



Your **BEST** Choice!

POL-A6
July 28, 2021

POLICY 5.82

Agenda Item POL-A6 I recommend the Board adopt the proposed revised Policy 5.82, entitled **Teen Dating Violence and Abuse**.

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CONSENT ITEM

- The School District of Palm Beach County is committed to providing all students with an educational setting that is safe, secure and free from dating violence or abuse of any kind.
- The proposed revised policy implements policies and procedures prohibiting any form of teen dating violence and abuse on District property or at school related functions and activities as required by Fla. Stat. 1006.148.

1 **Policy 5.82 – Teen Dating Violence and or Abuse**

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3 1. **Purpose** - The School District of Palm Beach County is committed to providing an educational setting that is safe, secure, and free from violence or abuse of any kind. The requirements outlined in this Policy shall be interpreted and applied consistently with all applicable State and Federal laws and Board policies. The School District of Palm Beach County will not tolerate any form of student dating violence or abuse as defined in this policy. This

9 policy is to implement the requirements set forth in §1006.148, Fla.Stat., that the Board promulgates a policy that: (1) prohibits dating violence and abuse by any student on District property or at school-related functions or during school sponsored transportation; (2) provides procedures for responding to such incidents of dating violence or abuse, including accommodations for students experiencing dating violence or abuse; and (3) defines dating violence and abuse, and 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.

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20 2. **Applicability Policy Statement-** Dating violence by any student is prohibited:

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23 a. During any educational program or activity conducted by the SDPBC.
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25 b. During any school-related or school-sponsored program or activity.
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27 c. On school-sponsored transportation at a school bus stop. This proposed policy will affect all students in grades 7 through 12, and school-based employees in District middle and high schools.

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31 3. **Definitions** - For the purposes of this policy and any applicable administrative procedures and guidelines, the following terms shall be defined as follows:

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35 a. **Accommodations** include, but are not limited to, change of class seat or workgroup assignment; change of locker assignment; change of student's class schedule, homeroom, or extracurricular activities; permission to leave class or excused absences to see a counselor or other support professionals; makeup class work including homework, quizzes, tests, and any other graded work; for classes missed due to dating violence or threat thereof, or treatment for such violence;

42 Stay-Away Agreement between alleged perpetrator and school; al-
43 ternative education plan for victim; and school transfer for the vic-
44 tim.

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- 46 b. **Abuser/Aggressor** means a person who uses dating violence or
47 abuse, including sexual assault, to establish and maintain power and
48 control over the victim or target of his or her behavior.
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- 50 c. **Bullying** shall be defined as provided in Policy 5.002.
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- 52 d. **Court mandated restraining or protective order** means a court
53 order that restricts an individual's actions in relation to another indi-
54 vidual. Usually such an order requires the restrained person to refrain
55 from contacting the protected person and to stay a certain distance
56 away from the protected person.
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- 58 e. **Dating** means any romantic relationship between unmarried persons
59 regardless of duration, commitment level, or physical intimacy. ~~Da-~~
60 ~~ting includes "hooking up," "going out," and "friends with benefits."~~
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- 62 f. *Dating partner* means any person, regardless of gender, involved in a
63 relationship. This could include persons who have a former dating or
64 sexual relationship, are same sex couples, or are unrelated, but have
65 had intimate or continuous social contact with one another.
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- 67 g. Dating violence or abuse is defined as a pattern of emotional, verbal,
68 sexual, or physical abuse used by one person in a current or past da-
69 ting relationship to exert power and control over another when one or
70 both of the partners is a teenager. Abuse may include insults, coercion,
71 social sabotage, sexual harassment, stalking, threats, and/or acts of
72 physical or sexual abuse. The abusive partner uses this pattern of vi-
73 olent and coercive behavior to gain power and maintain control over
74 the dating partner. This may also include abuse, harassment, and
75 stalking via electronic devices such as cell phones and computers, and
76 harassment through a third party, and may be physical, mental or
77 both.
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- 79 h. **Emotional Abuse** means the intentional infliction of mental or emo-
80 tional distress by threat, coercion, stalking, humiliation, destruction of
81 self-esteem, or other unwanted, hurtful verbal, or nonverbal conduct.
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- i. **Internet Abuse or Cyberbullying/Cyberstalking** encompasses verbal or psychological abuse or threats using electronic means as defined in Policy 5.002 for “cyberbullying.”
 - j. **On District property or at school-related functions** means on school property, during any school-related or school-sponsored program or activity regardless of location. ~~And during school-sponsored transportation.~~
 - k. *Physical abuse* includes intentional, unwanted bodily contact with the student victim by the abuser/perpetrator as shaking, arm-twisting, pushing, hitting, kicking, slapping, choking, hair pulling, or any behavior that results in non-accidental injury.
4. ~~**Policy Statement**—In accordance with state law, the School Board prohibits dating violence or abuse by any District student on school property or during any school related functions as defined within this policy.~~
4. **Implementation**
- a. Each middle or high school principal or designee will be responsible for the implementation of this school policy, and any related administrative procedures and guidelines as approved by the superintendent, addressing teen dating violence and abuse. Any designee of the principal should be at an administrative level and be aware of all students and faculty codes of conduct, be trained in dynamics of relationship abuse, have knowledge of available resources for both victims and perpetrators, and be authorized to provide disciplinary interventions to students and meet with parents. The principal’s designee shall be identified in any publicizing of this policy.
 - b. *Punishment or Retaliation Prohibited*. Neither school staff nor students shall in any way punish or otherwise retaliate against a student who is the target of an act of dating violence or abuse.
5. **Reporting of Prohibited Acts** - Any member of the school community, including, students, parents/legal guardians, volunteers, and visitors may ~~to~~ report anonymously or in person, any act that may be a violation of this Policy to the principal or designee. In cases involving an alleged perpetrator who is of adult age and an alleged minor ~~teen~~ victim, certain suspicions of abuse must be reported to the Florida Abuse Hotline or local

126 law enforcement pursuant to §39.201 Fla. Stat.

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128 a. *Filing of Complaints.* At each school, the principal or designee shall be
129 responsible for receiving and documenting complaints alleging a viola-
130 tion of this policy. Any written or oral reporting of an act of dating
131 violence or abuse shall be considered an official means of reporting such
132 act(s). Reports may be made anonymously, but formal disciplinary ac-
133 tion may not be based solely on the basis of an anonymous report. The
134 principal of each middle and high school in the district shall establish
135 and publicize to students, staff, volunteers, and parents/ legal guardi-
136 ans, how a report of dating violence and abuse may be filed either in-
137 person or anonymously including how this report will be acted upon.

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139 b. Disciplinary action may be taken for intentional false reports accusing
140 another of dating violence or abuse.

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142 i. *Victim Complaints.* A student victim, anyone who witnessed
143 or has reasonable suspicion that an act of dating violence or
144 abuse has taken place may file a report of dating violence or
145 abuse ~~that may be a violation of this policy~~ anonymously or
146 in person to the principal or designee.

147 ii. *School Employee Complaints.* At each middle school and high
148 school the principal or principal's designee shall be responsible
149 for receiving complaints alleging violations of this policy. All
150 school employees are required to report alleged violations of
151 this policy to the principal or designee. In addition to reporting
152 the incident to the principal or designee, if a school employee
153 has reason to suspect that an alleged violation of this policy
154 might constitute a crime, the employee shall also immediately
155 report the complaint to law enforcement. Any uncertainty re-
156 garding whether an alleged violation might constitute a crime
157 must be resolved in favor of reporting the incident to law en-
158 forcement. In the case of physical abuse and sexual assault
159 that fall within mandated child abuse reporting requirements,
160 a report shall be made to the Florida Abuse Hotline or local law
161 enforcement pursuant to §39.201, Fla. Stat.

162 iii. *Complaints by Others.* Other members of the school commu-
163 nity, including students, parents/legal guardians, volunteers,
164 and visitors may report any act that may be a ~~is~~ violation of
165 this policy. Such reporting may be anonymously or in person
166 to the school principal or designee. In cases involving an al-

167 leged perpetrator who is of adult age and an alleged teen vic-
168 tim, certain suspicions of abuse must be reported to the Flor-
169 ida Abuse Hotline or local law enforcement pursuant to
170 §39.201, Fla. Stat.

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172 c. *Documentation of Complaints.* Complaints, whether oral or in writing
173 shall be documented and shall also include measures taken to correct
174 behavior. The documentation shall be kept with student records and
175 include action taken by a school official or school employee on behalf
176 of a student experiencing dating violence and abuse. The files shall be
177 kept in a secure, locked filing cabinet and/or on a secure, password
178 protected computer.

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180 d. *Confidentiality.* All complaints will be treated as confidential and in
181 accordance with the highest level of confidentiality possible under the
182 Family Educational Rights and Privacy Act (FERPA) and any other
183 applicable laws. School employees shall refrain from sharing
184 confidential student information with other school employees,
185 students, or community members, unless disclosure is required by law
186 or is necessary to protect the student's safety. The Board recognizes
187 that limited disclosure may be necessary to complete a thorough
188 investigation as described herein. Thus, the District's obligation to
189 investigate and take corrective action may supersede an individual's
190 right to privacy.

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192 e. *Intervention and Safety Planning by Schools.* The principal or
193 principal's ~~superintendent or~~ designee shall establish by
194 administrative procedures, a protocol and safety plan for schools to
195 respond to an incident of dating violence between students occurring
196 anywhere on campus(es), including the establishment of a victim's
197 safety plan.

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199 6. **Prompt Investigation of Complaints and Disciplinary Action**- After the
200 receipt of a complaint, the principal or designee shall promptly assign such
201 investigation to a school employee who has been trained in investigative
202 procedures to initiate the investigation. Such investigation shall be commenced
203 no later than the next school day, unless the complaint is one of violence which
204 should be investigated immediately. The maximum of ten (10) school days
205 shall be the limit from the initial filing of the report to the completion of the
206 investigation. The procedural steps as provided for in any related
207 administrative procedures and guidelines shall be followed. The designated
208 employee may not be a relative of the victim or the accused/perpetrator.

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7. Documented interviews of the victim, alleged perpetrator and witnesses are conducted privately, separately, and are confidential.
8. Whenever possible, face-to-face contact between the victim and alleged perpetrator should be avoided. If changes need be made, attention should be given to the victim's preference. The burden for any bus, classroom, or other schedule changes should be on the alleged perpetrator, not the victim.
9. The District's threat assessment protocols shall be implemented as needed.
10. **Conclusion of Investigation.** The investigator shall disclose the findings and outcome of the investigation to the principal or designee using the Investigation Summary Form 2509. If the principal determines that dating violence or abuse has occurred, the principal shall take immediate action to eliminate address the behavior(s), up to and including disciplinary actions based on the Student Code of Conduct. If a crime has been committed, the police will be immediately notified. If the alleged act in violation of this policy is also the subject of an investigation by law enforcement, the investigation by the school shall proceed in full cooperation and without interference, with the criminal investigation.
 - a. **Notification to Parents or Guardians** - The principal or designee shall notify the parents/guardians of the reported victim and perpetrator, except if such notification is not in the best interest or impairs the safety of the students involved. Notification to the parents/guardians shall occur on the same day an investigation is initiated, and may be made by telephone, writing, or personal conference. All notifications shall be consistent with student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). The principal or designee must also notify parents or legal guardians of the availability of the HOPE Scholarship if the victim is subjected to a qualifying offense pursuant to Fla. Stat. 1002.40 including battery, harassment; bullying; kidnapping; physical attack; sexual offenses; harassment, assault, threat or intimidation or fighting at school.
 - b. If the incident results in the perpetrator(s) being charged with a violent crime, the principal or designee shall by telephone or writing, inform the parents or legal guardians of the victims involved about the Unsafe School Choice Option (No Child Left Behind, Title IX, Part E, Section 9532) that states "...a student who becomes a victim of a

251 *violent criminal offense, as determined by State law, while in or on*
252 *the grounds of a public elementary school or public elementary*
253 *school or secondary school within the local educational agency,*
254 *including a public charter school.”*

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

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262 d. **Reasonable Accommodations and Support Services for the**
263 **Victim - Accommodations.** Any student who has been the target of
264 dating abuse or violence may request to the school’s principal or
265 principal’s designee, orally or in writing, accommodations from the
266 school in order to preserve their his or her safety and continued
267 access to meaningful education. If the request is made orally, the
268 principal or designee shall document the request in writing.

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270 i. The accommodations offered to the victim will vary based on the
271 particular circumstances of each case. These may include:

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273 1. Stay Away Agreement: an agreement with the offender to
274 say away from the victim while on school grounds, on
275 school transportation, and during school sponsored
276 programs and events
- 277 2. Safety Plan
- 278 3. Class schedule change, change of locker assignment,
279 private space for meeting with school counselors or other
280 appropriate school personnel. If needed, the school will
281 assist the student in creating an alternative education plan
282 for the student such as transferring to a different school or
283 the ability to make up school work missed due to dating
284 violence
- 285 4. Security protection, such as safe entry and exit from school
286 and within the school
- 287 5. Referrals for outside support and/or counseling
- 288 6. information and assistance in securing intervention which
289 includes assistance and support provided to parents/
290 guardians, if deemed necessary and appropriate
- 291 7. Other actions determined appropriate under the
292 circumstances.

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- ii. All requests for accommodations should be maintained confidentially. At no time shall school personnel notify the alleged perpetrator of the student’s request for accommodation, nor shall the school require the student to pursue a complaint against the alleged perpetrator through the school grievance process or the criminal justice system.
- iii. Accommodations for safety shall be provided even if the alleged perpetrator is not a student at the school or if the abuse occurred outside of school grounds.
- iv. All accommodations under this policy are voluntary; the student may choose to decline or rescind any accommodations at any time by notifying the principal or designee. The student shall not be subject to any retribution or disciplinary action for such decision and shall not lose the right to request and receive future accommodations.
- v. The school shall provide a written decision regarding the request for accommodations to the student as soon as possible, but in all cases, a decision must be made within five school days of the request. A denial of a request for accommodation must include the reason(s) for the denial.

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

7. Stay-Away Agreements – School Based Alternatives to Protective Orders.

The principal may immediately implement a School Based Stay-Away Agreement, PBSA Form 2507, which provides a list of conditions that must be followed by the alleged perpetrator while on District property or at school-related functions as defined herein. The District encourages schools to administer Stay-Away-Agreements in a conference with the alleged perpetrator and their parent(s)/guardian(s). If the parent/guardian is unavailable or unwilling to attend the conference, the school may note this in the agreement.

a. Enforcement of Court Restraining/Protective Orders - Court

335 *Order Issued.* When a restraining or protective order has been issued
336 by a court to protect one student from another, the principal or
337 designee shall take reasonable action at the school to comply with
338 the court order (implement a Stay Away Agreement) and any
339 administrative procedures provided by the superintendent for this
340 policy.
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342 b. *Violation of Court Order.* The principal or designee will notify law
343 enforcement immediately if ~~she/he~~ they have ~~has~~ a reasonable belief
344 that a criminal or civil restraining order has been violated.
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346 **8. Referral for Counseling Intervention for both Aggressor and Victim**
347 - When ~~teen~~ dating violence or abuse is suspected or reported, referrals to
348 school-based counseling services and appropriate outside agencies will be
349 made.
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351 **9. Prevention and Training** -The District aims to provide a healthy, positive
352 and safe learning environment for all students. To ensure that students,
353 teachers, staff, and school administrators are prepared to address student
354 ~~teen~~ dating violence in a coordinated manner, the Board believes District
355 students, teachers, staff, and school administrators should receive training
356 and awareness education on teen dating violence.
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358 a. *Training for Teachers, Staff, and School Administrators.* The
359 principal or designee shall coordinate an annual training, including
360 scheduling and publicizing trainings for teachers, staff, and school
361 administrators in the areas of the proper identification,
362 investigation, and intervention of dating violence or abuse incidents
363 that fall within the jurisdiction of the school. These trainings shall
364 be provided at the beginning of each school year.
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366 b. Health Education and Awareness Education for Students. In
367 accordance with §1006.148 and 1003.42(2)(n), Fla. Stat., the
368 District ~~the superintendent or his/her designee~~ shall provide for an
369 age-appropriate, teen dating violence and abuse component in the
370 comprehensive health education curriculum of District students in
371 grades 7 through 12. The teen dating violence and abuse
372 component shall have an emphasis on prevention education and
373 include, but not be limited to:
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- 375 i. Definition of dating violence and abuse;
- 376 ii. Forms of abuse;

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- iii. Warning signs of dating violence and abusive behavior;
- iv. Characteristics of healthy and unhealthy behaviors and relationships;
- v. Measures to prevent and stop dating violence and abuse;
- vi. Board policies on dating violence and abuse, sexual harassment, and bullying; and
- vii. Community resources, as legal, medical or mental health, available to victims of dating violence and abuse.

c. *Resources for Training.*

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

d. **Reporting of Dating Violence and Abuse Incidents - Good Faith Reporting.** Any school employee, school visitor, volunteer, student, or parent/legal guardian who promptly reports in good faith an act of teen dating violence and abuse to the appropriate school official designated in this policy and who makes this report in compliance with the procedures set forth in the policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident. The submission of a good faith complaint or report of teen dating violence or abuse will not affect the complainant or reporter's future employment, grades, learning or working environment, or work Assignments.

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

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

455 Board Policy 5.001 (Protecting Students from Harassment and
456 Discrimination)
457 Board Policy 5.002 (Prohibition of Bullying and Harassment)
458 Board Policy 5.1812 (Student Code of Conduct for Elementary Students)
459 Board Policy 5.1813 (Student Code of Conduct for Secondary Students)
460 Board Policy 5.81 (Protecting Students from Sexual Harassment and
461 Discrimination)
462 Florida Abuse Hotline or local law enforcement pursuant to §39.201, Fla.
463 Stat.

Legal Signoff:

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



Attorney



Date