to provide parents with an Electronic Communications Notification Letter in their back-to-school packets.
  - C. A CCSD employee or representative/volunteer who wants to communicate through an electronic system with a student about an education-related matter, which includes athletic and extracurricular matters, shall only use approved systems, unless exigent circumstances exist.
    - 1. A list of approved electronic systems for communication with students shall be established, posted and reviewed/revised each academic semester, under the direction of the Chief Technology Officer.
    - 2. Upon request and if determined to be necessary, a principal may grant temporary approval, for a time period of no more than four (4) months, of an electronic system that is not on the list, pending approval from the Chief Technology Officer.
  - D. When communicating with students through approved electronic systems, CCSD employees and representatives/volunteers must use “professional” accounts that are separate from their personal accounts.
    - 1. Professional accounts must be tied to a CCSD e-mail address.
    - 2. Personal accounts must not be tied to CCSD e-mail addresses.
    - 3. CCSD employees and representatives/volunteers shall not use personal accounts, such as personal e-mail or social media to communicate with students over whom they have direct contact, impact, or control. However, CCSD employees and representatives/volunteers may use personal accounts to communicate with students, including those that they have direct contact, impact, or control over regarding non-CCSD matters, including, but not limited to family business, church events, community athletic events, scouting activities, and other such items, upon receiving parent/guardian permission.
  - E. CCSD employees and representatives/volunteers may send group text messages to students regarding education-related matters, which includes athletic and extracurricular matters. Text messaging between CCSD employees or representatives/volunteers and individual students is

- prohibited, unless exigent circumstances exist, in which case the employee or representative/volunteer shall notify his/her supervisor, or a school administrator of the contact as soon as possible, but not later than the next school day. CCSD employees and representatives/volunteers may use text messages to communicate with students regarding non-CCSD matters, including, but not limited to family business, church events, community athletic events, scouting activities, and other such items, upon receiving parent/guardian permission.
- F. CCSD employees and representatives/volunteers are obligated to adhere to the Family Educational Rights and Privacy Act (FERPA) in all electronic communications, and shall not share any personally identifiable information about students, share any information from any student's educational records, or use a student's photos without the approval of an administrator.
  - G. Electronic communications, including text messages, with students shall not take place between the hours of 10 p.m. and 5 a.m., unless exigent circumstances exist. However a notification generated by an approved system, such as one-way notification of a grade or assignment generated in Infinite Campus, is not a violation of this regulation even if it is outside of the approved hours.
  - H. CCSD employees and representatives/volunteers shall not engage in any electronic communications that can reasonably be construed as harassing, threatening, or bullying to a student or other CCSD employee or representative/volunteer.
  - I. CCSD employees and representatives/volunteers who engage in electronic communications with students must provide students with information about responsible digital citizenship.
  - J. CCSD employees and representatives/volunteers who use personal social media should use appropriate privacy settings to control access to their personal social media sites. If a CCSD employee's or representative's/volunteer's off-duty conduct interferes with CCSD's operations or a student's education, or is otherwise sufficiently connected to CCSD, such conduct may be addressed by CCSD, which may result in discipline and/or removal.
  - K. CCSD employees and representatives/volunteers who violate the electronic communication rules set forth in Section III, even if not sexual or inappropriate in nature, may be subject to discipline or revocation or termination of their ability to have access to students.

IV. Definition of Inappropriate Relationships, Interactions, and Communications between CCSD Employees or Representatives/Volunteers and Students

- A. It is inappropriate for any CCSD employee or representative/volunteer to have a relationship, interaction, or communication with a student that is sexual, romantic, or intimate in nature, or is otherwise overly affectionate, friendly, or personal. CCSD employees, representatives, or volunteers should be sensitive to and supportive of students, but should not be friends with students. A professional boundary must be maintained.
- B. Sexual misconduct between CCSD employees or representatives/volunteers and students is defined to include:
  - 1. Any lewd act committed upon or with the body of a student, which would include any sexually oriented touching such as kissing or otherwise caressing or penetrating the body of either the student or CCSD employee or representative/volunteer.
  - 2. Grooming of a student with an intent to engage in inappropriate sexual conduct including: showing unusual interest in the private life of a student, making lewd comments about the student's body or appearance, asking students about their romantic lives, sharing stories about an adult's own sex life, sharing inappropriate text or visual images including video, inappropriate touching, or any sexualized conversation designed to gauge a student's vulnerability or willingness to engage in inappropriate behavior. This applies to all communications in and outside of school, including electronic communications.
  - 3. Unlawful contact with a student, which includes engaging in a course of conduct that reasonably causes a student to feel terrorized, frightened, intimidated, or harassed.
  - 4. Encouraging a student to go to a location, and/or taking a student to a location, other than school property, without the verified permission of the student's parent or guardian, or causing a student to go and/or taking a student to any location with the intent to commit any of the acts detailed in Section IV(B) (1-3) above.

V. Reporting Inappropriate Conduct

- A. All CCSD employees and volunteers are required to immediately, within twenty-four (24) hours, report to a law enforcement agency (CCSD School



Police or local law enforcement) and Child Protective Services (CPS) once they know or have reasonable cause to believe that a child has been subjected to abuse or neglect, sexual conduct, or luring by another employee or volunteer for a public school or private school. All CCSD employees and volunteers are also required to immediately report any actual, suspected, possible, or potential inappropriate relationship, interaction, or communication, which includes grooming, between CCSD employees or volunteers and students to a law enforcement agency (CCSD School Police or local law enforcement). Abuse and neglect of a child by other persons responsible for the welfare of the child must be reported under the requirements of Regulation 5152.

- B. When a report is made to a law enforcement agency (CCSD School Police or local law enforcement) and/or Child Protective Services (CPS) as set forth in Section V(A), CCSD employees and volunteers should not conduct any type of investigation, including interviewing the student. The police must be allowed to be the first responders and conduct the investigation. CCSD employees and volunteers are protected as mandatory reporters for reports that are made in good faith.
- C. If a student discloses to any CCSD employee, representative or volunteer any potential abuse or neglect, sexual conduct, luring, or inappropriate relationship, interaction, or communication (inside or outside of the school setting), the student should not be questioned further, as this might hinder a proper investigation. The CCSD employee, representative, or volunteer should report the concern as required and should not have additional conversations with the student, or notify the victim's family or the alleged perpetrator. The police must be allowed to be the first responders and conduct the investigation.
- D. Students, parents/guardians, and community members who suspect potential abuse or neglect, sexual conduct, luring, or any inappropriate relationship, interaction, or communication between CCSD employees, representatives, or volunteers and students are strongly encouraged to contact School Police at 702-799-5411 or any other law enforcement agency.

#### VI. Cooperation with Law Enforcement and Discipline

CCSD employees and representatives/volunteers in violation of the acts described in this Regulation above shall be investigated by law enforcement for criminal prosecution. CCSD will cooperate with the law enforcement investigation to the extent permitted by law. CCSD employees, whether prosecuted or not,

shall be subject to discipline, up to and including dismissal or non-renewal. Other representatives, including volunteers, may be subject to revocation or termination of their ability to have access to students.

Legal Reference: NRS Chapter 200.310, NRS Chapter 201.520,  
NRS Chapter 201.540, NRS Chapter 201.560, NRS Chapter  
207.260, NRS Chapter 388.124, NRS Chapter 432B.220

Review Responsibility: Human Resources Division

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