

## **Florida Department of Education Model Policy Against Teen Dating Violence or Abuse**

Per Section 1006.148, Florida Statutes, the Florida Department of Education has developed the following model policy to be utilized by district school boards as a guide for the development, adoption, and implementation of district level policies prohibiting teen dating violence and abuse. Although the model policy was intended to be a comprehensive policy for districts to use as a guide, districts may choose to include various sections and omit others for the purpose of implementing a policy in a manner that is integrated with the district's current discipline policies and is not intended to supersede the authority of the school districts. In addition to the development of district policies prohibiting teen dating violence and abuse, each district school board shall provide training for teachers, staff, and school administrators to implement this section.

Although not required as part of the district policies, the Florida Department of Education recommends the district and schools within be observant of the following victims' rights to the extent allowed by federal and state law:

### **Victim's Rights:**

1. **Right to be treated with respect and dignity.**  
This includes not being blamed by staff and/or students (referred to as victim blaming), and not spreading rumors or retaliating against the victim.
2. **Right to be informed of his/her options with regard to notifying law enforcement authorities, and to be assisted in notifying such authorities.**  
To the extent state and federal law allow, victims must make a voluntary and informed decision to notify authorities.
3. **Right to not have parents/guardians notified, if such notification would endanger the student(s).**  
In some cases, parental notification will endanger the student(s) and prevent the student(s) from obtaining important services. In these cases, guardians/parents should not be notified unless the victim voluntarily consents in writing.
4. **Right to be free from pressure not to report crimes to civil or criminal authorities.**  
This includes the right to be free from pressure to report a crime as a lesser offense than the victim perceives, and the right to be free from any suggestion that a victim somehow contributed to his or her own victimization by contributory negligence, or by assuming the risk of being assaulted, or by otherwise sharing the responsibility for what is alleged to have occurred.
5. **Right to have any violence committed against him/her investigated by the proper civil and criminal authorities.**  
This right is in addition to, and independent of, school disciplinary proceedings.
6. **Right to full and prompt cooperation from school personnel in obtaining and securing evidence necessary for any potential criminal/civil proceedings.**  
Failure to fully and promptly cooperate to the extent possible may be considered a form of retaliation against the victim.

7. **Right to be informed of any disciplinary actions taken against the offender.**  
Knowing about subsequent disciplinary actions, such as suspension or expulsion, helps victims with safety planning.
8. **Right to attend classes and to work in an environment free from unwanted contact or proximity with alleged assailants insofar as the school is able to provide.**  
To the extent possible, victims and alleged perpetrators should be separated on campus. This might involve changing class schedules or having the parties agree to stay a certain number of feet away from each other in a Stay-Away-Agreement.
9. **Right to be free from violence at school.**  
All students have the right to an education in a safe school environment. The District will take affirmative steps to prevent and respond to dating violence or abuse that occurs both on and off campus.
10. **Right to transfer from school.**  
Victims of teen dating violence or abuse have a right to transfer to another school. A victim's decision to transfer to another school must be informed and voluntary. The offender will generally be required to transfer whenever there is a choice between transferring the victim or the offender.
11. **Right to be free from sex discrimination and sexual harassment.**  
All students have the right to be free from sex discrimination and sexual harassment at school. Dating violence or abuse are forms of sexual harassment.
12. **Right to referrals for services.**  
Victims of teen dating violence or abuse have the right to have access to counseling, medical services, and victim support services both on and off-campus. The District shall refer the victim of teen dating violence or abuse to a community-based advocate. The District will maintain a list of domestic violence/dating violence/sexual assault agencies and services in the community and make this list available to victims. Participation in any referral program is voluntary for victims.
13. **Right to have a support person present.**

All parties in a teen dating violence or abuse case have the right to have a support person present during all stages of the investigation. A support person includes domestic violence victim advocates, parents/guardians, or other advisors.

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**a. Statement prohibiting dating violence or abuse:**

It is the policy of the \_\_\_\_\_ School District that all of its students have an educational setting that is safe, secure, and free from dating violence or abuse of any kind. The district will not tolerate any form of teen dating violence or abuse as defined in section “b” of this policy.

Consistent with the intent and requirements of Section 1006.148, Florida Statutes, the school district upholds that dating violence by any student is prohibited:

- b) On school property;
- c) During any school-related or school-sponsored program or activity; or
- d) During school-sponsored transportation.

**b. Definition of Dating violence or abuse:**

**Teen Dating Violence or Abuse**

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

**c. A procedure for reporting an act of teen dating violence or abuse, including provisions that permit a person to anonymously report such an act.**

At each middle and high school, the principal or the principal’s designee is responsible for receiving complaints alleging violations of this policy. All school employees are required to report alleged violations of this policy to the principal or the principal’s designee. In addition to reporting the incident to the principal or designee, if a school employee has reason to suspect that an alleged violation of this policy might constitute a crime, the employee shall also immediately report the complaint to law enforcement. Any uncertainty regarding whether an alleged violation might constitute a crime must be resolved in favor of reporting the incident to law enforcement. All other members of the school community, including students, parents/legal guardians, volunteers, and visitors are encouraged to report any act that may be a violation of this policy anonymously or in-person to the principal or principal’s designee. In cases involving an alleged perpetrator who is of adult age and an alleged teen victim, certain suspicions of abuse must be reported to the Florida Abuse Hotline or local law enforcement pursuant to Section 39.201, Florida Statutes.

The principal of each middle and high school in the district shall establish and prominently publicize to students, staff, volunteers, and parents/legal guardians, how a report of dating violence and abuse may be filed either in-person or anonymously and how this report will be acted upon. The victim of teen dating violence or abuse, anyone who witnessed an act of dating violence or abuse, and anyone who has reasonable suspicion that an act of dating violence or abuse has taken place may file a report of dating violence or abuse. Submission of a good faith complaint or report of teen violence or abuse will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments. Appropriate remedial action will be pursued for persons found to have wrongfully and intentionally accused another of an act of dating violence or abuse.

Any written or oral reporting of an act of dating violence or abuse shall be considered an official means of reporting such act(s). Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

**d. A procedure for the prompt investigation and disciplinary action of a report of dating violence or abuse and the persons responsible for the investigation:**

At each middle and high school in the district, the Procedures for Investigating dating violence or abuse include the following:

- The principal or designee selects a designee(s), employed by the school, trained in investigative procedures to initiate the investigation. The designee(s) may not be a relative of the accused perpetrator or victim.
- Documented interviews of the victim, alleged perpetrator, and witnesses are conducted privately, separately, and are confidential. Each individual (victim, alleged perpetrator, and witnesses) will be interviewed separately and at no time will the alleged perpetrator and victim be interviewed together.
- The parent(s)/guardian(s) of youth involved in a dating violence or abuse complaint may be notified of the complaint, except if such notification is not in the best interest or impairs the safety of the students involved.
- The maximum of 10 school days after the complaint shall be the limit between the initial filing of incidents and completion of the investigative procedural steps. The highest level of confidentiality possible will be upheld regarding the submission of a complaint or a report of teen violence and/or abuse, and the investigative procedures that follow.
- School employees shall refrain from sharing confidential student information with other school employees, students, or community members, unless disclosure is required by law or is necessary to protect the student's safety. Any notification made must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).
- If it is determined that dating violence or abuse has occurred, the designee will make recommendations for disciplinary action to the Principal or Superintendent.
- Immediate action will be taken to eliminate the behavior. Disciplinary action will be taken immediately, based on the circumstances of the behavior(s).
- 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.

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.*

**e. A procedure for providing restraining orders to school resource officers/deputies:**

Should a student or their guardian inform the School or the District that an order of protection has been issued, the designee will contact the abuser and his/her parents to initiate a Stay-Away-Agreement, consistent with the terms of the order, with penalties for known violations of the agreement. The principal or district administrator will notify law enforcement immediately if they have a reasonable belief that a criminal or civil restraining order has been violated. Campus police and/or security officers will respond immediately to a report of a violation of a criminal or a civil restraining order.

The school-based alternative to a legal protective order is called a Stay-Away-Agreement. The Stay-Away-Agreement provides a list of conditions that must be followed by the alleged perpetrator while on school grounds or at school-sponsored activities. It is designed to ensure the safety of the victim.

The District encourages schools to administer Stay-Away-Agreements in a conference with the alleged perpetrator and his or her parent(s)/guardian(s). If the parent/guardian is unavailable or unwilling to attend the conference, the school may note this on the agreement. A Stay-Away-Agreement may include the following elements:

- A description of the relationship between the victim and alleged perpetrator.
- A description of the violent incident(s): what, when, where, witnesses.
- A list of behaviors that the alleged perpetrator may not do (i.e. talking to the victim, sitting near the victim, sending notes to the victim, etc.).
- Schedule changes for the alleged perpetrator (to separate the victim and alleged perpetrator), including classes, lunch period, arrival and dismissal times, locker location, and extracurricular activities.
- Notes on other disciplinary actions taken.
- Disciplinary consequences if the alleged perpetrator violates the Stay-Away-Agreement.
- Dates during which the Stay-Away-Agreement is valid.
- Date when the Stay-Away-Agreement will be reviewed.

**f. A procedure to provide instruction and reasonable accommodations to the victim:**

Requests for accommodations may be made orally or in writing to any school employee and these requests should be taken to the principal or principal's designee. If the request is made

orally, the principal or designee shall document the request in writing. The school shall provide a written decision 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 to a request for accommodation must include the reason(s) for the denial. All requests for accommodations should be kept strictly confidential. At no time shall the 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.

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.

Accommodations for safety shall be made even if the alleged perpetrator is not a student at the school or if the abuse occurred outside of school grounds.

The School or the District will provide a victim of dating violence or abuse with the following, based on the circumstances:

- Stay-Away-Agreement: an agreement with the offender to stay away from the victim while on school grounds, on school transportation, and during school sponsored programs and events.
- Reasonable accommodations, such as class schedule changes, change of locker assignment, private space for meeting with school guidance counselor or other appropriate school personnel. If needed, the school will assist the student in creating an alternative education plan for the student such as transferring to a different school or the ability to make up school work missed due to dating violence.
- Security protection, such as safe egress/regress from school and within the school.
- Timely and comprehensive investigation of dating violence and abuse complaints.
- Referrals for outside support and/or counseling.
- Information and assistance in securing interventions to address the behavior of abusers (e.g. empathy training, anger management).
- Information and assistance in securing intervention which includes assistance and support provided to parents/guardians, if deemed necessary and appropriate.
- Other actions determined appropriate under the circumstances.

School districts should consider adopting the following methods of intervention with the alleged perpetrator:

- a. Allow the alleged perpetrator to respond in writing to the allegations.
- b. Identify and implement disciplinary and other actions and consequences that will be taken to prevent further incidents.
- c. Refer the alleged perpetrator and parent(s)/guardian(s) to help and support available at the school and within the community.
- d. Address the seriousness of retaliations against the victim for

reporting the incident or cooperating with the investigation. Inform the alleged perpetrator that retaliation or threats of retaliations in any form designed to intimidate the victim of dating violence or abuse, those who are witnesses, or those who investigate an incident, shall not be tolerated. In most cases, retaliation or a threat of retaliation will result in the imposition of a short or long-term suspension.

- e. Provide for increased supervision of the alleged perpetrator.
- f. Document the meeting and action plans on a complaint form.

**g. A procedure for providing instruction to students in comprehensive health education including a teen dating violence or abuse component:**

Members of the instructional staff of the public schools, subject to the rules of the State Board of Education and the district school board, shall teach all comprehensive health components listed in Section 1003.42, Florida Statutes, including a health education curriculum for students in grades 7 through 12 in the area of dating violence or abuse. This instruction shall include teen dating violence or abuse component that includes, but is not limited to, the definition of dating violence or abuse, the warning signs of dating violence or abusive behavior, the characteristics of healthy relationships, measures to prevent and stop dating violence or abuse, and community resources available to victims of dating violence or abuse. The curriculum chosen must also have an emphasis on prevention based education.

**h. A procedure for providing training teachers, staff and school administrators in the area of proper identification, investigation, and intervention of dating violence or abuse incidents that fall within the jurisdiction of the school, and for providing information to students and parents/guardians regarding this policy:**

The district ensures that schools sustain healthy, positive, and safe learning environments for all students. It is important to change the social climate of the school and the social norms with regards to dating violence or abuse. This requires the efforts of everyone in the school environment – teachers, administrators, counselors, school nurses other non-teaching staff (such as bus drivers, custodians, cafeteria workers, school resource officers, and/or instructional aides).

Teachers, school administrators, counseling staff, and other employees shall be provided training in the areas of the proper identification, investigation, and intervention of dating violence or abuse incidents that fall within the jurisdiction of the school.

Students, parents/legal guardians, teachers, and school volunteers shall be provided information at a minimum on an annual basis on the district's Policy and Procedures against dating violence or abuse. The information shall include evidence-based methods of preventing dating violence or abuse, as well as how to effectively identify and respond to dating violence or abuse incidents within the scope of the school.

Schools and school districts 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.