



POLICY 5.82

5-I I recommend that the Board approve development of the proposed new Policy 5.82 entitled "Teen Dating Violence and Abuse."

[Contact: Dr. Joseph Lee, PX 48813 and June Z. Eassa, PX 81569.]

Development

CONSENT ITEM

- This policy is to implement the requirements set forth in §1006.148, Fla.Stat., which requires the School Board to establish a policy that:
 - Defines dating violence and abuse. See Paragraph 3(p).
 - Prohibits dating violence and abuse by any student on school district property or at school-related functions. See Paragraph 4 (Policy Statement).
 - Provides procedures for responding to such incidents of dating violence or abuse, including accommodations for students experiencing dating violence or abuse. See Paragraphs 5 (Reporting of Prohibited Acts); 6 (Prompt Investigation of Complaints); and 8 (Accommodations and Support Services for the Victim).
 - Provides for a teen dating violence and abuse component in the health education curriculum of grades 7 through 12, in accordance with the requirements of §1003.42(2)(n), Fla. Stat., with emphasis on prevention education. See Paragraph 13 (Prevention and Training)
- The policy further provides for:
 - Notification to parents/guardians of the student-victim and student perpetrator. See Paragraph 7.
 - Intervention and safety planning practices for the student-victim. See Paragraph 5d (Intervention and Safety Planning by Schools).
 - Use of Stay-Away Agreements as school-based alternatives to protective orders. See Paragraph 8g.
 - Steps to be taken by principal or designee with court imposed restraining or protective order, or violation of such order. See Paragraph 9.
 - Good faith reporting of dating violence and abuse. See Paragraph 12 (Reporting of Dating Violence and Abuse Incidents).

POLICY 5.82

TEEN DATING VIOLENCE AND ABUSE

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2
3 **1. Purpose**

4 This policy is to implement the requirements set forth in §1006.148, Fla.Stat., that the
5 Board promulgates a policy that: (1) prohibits dating violence and abuse by any
6 student on District property or at school-related functions or during school-sponsored
7 transportation; (2) provides procedures for responding to such incidents of dating
8 violence or abuse, including accommodations for students experiencing dating
9 violence or abuse; and (3) defines dating violence and abuse, and provides for a teen
10 dating violence and abuse component in the health education curriculum of grades 7
11 through 12, in accordance with the requirements of §1003.42(2)(n), Fla. Stat., with
12 emphasis on prevention education.

13 **2. Applicability**

14 This proposed policy will affect all students in grades 7 through 12, and school-based
15 employees in District middle and high schools.

16 **3. Definitions**

17 For the purposes of this policy and any applicable administrative procedures and
18 guidelines, the following terms shall be defined as follows:

19 a. *Accommodations* include, but are not limited to, change of class seat or
20 workgroup assignment; change of locker assignment; change of student's class
21 schedule, homeroom, or extracurricular activities; permission to leave class or
22 excused absences to see a counselor or other support professionals; makeup
23 class work including homework, quizzes, tests, and any other graded work; for
24 classes missed due to dating violence or threat thereof, or treatment for such
25 violence; Stay-Away Agreement between alleged perpetrator and school;
26 alternative education plan for victim; and school transfer for the victim.

27 b. *Abuser/Aggressor* means a person who uses dating violence or abuse, including
28 sexual assault, to establish and maintain power and control over the victim or
29 target of his or her behavior.

30 c. *Bullying* shall be defined as provided in Policy 5.002.

31 d. *Court mandated restraining or protective order* means a court order that restricts
32 an individual's actions in relation to another individual. Usually such an order
33 requires the restrained person to refrain from contacting the protected person
34 and to stay a certain distance away from the protected person.

- 35 e. *Dating* means any romantic relationship between unmarried persons regardless
36 of duration, commitment level, or physical intimacy. Dating includes “hooking
37 up,” “going out,” and “friends with benefits.”
- 38 f. *Dating partner* means any person, regardless of gender, involved in a
39 relationship. This could include persons who have a former dating or sexual
40 relationship, are same sex couples, or are unrelated, but have had intimate or
41 continuous social contact with one another.
- 42 g. *Emotional Abuse* means the intentional infliction of mental or emotional distress
43 by threat, coercion, stalking, humiliation, destruction of self esteem, or other
44 unwanted, hurtful verbal, or nonverbal conduct.
- 45 h. *Internet Abuse or Cyberbullying/Cyberstalking* encompasses verbal or
46 psychological abuse or threats using electronic means as defined in Policy
47 5.002 for “cyberbullying.”
- 48 i. *On District property or at school-related functions* means on school property,
49 during any school-related or school-sponsored program or activity and during
50 school-sponsored transportation.
- 51 j. *Physical abuse* includes intentional, unwanted bodily contact with the student
52 victim by the abuser/perpetrator as shaking, arm-twisting, pushing, hitting,
53 kicking, slapping, choking, hair pulling, or any behavior that results in non-
54 accidental injury.
- 55 k. *Physical intimidation* includes, but is not limited to, acts as restraining someone,
56 blocking movements or exits, punching walls, or throwing things.
- 57 l. *Safety Plan* means an individualized set of actions, strategies, and resources
58 that addresses a student victim’s safety and his or her concerns with regards to
59 dating violence and abuse.
- 60 m. *Sexual assault* shall be defined as behaviors that are attempted or perpetrated
61 against a victim’s will or when a victim cannot consent because of age, disability,
62 or the influence of alcohol or drugs. Sexual assault may involve actual or
63 threatened physical force, use of weapons, coercion, intimidation, or pressure
64 and may include:
- 65 i. intentional touching of someone in ways that are unwanted;
- 66 ii. voyeurism;
- 67 iii. exposure to exhibitionism;
- 68 iv. undesired exposure to pornography; or
- 69 v. public display of images that were taken in a private context or when the
70 victim was unaware.

71 n. *Stay-Away Agreement* means a contract entered into between the
72 abuser/alleged perpetrator and the school requiring the abuser/alleged
73 perpetrator to refrain from contacting the victim, to keep away from the victim,
74 and specifying disciplinary consequences should the abuser/alleged perpetrator
75 breach the contract. This agreement is separate from a court-mandated
76 restraining or protective order.

77 o. *Student victim* means the target of the abuser/perpetrator's coercive, abusive
78 and/or violent acts.

79 p. *Teen dating violence or abuse* is a pattern of emotional, verbal, sexual, or
80 physical abuse used by one person in a current or past dating relationship to
81 exert power and control over another when one or both of the partners is a
82 teenager. Abuse may include insults, coercion, social sabotage, sexual
83 harassment, stalking, threats, and/or acts of physical or sexual abuse. The
84 abusive partner uses this pattern of violent and coercive behavior to gain power
85 and maintain control over the dating partner. This may also include abuse,
86 harassment, and stalking via electronic devices such as cell phones and
87 computers, and harassment through a third party, and may be physical, mental
88 or both.

89 q. *Threats* means the threat of any of the aforementioned forms of abuse; threat of
90 disclosing private information to parents, peers, or teachers; or any other threat
91 made with the intent of forcing the student victim to change his or her behavior.

92 r. *Verbal abuse* includes the use of threats, put-downs, name-calling, insults,
93 offensive language, sexually explicit or homophobic language, screaming, or
94 yelling.

95 **4. Policy Statement**

96 In accordance with state law, the School Board prohibits dating violence or abuse by
97 any District student on school property or during any school-related functions as
98 defined within this policy.

99 a. *Implementation.* Each middle or high school principal or designee will be
100 responsible for the implementation of this school policy, and any related
101 administrative procedures and guidelines as approved by the superintendent,
102 addressing teen dating violence and abuse. Any designee of the principal
103 should be at an administrative level and be aware of all students and faculty
104 codes of conduct, be trained in dynamics of relationship abuse, have knowledge
105 of available resources for both victims and perpetrators, and be authorized to
106 provide disciplinary interventions to students and meet with parents. The
107 principal's designee shall be identified in any publicizing of this policy.

108 b. *Punishment or Retaliation Prohibited.* Neither school staff nor students
109 shall in any way punish or otherwise retaliate against a student who is the target
110 of an act of dating violence or abuse.

111 5. **Reporting of Prohibited Acts.**

112 Any member of the school community, including, students, parents/legal guardians,
113 volunteers, and visitors may report any act that may be a violation of this policy to
114 the principal or designee. In cases involving an alleged perpetrator who is of adult
115 age and an alleged teen victim, certain suspicions of abuse must be reported to the
116 Florida Abuse Hotline or local law enforcement pursuant to §39.201 Fla. Stat.

117 a. *Filing of Complaints.* At each school, the principal or designee shall be
118 responsible for receiving and documenting complaints alleging a violation of this
119 policy. Any written or oral reporting of an act of dating violence or abuse shall
120 be considered an official means of reporting such act(s). Reports may be made
121 anonymously, but formal disciplinary action may not be based solely on the
122 basis of an anonymous report.

123 i. *Victim Complaints.* A student victim may report any act that may be a
124 violation of this policy anonymously or in person to the principal or
125 designee.

126 ii. *School Employee Complaints.* All school employees are required to
127 report alleged violations of this policy to the principal or designee. In
128 addition to reporting the incident to the principal or designee, if a school
129 employee has reason to suspect that an alleged violation of this policy
130 might constitute a crime, the employee shall also immediately report the
131 complaint to law enforcement. Any uncertainty regarding whether an
132 alleged violation might constitute a crime must be resolved in favor of
133 reporting the incident to law enforcement. In the case of physical abuse
134 and sexual assault that fall within mandated child abuse reporting
135 requirements, a report shall be made to the Florida Abuse Hotline or local
136 law enforcement pursuant to §39.201, Fla. Stat..

137 iii. *Complaints by Others.* Other members of the school community,
138 including students, parents/legal guardians, volunteers, and visitors may
139 report any act in violation of this policy. Such reporting may be
140 anonymously or in person to the school principal or designee.

141 b. *Documentation of Complaints.* Complaints, whether oral or in writing shall be
142 documented and shall also include measures taken to correct behavior. The
143 documentation shall be kept with student records and include action taken by a
144 school official or school employee on behalf of a student experiencing dating
145 violence and abuse. The files shall be kept in a secure, locked filing cabinet
146 and/or on a secure, password protected computer.

147 c. *Confidentiality.* All complaints will be treated as confidential and in accordance
148 with the highest level of confidentiality possible under the Family Educational
149 Rights and Privacy Act (FERPA) and any other applicable laws. School
150 employees shall refrain from sharing confidential student information with other
151 school employees, students, or community members, unless disclosure is
152 required by law or is necessary to protect the student's safety. The Board

153 recognizes that limited disclosure may be necessary to complete a thorough
154 investigation as described herein. Thus, the District's obligation to investigate
155 and take corrective action may supersede an individual's right to privacy.

156 d. *Intervention and Safety Planning by Schools.* The superintendent or designee
157 shall establish by administrative procedures, a protocol and safety plan for
158 schools to respond to an incident of dating violence between students occurring
159 anywhere on campus(es), including the establishment of a victim's safety plan.

160 **6. Prompt Investigation of Complaints**

161 After the receipt of a complaint, the principal or designee shall promptly assign such
162 investigation to a school employee who has been trained in investigative procedures
163 to initiate the investigation. Such investigation shall be commenced no later than the
164 next school day, unless the complaint is one of violence which should be investigated
165 immediately. The maximum of ten (10) school days shall be the limit from the initial
166 filing of the report to the completion of the investigation. The procedural steps as
167 provided for in any related administrative procedures and guidelines shall be
168 followed. The designated employee may not be a relative of the victim or the
169 accused/perpetrator.

170
171 *Conclusion of Investigation.* The investigator shall disclose the findings and outcome
172 of the investigation to the principal or designee using the Investigation Summary
173 Form 2509. If the principal determines that dating violence or abuse has occurred,
174 the principal shall take immediate action to eliminate the behavior(s), up to and
175 including disciplinary actions. If a crime has been committed, the police will be
176 immediately notified. If the alleged act in violation of this policy is also the subject of
177 an investigation by law enforcement, the investigation by the school shall proceed in
178 full cooperation and without interference, with the criminal investigation.

179
180 **7. Notification to Parents or Guardians**

181 a. The principal or designee shall notify the parents/guardians of the reported
182 victim and perpetrator, except if such notification is not in the best interest or
183 impairs the safety of the students involved. Notification to the parents/guardians
184 shall occur on the same day an investigation is initiated, and may be made by
185 telephone, writing, or personal conference. All notifications shall be consistent
186 with student privacy rights under the applicable provisions of the Family
187 Educational Rights and Privacy Act of 1974 (FERPA).

188 b. If the incident results in the perpetrator(s) being charged with a crime, the
189 principal or designee shall by telephone or writing, inform the parents or legal
190 guardians of the victims involved about the Unsafe School Choice Option (No
191 Child Left Behind, Title IX, Part E, Section 9532) that states "...a student who
192 becomes a victim of a violent criminal offense, as determined by State law, while
193 in or on the grounds of a public elementary school or public elementary school
194 or secondary school within the local educational agency, including a public
195 charter school."

196 c. The frequency of notification and follow-up reports to parents will be dependent
197 on the seriousness of the dating violence and abuse incident. All notifications
198 shall be consistent with the student privacy rights as provided under Family
199 Educational Rights and Privacy Act of 1974 (FERPA).

200 **8. Accommodations and Support Services for the Victim**

201 a. *Accommodations.* Any student who has been the target of dating abuse or
202 violence may request, orally or in writing, accommodations from the school in
203 order to preserve his or her safety and continued access to meaningful
204 education. If the request is made orally, the principal or designee shall document
205 the request in writing.

206 b. *Appeal of Denial of Accommodations.* Denials of requests for
207 accommodations may be appealed by the student or parent/guardian within ten
208 (10) days of the denial by the student or parent/guardian filing a written request
209 to the superintendent or his/her designee.

210 **9. Stay-Away Agreements – School Based Alternatives to Protective Orders.**

211 The principal may immediately implement a School Based Stay-Away Agreement,
212 PBSD Form 2507, which provides a list of conditions that must be followed by the
213 alleged perpetrator while on District property or at school-related functions as defined
214 herein.

215 **10. Enforcement of Court Restraining/Protective Orders**

216 a. *Court Order Issued.* When a restraining or protective order has been issued by
217 a court to protect one student from another, the principal or designee shall take
218 reasonable action at the school to comply with the court order (implement a Stay
219 Away Agreement) and any administrative procedures provided by the
220 superintendent for this policy.

221 b. *Violation of Court Order.* The principal or designee will notify law enforcement
222 immediately if she/he has a reasonable belief that a criminal or civil restraining
223 order has been violated.

224 **11. Referral for Counseling Intervention for both Aggressor and Victim**

225 When teen dating violence or abuse is suspected or reported, referrals to appropriate
226 outside agencies will be made.

227 **12. Prevention and Training**

228 To ensure that students, teachers, staff, and school administrators are prepared to
229 address teen dating violence in a coordinated manner, the Board believes District
230 students, teachers, staff, and school administrators should receive training and
231 awareness education on teen dating violence.

232 a. *Training for Teachers, Staff, and School Administrators.* The principal or
233 designee shall coordinate an annual training, including scheduling and
234 publicizing trainings, for teachers, staff, and school administrators in the areas of
235 the proper identification, investigation, and intervention of dating violence or
236 abuse incidents that fall within the jurisdiction of the school.

237 b. *Awareness Education for Students.* In accordance with §1013.42(2)(n), Fla.
238 Stat., the superintendent or his/her designee shall provide for an age-
239 appropriate, teen dating violence and abuse component in the comprehensive
240 health education curriculum of District students in grades 7 through 12. The
241 teen dating violence and abuse component shall have an emphasis on
242 prevention education and include, but not be limited to:

- 243 i. definition of dating violence and abuse;
- 244 ii. forms of abuse;
- 245 iii. warning signs of dating violence and abusive behavior;
- 246 iv. characteristics of healthy and unhealthy behaviors and relationships;
- 247 v. measures to prevent and stop dating violence and abuse;
- 248 vi. Board policies on dating violence and abuse, sexual harassment, and
249 bullying; and
- 250 vii. community resources, as legal, medical or mental health, available to
251 victims of dating violence and abuse.

252 c. *Resources for Training.*

- 253 i. Schools should utilize existing resources, including but not limited to
254 student support services staff (e.g. school social workers, school
255 counselors) to assist in providing teen dating violence or abuse intervention
256 and prevention training.
- 257 ii. Schools may also work with community organizations with expertise in teen
258 dating violence and abuse to provide such trainings specifically targeted to
259 each population for the training to teachers, staff and school administrators.

260 13. **Reporting of Dating Violence and Abuse Incidents**

261 a. *Good Faith Reporting.* Any school employee, school visitor, volunteer,
262 student, or parent/legal guardian who promptly reports in good faith an act of
263 teen dating violence and abuse to the appropriate school official designated in
264 this policy and who makes this report in compliance with the procedures set
265 forth in the policy is immune from a cause of action for damages arising out of
266 the reporting itself or any failure to remedy the reported incident.

267 The submission of a good faith complaint or report of teen dating violence or
268 abuse will not affect the complainant or reporter's future employment, grades,
269 learning or working environment, or work assignments.

270 b. *False Reporting.* The consequences for a student or employee found to have
271 wrongfully and intentionally accused another of an act of teen dating violence
272 and abuse shall be as follows:

273 i. Consequences and appropriate remedial action for a student found to have
274 wrongfully and intentionally accused another of teen dating violence and
275 abuse range from positive behavioral interventions up to and including
276 suspension or expulsion, as outlined in the *Student Code of Conduct*.

277 ii. Consequences and appropriate remedial action for a school employee
278 found to have wrongfully and intentionally accused a student or another of
279 teen dating violence and abuse shall be determined in accordance with
280 District policies, procedures, and agreements.

281 **14. Notice of Policy**

282 Schools with students in grades 7 through 12 shall take the following actions to
283 provide notice of this policy to students, parents/guardians, and other members of the
284 school community.

285 a. Publish this policy on the school website.

286 b. Send a copy of the policy, including the name(s) of the school's designated
287 contact(s) for dating violence and abuse to parents/guardians of students in
288 grades 7 through 12 at the beginning of each school year commencing with the
289 school year of 2011-2012.

290 c. Disseminate the policy to all students, staff, and other school employees at the
291 beginning of each school year.

292 d. Post the rights of a student to be free from dating violence and abuse in
293 classrooms or hallways, and how a report of dating violence and abuse may be
294 filed in-person or anonymously including the name(s) of the designated school
295 administrator and his/her contact information. The Office of Safe Schools shall
296 be responsible for the creation of such postings for the schools.

297 e. Include the policy and the name(s) of the designated school administrator(s) and
298 his/her contact information in the student handbook for parents and students.
299 The information shall include evidence-based methods of preventing dating
300 violence or abuse, as well as how to effectively identify and respond to dating
301 violence or abuse incidents within the scope of the school.

302

303 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41, 1001.42, 1001.43

304 LAWS IMPLEMENTED: Fla. Stat. §§ 1001.32(2), 1006.148

305 HISTORY: New ___/___/2015.

306

307

Cross References:

308

Board Policy **5.001** (Protecting Students from Harassment and Discrimination)

309

Board Policy **5.002** (Prohibition of Bullying and Harassment)

310

Board Policy **5.1812** (Student Code of Conduct for Elementary Students)

311

Board Policy **5.1813** (Student Code of Conduct for Secondary Students)

312


Board Policy **5.81** (Protecting Students from Sexual Harassment and Discrimination)

313

Florida Abuse Hotline or local law enforcement pursuant to §39.201, Fla.Stat.

Legal Signoff:

The Legal Department has reviewed proposed new Policy 5.82 and finds it legally sufficient for development by the Board.



Attorney



Date