

4219.11

SEXUAL HARASSMENT

4319.11

Note: The United States Supreme Court in Meritor Savings Bank, FSB v. Vinson et al., found that an employer could be held liable in a sexual harassment lawsuit. The bank's complaint procedure required the employee first to report the complaint to his/her supervisor who, in this case, was the accused party. We suggest that districts adopt a sexual harassment policy requiring the immediate supervisor of the offending employee and or personnel officer to receive the complaint.

The Board is committed to the elimination of sexual harassment in district schools and activities. Sexual harassment is strictly prohibited and will not be tolerated. This policy prohibits sexual harassment of students or staff by other students, staff, Board members or third parties. "Third parties" include, but are not limited to, school volunteers, parents, school visitors, service contractors or others engaged in district business.

(cf. 4119.21 – Code of Ethics)
(cf. 4030 - Nondiscrimination in Employment)
(cf. 4117.4 - Dismissal)
(cf. 9020 – Standards)
(cf. 9271 – Code of Ethics)

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to the conduct is made either an explicit or implicit condition of employment, status or promotion.
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee.
3. The harassment substantially interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.
4. Submission to, or rejection of, the conduct is the basis for any decision affecting benefits, services, honors, programs or other available activities.

An employee or Board member who feels that he/she is being harassed should immediately report the incident to the immediate supervisor of the accused employee or the appropriate personnel department official, without fear of reprisal. All complaints about behavior that may violate this policy shall be promptly investigated. The personnel department shall be informed of all such complaints and will assist in the investigation and resolution of complaints. An employee making a complaint of sexual harassment shall not be required to resolve the complaint directly with the offending person.

Note: Ellison v. Brady provides directives to employers responding to sexual harassment claims in order to shield themselves from liability, including taking immediate and appropriate action to address the harassment which entails investigation and discipline calculated to reflect the severity of the conduct, stop the harassment, and deter others from acting in the same manner.

The initiation of a complaint in good faith about behavior that may violate this policy shall not adversely affect the terms or conditions of employment or the work environment of the complainant. There shall be no retaliation by the district against any person who, in good faith, reports, files a complaint or otherwise participates in an investigation or inquiry of sexual harassment.

It is the intent of the Board that appropriate corrective action will be taken by the district to stop the sexual harassment, prevent its recurrence and address negative consequences. Employees in violation of this policy shall be subject to discipline, up to and including dismissal and/or additional sexual harassment awareness training, as appropriate. Other individuals whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or Board.

The superintendent or designee shall ensure prompt and strict enforcement of Board policy.

(cf. 1312.3 – Public Complaints Concerning Discrimination)(cf. 1312.1 - Complaints Concerning School Personnel)

Legal Reference:

*Meritor Savings Bank, FSB v. Vinson et al.,
477 U.S. 57 (1986)*

Ellison v. Brady, 924 F.2d 872 (9th Cir. 1991)

HARASSMENT

The School Board recognizes that harassment can cause embarrassment, feelings of powerlessness, loss of self-confidence, reduced ability to perform school work, and increased absenteeism or tardiness. The Board shall not tolerate the harassment of any student by any other student or district employee. Any student or employee who is found guilty of harassment shall be subject to disciplinary action.

Harassment means intimidation by threats of or actual physical violence; the creation by whatever means of a climate of hostility or intimidation; or the use of language, conduct, or symbols in such a manner as to convey hatred, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual. Harassment includes, but is not limited to, harassment on the basis of race, sex, creed, color, national origin, religion, marital status, or disability.

(cf. 5131.43 – Harassment, intimidation and bullying)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4119.11 – Sexual Harassment)

(cf. 4119.21 – Code of Ethics)

To promote an environment free of harassment, the principal or designee shall take appropriate actions such as removing vulgar or offending graffiti, establishing site rules, and providing staff in-service or student instruction and counseling. Principals shall discuss this policy with their employees and shall assure them that they need not endure any form of harassment.

The Board encourages students or staff to immediately report incidences of harassment to the principal or designee. The Superintendent or designee shall promptly investigate each complaint of harassment in a way that ensures the privacy of all parties concerned. In no case shall the student or staff member be required to resolve the complaint directly with the offending person.

Notice of this policy will be circulated to all district schools and departments and incorporated in teacher and student handbooks.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 1312.3 - Complaints Concerning Discrimination)

(cf. 4030 - Nondiscrimination in employment)

*Legal References:*ALASKA STATUTES

AS 14.18.010 - 14.18.100 Prohibition Against Sex and Race Discrimination

ALASKA ADMINISTRATIVE CODE

4 AAC 06.500 - 4 AAC 06.600 Prohibition of Gender or Race Discrimination

TITLE VI, CIVIL RIGHTS ACT OF 1964TITLE IX, EDUCATION AMENDMENTS OF 1972INDIVIDUALS WITH DISABILITIES EDUCATION ACTAMERICANS WITH DISABILITIES ACT

Revised: 08-09-17

SUPPLEMENTARY INSTRUCTIONAL MATERIALS

Teachers may use supplementary materials which are relevant to curriculum objectives and appropriate for students' ages and abilities. By using such materials, teachers can introduce content and instructional strategies that enrich the curriculum, enhance learning, help students make critical judgments, and stimulate their intellectual growth.

When selecting supplementary materials for classroom use, teachers should carefully review them and provide appropriate introductory and follow-up activities. Supplementary materials should not supplant the use of basic texts or teaching activities. Films must be used within legal copyright limits.

(cf. 6162.6 - Use of Copyrighted Materials)

Note: To avoid the use of films that offend community morals, the following optional paragraph requires a pre-screening or parental permission.

The Superintendent or designee shall establish a prescreening process to be used when a teacher desires to show a film not previously approved by the district or state for educational purposes. The film may be used if found educationally suitable when so previewed. Before showing any film not previously approved, the teacher shall notify parents/guardians that the film will be shown. Students who do not receive parental permission to view the film shall be excused to an alternative supervised activity.

(cf. 6142.1 - Family Life/Sex Education)

(cf. 6144 - Controversial Issues)

Legal Reference:

ALASKA ADMINISTRATIVE CODE

4 AAC 57.910 Fees (State Farm Library)

SUPPLEMENTARY INSTRUCTIONAL MATERIALS

Concerning the use of audiovisual materials it is the intent of the Board that caution be used in the selection of movies and other materials. After teacher review, instructional relevance must be tied to the curriculum in the teacher's lesson plan.

The following guidelines should be followed in determining if material is acceptable for use with students and when permission is required.

Grade Level K-6

"G" rated movies are acceptable

"PG" rated movies are acceptable with principal permission

Grade Level 7-8

"PG" rated movies are acceptable

"PG-13" rated movies will only be shown with principal permission and parental notification

Grade Level 9-12

"PG-13" rated movies are acceptable

Rated "R" movies are not permitted

Added: 01-13-12

**STUDENT POSSESSION & USE OF PORTABLE
ELECTRONIC DEVICES, INCLUDING CELLULAR
PHONES**

Electronic Device Administrative Regulation

To protect personal property and avoid disruptions to the learning environment, personal electronic devices are not allowed to be brought to school. Personal electronic devices include but are not limited to headphones, iPods, MP3/MP4 and CD players, and games.

Consequences:

First offense – A verbal warning will be given. Teachers may give the student the option of putting the device away themselves or let the teacher hold until the end of the day.

Second offense - Device will be confiscated, the offense will be recorded with the Principal, and device will be returned to the student at the end of the day.

Third offense - Device will be confiscated, the offense will be recorded, and the device must be picked up by a parent. If a parent does not retrieve a given electronic device, the device will be held by the principal until the end of the semester.

Fourth offense - Device will be confiscated, student may receive a one-day suspension, and the device must be picked up by a parent. The device may not be brought to school for the remainder of the school year. If a parent does not retrieve a given electronic device, the device will be held by the principal until the end of the semester.

YKSD is not responsible for confiscated items, theft or damage to any personal electronic devices.

Added: 10-31-12

HOMEWORK/MAKEUP WORK**Homework**

The School Board believes that homework serves many important purposes. The administration and certificated staff shall design homework plans and assignments so that through their homework, students can reinforce academic skills taught in school and learn how to conduct research effectively, develop ideas creatively and become life-long learners.

The School Board believes that homework is the responsibility of the student. It is the student's job to develop regular study habits and to do most assignments independently. The School Board encourages teachers at all grade levels to use the parent/guardian as a contributing resource and to structure homework assignments so as to involve the parent/guardian without diminishing the student's sense of responsibility. When assigning homework which involves interaction with parents/guardians, teachers should include instructions which show how parents/guardians can best help their children.

To be effective, homework assignments should not place an undue burden on students and families. Homework should reinforce classroom learning objectives and be related to student needs and abilities.

Makeup Work

Students shall be given the opportunity to make up school work missed because of an excused absence and shall receive full credit if the work is turned in according to a reasonable makeup schedule.

(cf. 5113 - Absences and Excuses)

Students who miss school work because of unexcused absences or suspensions shall be given the opportunity to make up missed work. Teachers shall assign such makeup work as necessary to ensure academic progress, not as a punitive measure.

(cf. 5144 - Discipline)

HOMEWORK/MAKEUP WORK

The principal and staff at each school shall develop a homework plan which includes guidelines for the assignment of homework and describes the responsibilities of students, staff and parents/guardians. The plan shall inform parents/ guardians as to how much time on homework will be expected and how homework relates to the student's grades.

Homework for Elementary Grades

- Students should be expected to spend an average of 30 minutes on homework at the primary level and an average of 45 minutes at the intermediate level four through six, four or five days a week.
- Kindergarten homework assignments should stimulate students to talk often with their parents/guardians. Parents/ guardians should be encouraged to read to their children.
- Homework assignments in grades one through three should promote the development of skills and encourage family participation.
- In grades four through six, homework should continue to reinforce skill development and encourage family participation. Assignments should help develop good personal study habits and may include occasional special projects. Teachers should instruct students on how to develop good study techniques and habits.
- Homework assignments should not require use of encyclopedias or other specialized materials unless sufficient time is allowed for students to get such materials from the library.

Homework for Grades Seven through Nine

- Students should be expected to spend an average of one to one and a half hours on homework, four or five days a week.
- Teachers of academic subjects should provide regular homework activities which promote the development of skills and provide students with the opportunity to grow academically.
- The teaching staff should coordinate assignments so that students do not receive an overload of homework assignments one day and very little the next.

Homework for grades 10 through 12

- Students should be expected to spend an average of two to two and a half hours on homework, four or five days a week.
- To help students learn to use time effectively, homework assignments should emphasize independent research, reports, special reading, and problem solving activities.

DRUG AND ALCOHOL-FREE WORKPLACE

The School Board believes that the maintenance of drug-free and alcohol-free workplaces is essential to school and district operations. No employee shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance before, during or after school hours at school or in any other district workplace or at any district-sponsored activity.

The Superintendent shall:

1. Publish and give to each employee a notification of the Board's policy mandating a drug-free and alcohol-free workplace. The notification shall specify the actions that will be taken against employees who violate these prohibitions. It also shall state that as a condition of employment, the employee will abide by the terms of this policy and notify the employer of any criminal drug or alcohol conviction for a violation occurring in the workplace. Such notice by the employee must be made within five (5) days from the date of the conviction.

For the purpose of this policy, "conviction" shall mean a finding of guilt by any judicial body charged to determine violations of federal or state criminal drug or alcohol laws, whether such finding is made following a trial or by entry of a plea of guilty or nolo contendere.

2. Establish a drug and alcohol awareness program to inform employees about:
 - a. The dangers of drug and alcohol abuse in the workplace.
 - b. The district policy of maintaining drug-free and alcohol-free workplaces.
 - c. Any available drug and alcohol counseling, rehabilitation, and employee assistance programs known to the district.
 - d. The penalties that may be imposed on employees for drug and alcohol abuse violations.
3. Notify the appropriate federal granting or contracting agencies within ten days after receiving notification from an employee, or otherwise, of any conviction for a violation occurring in the workplace.
4. Initiate disciplinary action within 30 days after receiving notice from an employee, or otherwise, of a conviction for a violation in the workplace. Such action shall be consistent with state and federal law, the appropriate employment contract, the applicable collective bargaining agreement, and district policy and practices.
5. Make a good faith effort to maintain a drug- and alcohol-free workplace throughout the district.

DRUG AND ALCOHOL-FREE WORKPLACE (continued)

When required by law, the superintendent shall terminate an employee. When termination is not required by law, the superintendent shall (a) take appropriate disciplinary action, including termination when warranted, or (b) require the employee to satisfactorily participate in, and complete, an approved drug assistance or rehabilitation program. The superintendent's decision shall be made in accordance with relevant state and federal laws, employment contracts, collective bargaining agreements, and district policies and practices.

(cf. 3514 - Safety)

(cf. 4117.4 - Dismissal)

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4159 - Employee Assistance Programs)

(cf. 4158/4358 - Employee Security)

(cf. 4218.1 - Drug and Alcohol Testing for School Bus Drivers)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Legal Reference:

THE DRUG-FREE WORKPLACE ACT OF 1988

DRUG-FREE SCHOOLS AND COMMUNITIES ACT AMENDMENT OF 1986, as amended

CONTROLLED SUBSTANCES ACT, 21 U.S.C. 801

21 CODE OF FEDERAL REGULATIONS

1300 - 1316

**DRUG AND ALCOHOL-FREE WORKPLACE
NOTICE TO EMPLOYEES**

Note: Although the passage AS 17.38 authorizes the use of marijuana under certain conditions, it explicitly recognizes the authority of employers to prohibit the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana in the workplace. Additionally, AS 17.38 does not prevent employers from establishing policies that restrict the use of marijuana by employees. AS 17.38.120(a). Further, as a recipient of federal funds, the district is obligated to maintain a drug-free workplace consistent with federal law, which prohibits the manufacture, sale, distribution, or possession of marijuana. For purposes of the district's policy and legal obligation, marijuana is prohibited.

YOU ARE HEREBY NOTIFIED that it is a violation of School Board policy for any employee at a school district workplace to unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, marijuana, drug or controlled substance as defined in the Controlled Substances Act and Code of Federal Regulations.

"School district workplace" is defined as any place where school district work is performed, including a school building or other school premises; any school-owned or school-approved vehicle used to transport students or employees to and from school or school activities; any off-school sites when accommodating a school-sponsored or school-approved activity or function, such as a field trip or athletic event, where students are under district jurisdiction; or during any period of time when an employee is supervising students on behalf of the district or otherwise engaged in district business.

As a condition of your continued employment with the district, you will comply with the district's policy on Drug and Alcohol-Free Workplace and will, any time you are convicted of any criminal drug or alcohol statute violation occurring in the workplace, notify your supervisor of this conviction no later than five days after such conviction.

Revised: 08-17-16

**YUKON-KOYUKUK SCHOOL DISTRICT
Adopted: 08-27-10**

TOBACCO-FREE SCHOOLS/SMOKING

Tobacco-Free Schools

Note: The federal No Child Left Behind Act prohibits smoking in district facilities. The following language extends this to prohibit tobacco use in school buildings, on school grounds and parking areas, at school events and in vehicles used for transporting students. The ability of the Board to adopt this following policy may be restricted by collective bargaining agreements.

The Board recognizes its responsibility to promote the health, welfare and safety of students, staff and others on district property and at school-sponsored activities. Ample research has demonstrated the health hazards associated with the use of tobacco products, including smoking and the breathing of second-hand smoke. As role models, district employees should demonstrate conduct that is consistent with school programs to discourage students from using tobacco products.

In accordance with law and to promote the health and safety of all students and staff, it is the intent of the Board to establish a tobacco-free environment. Consequently, it is a violation for students, staff, visitors, contractors and all others to use, distribute or sell tobacco, including any smoking device, on district premises, at school-sponsored activities on or off district premises and in district-owned, rented or leased vehicles.

Staff and/or all others authorized to use district vehicles to transport district students to school-sponsored activities are prohibited from using tobacco in those vehicles while students are under their care.

For the purposes of this policy, “tobacco” is defined to include tobacco in any form and/or any nicotine delivering devices. This does not include FDA approved nicotine replacement therapy products used for the purpose of cessation.

This policy shall be in effect and enforceable at all times regardless of whether or not school is in session. The Superintendent or designee shall post appropriate signs prohibiting tobacco use in accordance with law.

The Superintendent may develop administrative regulations as necessary to implement this policy, including provisions for notification of the district’s policy, through such means as student/parent and staff handbooks, newsletters, inclusion on school event programs; disciplinary consequences; and procedures for filing and handling complaints about violations of the district’s policy.

The Superintendent may consult with local officials to promote enforcement of law that prohibits the possession of tobacco by minors on or off district grounds.

TOBACCO-FREE SCHOOLS/SMOKING

Note: Federal law does permit the use of tobacco products in a private residence. The following language clarifies whether or not your district will permit smoking in district-provided housing.

This prohibition does apply to any private residence owned or leased by the district for housing purposes.

(cf. 5131.62 - Tobacco)

Legal Reference:

ALASKA STATUTES

18.35.300-18.35.330 Health nuisances

PL 107-110, Section 1303, Nonsmoking Policy for Children's Services

Revised: 11-02-11, 10-31-12

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SECTION

- 10. Coverage
- 20. Code of ethics and teaching standards
- 30. Distribution of handbook
- 35. Moral Turpitude
- 900. Definitions

20 AAC 10.010. COVERAGE.

All members of the teaching profession (as defined in AS 14.20.370) are obligated to abide by the code of ethics and the professional teaching standards adopted by the Professional Teaching Practices Commission.

(Repealed 01/30/75)

Authority: AS 14.20.480

20 AAC 10.020. CODE OF ETHICS AND TEACHING STANDARDS. (a) The following code of ethical and professional standards governs all members of the teaching profession. A violation of this section is grounds for discipline as provided in [AS 14.20.030](#).

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

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

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

- (1) repealed 10/25/2000;
- (2) shall take reasonable precautions to distinguish between the educator's personal views and those of any educational institution or organization with which the educator is affiliated;
- (3) shall cooperate in the statewide student assessment system established under 4AAC 06.710-4 ACC 06.790 by safeguarding and maintaining the confidentiality of

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test materials and information;

(4) repealed 10/25/2000;

(5) may not use institutional privileges for private gain, to promote political candidates, or for partisan political activities;

(6) may not accept a gratuity, gift, or favor that might influence or appear to influence professional judgment, and may not offer a gratuity, gift, or favor to obtain special advantage;

(7) may not knowingly withhold or misrepresent material information in communicating with the school board regarding a matter before the board for its decision; and

(8) may not use or allow the use of district resources for private purposes not related to the district programs and operation.

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

(1) may not, on the basis of race, color, creed, sex, age, national origin, marital status, political or religious beliefs, physical condition, family, social or cultural background, or sexual orientation, deny to a colleague a professional benefit, advantage, or participation in any professional organization, and may not discriminate in employment practice, assignment, or personnel evaluation;

(2) shall accord just and equitable treatment of all members of the profession in the exercise of their professional rights and responsibilities;

(3) may not use coercive means or promise special treatment in order to influence professional decisions of colleagues;

(4) may not sexually harass a fellow employee;

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

(6) shall provide, upon the request of the affected party, a written statement of specific reasons for recommendations that led to the denial of increments, significant changes in employment, or termination of employment;

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

(8) repealed 10/25/2000;

(9) may not falsify a document, or make a misrepresentation on a matter related to licensure, employment evaluation, test results, or professional duties;

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

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

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

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

(14) repealed 10/25/2000;

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

(16) shall conduct professional business through appropriate channels;

(17) may not assign tasks to unqualified personnel;

(18) may not continue in or seek professional employment while unfit due to (A) use of drugs or alcohol that impairs the educator's competence or the safety of students or colleagues; (B) physical or mental disability that impairs the educator's competence or the safety of students or colleagues;

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

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

Authority:

[AS 14.20.030](#) (a)

[AS 14.20.370](#)

[AS 14.20.450](#)

[AS 14.20.460](#)

[AS 14.20.480](#)

20 AAC 10.035. MORAL TURPITUDE. For the purpose of [AS 14.20.030](#)(a)(2), (1) "moral turpitude" means conduct that is wrong in itself even if no statute were to prohibit the conduct; and

(2) a crime involving moral turpitude includes:

(A) homicide;

(B) manslaughter;

(C) assault;

(D) stalking;

(E) kidnapping;

(F) sexual assault;

(G) sexual abuse of minor

(H) unlawful exploitation of a minor;

(I) robbery;

(J) extortion;

(K) coercion;

(L) theft;

(M) burglary;

(N) arson;

(O) criminal mischief;

(P) forgery;

(Q) criminal impersonation;

(R) bribery;

(S) perjury;

(T) unsworn falsification;

(U) interference with official proceedings

(V) witness tampering

(W) jury tampering;

(X) terroristic threatening;

(Y) possession or distribution of child pornography;

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

(AA) unlawfully furnishing alcohol to a minor. (Eff 4/8/99, Register 150)

(BB) felony possession of a controlled substance. (History: Eff. 4/8/99, Register 150; am 12/25/2005, Register 176)

Authority:

• [AS 14.20.030](#)

• [AS 14.20.450](#)

• [AS 14.20.460](#)

20 AAC 10.900. DEFINITIONS: In this chapter,

(1) "sexual conduct" includes solicitations for sex; explicit sexual jokes and stories;

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discussion of the educator's sexual feelings or activities; discussion, outside of a professional teaching or counseling context, of a student's sexual feelings or activities; and 'sexual penetration' and 'sexual contact' as those terms are defined in [AS 11.81.900\(j\)](#).

(2) "physical abuse" is an action beyond reasonable discipline that results in an adverse physical effect upon a student.

PTPC Regs (Eff. 10/25/00)

Revised May 2000