

By Daniel Pollack



Protecting Children by Drafting Teacher-Student Boundary Policies

Teacher-student sexual grooming lawsuits are no longer a novelty. Nor are they confined to university sports programs or private schools. This being the case, what are the components of a policy on teacher-student boundaries that all schools should institute?

Put it in Writing

Whether or not a school is mandated by law to comply with specific teacher-student boundary laws and regulations, it will want to have its own set of policies. These policies should be written down. This lets school personnel know that the school functions within a framework of values and expectations that must be maintained. Neglecting to have written expectations can too easily lead to a belief that such policies are not really needed, are unimportant, or that spoken or unspoken understandings will suffice. Every school administrator wants to focus on the positive, but gray areas regarding teacher-student boundary issues will arise. Establishing ground rules in clear written terms helps to limit the damage when those issues do surface. And, if a situation winds up in litigation, written policies add clarity to what standard of care the school should be held. In the courtroom, a school's written policies and procedures can make all the difference between winning and losing a lawsuit.

Appropriate vs. Inappropriate Behavior

A policy cannot be written unless there is an understanding of just what



a policy is. According to *Merriam-Webster's Collegiate Dictionary*, a policy is "1. prudence or wisdom in the management of affairs; management or procedure based primarily on material interest, or, 2. a definite course or method of action selected from among alternatives and in light of given conditions to guide and determine present and future decisions; a high-level overall plan embracing the general goals and acceptable procedures especially of a governmental body." Procedures are the operating instructions on how to execute policies. To be sure, defining policies and expectations means possibly sacrificing some flexibility. In the area of teacher-student boundaries, the resulting gray areas of permissible or impermissible behavior may prompt teachers to seek guidance.

"It's so hard to write these kinds of policies!" Yes, but is it more difficult to write the policies, or is it to acknowledge that a written policy will result in changes to nuanced behavioral expectations? Just remember, if the school policies are unclear, and there is a sincere attempt to clarify the policies, it is less problematic than no policy at all.

"We don't have time to write these policies!" That may be true. In today's instant-response, multitasking world, finding the time to hash out these types of policies is difficult—to which any attorney will politely respond, "Find the time." Taking the time to develop, maintain, implement, and evaluate policies and procedures is time very well spent—and likely to save money down the road.

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substance use, domestic violence, and other psychosocial factors within defined social determinants that impact an individual's ability to work. Because the program is partly funded by Temporary Assistance for Needy Families (TANF), employment is the primary consideration. However, the program is designed to serve those clients with medical, mental health, or other psychosocial issues through a continuum of integrated services where work is a potential outcome, not the only outcome.

There are four FCOs, each with its own unique service track designed to assist the client in addressing the issues affecting wellness and the ability to work:

1) No Functional Limitations.

Through the clinical assessment, the client has been determined to have no functional limitations affecting his or her ability to work. The client is referred to a workforce development program for services.

2) Temporarily Unable to Work.

Through the clinical assessment, the client has been determined to be temporarily unable to work due to a medical,

mental health, or other psychosocial condition. The client is assigned to the Wellness Team, operated by RWS program partner, Visiting Nurse Service of New York (VNSNY). The VNSNY Wellness Care Manager works cooperatively with the client to achieve wellness with a goal of being able to work with or without limitations.


3) Able to Work with Limitations.

Through the clinical assessment, the client has been determined able to work with limitations and is assigned to work with the Vocational Rehabilitation Services (VRS) Team. The VRS Team provides comprehensive workforce development services to prepare a client for employment.

4) **Unable to Work.** Through the clinical assessment, the client has been determined unable to work and is assigned to work with the Federal Disability Team for assistance in completing a new federal disability benefits application or enhance an existing application.

In addition to the services provided to clients through the specific FCO service tracks, clients also have access to additional support assistance

through referrals to community-based organizations that provide food, clothing, transportation, and other services. RWS is partnered with and has access to several other social services programs to support the health and well-being of clients.

RWS's operation of the WeCARE program as a contracted partner to the HRA is a noteworthy example of government and community-based organizations working together to serve all populations through a program model focused on interventions that impact the social determinants of clients who need comprehensive services to achieve better health and well-being. The health and human services industries are evolving to address the psychosocial factors of clients and patients across various programs. By including the social determinants within the scope of program design, industry leaders can deliver services that positively impact the well-being of individuals, families, and communities everywhere. 

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So, ready to roll up your sleeves? Here is a list of five appropriate vs. inappropriate teacher-student boundary behaviors, each of which will need ample elucidation.

Training Is Key

Training and communication are the requisites to putting policies and procedures into action. A perfectly crafted policy or procedure that is not followed is worthless. Indeed, in the litigation arena, nothing is more self-incriminating. Just like we don't give a brand-new driver the keys to a Rolls Royce, handing the policy and procedure manual to a teacher and saying "just read it" makes no sense. Teachers need to be trained. Learning

| Appropriate Behaviors | Inappropriate Behaviors |
|---|--|
| 1. Having conversations with students that relate to the student's education and learning. | 1. Discussing personal issues that are unrelated to school. |
| 2. Directing a student to a professionally trained counselor if personal issues are raised. | 2. Acting as a student's confidant, friend, or peer. |
| 3. Maintaining personal physical space. | 3. Invading a student's personal space. |
| 4. Using school-related modes of communication to contact a student. | 4. Using personal phone, email, and social media to contact a student. |
| 5. Unless sanctioned otherwise, interacting with students only on school grounds. | 5. Seeing students away from school property when not authorized. |

how to train teachers to keep healthy and legal boundaries is the cornerstone to a successful strategy to avoid liability. 

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