



SCHOOL BOARD OF BREVARD COUNTY, FLORIDA
School Board Policy Executive Summary
 Form D

Policy Number:	5517.03
Title of Policy:	Dating Violence and Abuse
Cabinet Member:	Valerie Londono and Chris Moore
Purpose of Revisions:	The purpose of this revision is to ensure compliance with all applicable federal and state laws, Florida State Board of Education Rules, Board policies, administrative rules, procedures, and guidelines. In addition, the proposed revisions promote transparency and accountability.
Tentative Schedule:	<ul style="list-style-type: none"> • Cabinet – 11/15/2021 • Work Session – 12/14/2021 • Rule Development Workshop – 1/18/2022 • School Board Meeting Information – 1/18/2022 • School Board Meeting Approval – 2/8/2022 • Effective Date – upon approval
Summary of Proposed Policy Revisions:	<ul style="list-style-type: none"> • Minor changes are presented to coordinate with the addition of New Policy 2266 - Nondiscrimination on The Basis of Sex in Education Programs and Activities, in light of changes to federal law under Title IX. • The policy has been revised to appropriately cross-reference Policy 2266 and require that reports of dating violence first be evaluated by the Title IX Coordinator for applicability of the Title IX grievance process. • After screening, any reports deemed not to fall under the scope of Title IX would be addressed through this policy. Any reports falling under the scope of Title IX must instead be addressed through the grievance process set out in Policy 2266. • The proposed amendments did not arise from an updated NEOLA template; instead, they were initiated by BPS legal counsel in consultation with NEOLA's legal counsel.
Specific Authority:	§§ 1003.42, 1006.148, F.S.
Next Steps:	<ul style="list-style-type: none"> • Training for BPS employees regarding the updated policy and procedures

**Current
Version**

5517.03 - DATING VIOLENCE AND ABUSE

The Board strictly prohibits any act of dating violence and abuse committed by one student against another on school property, during a school-sponsored activity, or during school-sponsored transportation.

Dating Violence and Abuse Defined

For purposes of this policy, dating violence and abuse shall be defined as emotional, verbal, sexual, or physical abuse of a student who is in a current or was in a past dating relationship by the other person in that dating relationship. Abuse may include insults, coercion, social sabotage, sexual harassment, stalking, threats and/or acts of mental, physical or sexual abuse. It may also be a pattern of demeaning, coercive, abusive actions that amount to emotional or psychological abuse. Dating violence and abuse may also include abuse, harassment, and stalking via electronic devices such as cell phones and computers, as well as harassment through a third party.

Reporting Acts of Dating Violence and Abuse

Any student who is the victim of an act of dating violence and abuse, or has cause to believe that s/he is in immediate danger of becoming the victim of an act of dating violence and abuse, should report the matter to the Principal or to any member of the school staff.

Any Board employee who receives a report of an act of dating violence and abuse, who directly observes an act of dating violence and abuse perpetrated by one student against another, or who has reason to believe that a student is a victim of dating violence and abuse shall report such report, observations, or suspicions to the Principal.

Any resident of the community or other member of the school community, including students, parents/legal guardians, volunteers, and visitors, who observes an act of dating violence and abuse perpetrated by one student against another, or who has reason to believe that a student is a victim of dating violence and abuse is encouraged to report the matter to the Principal. These reports can be made either in person or anonymously.

Investigating Reports of Dating Violence and Abuse

Upon receiving a report of alleged dating violence and abuse, the Principal shall conduct an investigation of the allegation promptly. As part of the investigation, the Principal shall contact the parent/legal guardian(s) of the alleged victim and/or the parent/legal guardian(s) of the alleged perpetrator, if they are under the age of eighteen (18), to inform them of the report.

The investigation of the report should include interviews of the alleged victim, the individual accused of perpetrating the dating violence and abusive behavior, and any other person who may have witnessed the alleged act or who may reasonably be expected to have information relevant to the situation. All interviewed parties and witnesses will be provided an opportunity to present any evidence that they reasonably believe to be relevant to the situation.

The Board reserves the right to investigate a report of dating violence and abuse regardless of whether the student who is allegedly the victim of the dating violence and abuse wants to pursue the matter.

Consequences

At the conclusion of the investigation the Principal will determine whether or not the allegation of dating violence and abuse was substantiated. If the Principal determines that a student has committed an act of

dating violence and abuse, that violation of this policy shall result in disciplinary action in accordance with the Student Code of Conduct, which may include suspension, assignment to another school or program, or recommendation for expulsion. All disciplinary action shall be taken in accordance with State law and applicable Board policy. (See Policy [5500](#) and Policy [5600](#)) When imposing discipline, the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved, shall be considered.

Suspensions for acts of teen violence and abuse may be appealed in accordance with the procedures set forth in the Student Code of Conduct. (See Policy [5500](#))

Further, the Department of Children and Families shall be notified if the student who is found to have perpetrated the act of dating violence and abuse is eighteen (18) years of age or older and the student who was the victim of the act of dating violence and abuse is a minor.

In those cases where teen dating violence and abuse is not substantiated, the Principal may consider whether the alleged conduct nevertheless warrants disciplinary action in accordance with the Student Code of Conduct or other Board policies.

Support and Reasonable Accommodations

If requested during or after the investigation, the Principal shall make reasonable accommodations for the student who is allegedly experiencing dating violence and abuse including, but not limited to the following:

- A. Stay Away Contract, that is, a contract with the alleged perpetrator to stay away from the victim while on school grounds, on school transportation, and during school sponsored programs and events;
- B. Class schedule changes;
- C. Protection that will enable safe egress/regress from school, as well as movement within the school; and
- D. Referrals for outside support or counseling.

Students should provide the Principal with a copy of an order of protection that has been issued by the court. The Principal shall then contact the student whose behavior is to be regulated by that order of protection and initiate a Stay Away Contract that is consistent with the terms of that order and provides penalties for known violations of the contract. Further, the Principal shall notify law enforcement immediately if s/he knows or has reason to believe that a criminal or civil restraining order has been violated.

The School Resource Officer shall respond immediately to a report of a violation of a criminal or civil restraining order.

Other Violations of the Dating Violence and Abuse Policy

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging dating violence and abuse, or who has participated as a witness in an investigation of such an allegation.
- B. Filing a malicious or knowingly false report or complaint of dating violence and abuse.

- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of dating violence and abuse, when responsibility for reporting and investigating allegations of dating violence and abuse comprises part of one's supervisory duties.

Privacy/Confidentiality

The School District will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and its related administrative procedures shall be maintained as confidential to the extent permitted by law.

Retention of Public Records, Student Records, and Investigatory Records and Materials

All individuals charged with conducting investigations under this policy must retain all information, documents, electronically stored information, and electronic media (as defined in Board Policy 8320) created and received as part of an investigation, including, but not limited to, complaints, responses, witness statements, documentary evidence, audio and/or video recordings, handwritten and contemporaneous notes, e-mails related to the investigation and allegations, printouts, letters, determinations, and summaries.

These investigative records and materials shall be retained in accordance with Board Policy 8310 and Board Policy 8320, including the District's records retention schedule.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of dating violence and abuse. The Superintendent shall require that the District's comprehensive health curriculum in grades 7-12 include a component about dating violence and abuse that is age appropriate and includes the content required by State law.

Further, the Superintendent shall provide appropriate training to all members of the School District staff related to dating violence and abuse, and the implementation of this policy.

Adopted 7/22/14
Revised 12/11/18

Legal
F.S. 1003.42
F.S. 1006.148

Cross References

 [po5500 - STUDENTCONDUCT](#)

 [po5600 - STUDENT DISCIPLINE](#)

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REVSIED POLICY - VOL. 18, NO. 2 (NEOLA TEMPLATE)

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Consequences

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Suspensions for acts of teen violence and abuse may be appealed in accordance with the procedures set forth in the Student Code of Conduct. (See Policy 5500)

Further, the Department of Children and Families shall be notified if the student who is found to have perpetrated the act of dating violence and abuse is eighteen (18) years of age or older and the student who was the victim of the act of dating violence and abuse is a minor.

In those cases where teen dating violence and abuse is not substantiated, the Principal may consider whether the alleged conduct nevertheless warrants disciplinary action in accordance with the Student Code of Conduct or other Board policies.

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If requested during or after the investigation, the Principal shall make reasonable accommodations for the student who is allegedly experiencing dating violence and abuse including, but not limited to the following:

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- D. Referrals for outside support or counseling.

Students should provide the Principal with a copy of an order of protection that has been issued by the court. The Principal shall then contact the student whose behavior is to be regulated by that order of protection and initiate a Stay Away Contract that is consistent with the terms of that order and provides penalties for known violations of the contract. Further, the Principal shall notify law enforcement immediately if s/he knows or has reason to believe that a criminal or civil restraining order has been violated.

[] **Campus police** [] **The School Resource Officer** shall respond immediately to a report of a violation of a criminal or civil restraining order.

Other Violations of the Dating Violence and Abuse Policy

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

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Privacy/Confidentiality

The School District will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and its related administrative procedures shall be maintained as confidential to the extent permitted by law.

Retention of Investigatory Records and Materials

All individuals charged with conducting investigations under this policy must retain all information, documents, electronically stored information, and electronic media (as defined in Policy 8315) created and received as part of an investigation, including, but not limited to, complaints; responses; witness statements; documentary evidence; audio and/or video recordings; handwritten and contemporaneous notes; e-mails related to the investigation; and allegations, printouts, letters, determinations, and summaries.

These investigative records and materials shall be retained in accordance with Policy 8310, Policy 8315, and Policy 8320, including the District's records retention schedule.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of dating violence and abuse. The Superintendent shall require that the District's comprehensive health curriculum in grades 7-12 include a component about dating violence and abuse that is age appropriate and includes the content required by State law.

Further, the Superintendent shall provide appropriate training to all members of the School District staff related to dating violence and abuse, and the implementation of this policy.

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Legal References

F.S. 1003.42

F.S. 1006.148

Cross References

 po5500 - STUDENTCONDUCT

 po5600 - STUDENT DISCIPLINE

**Redline
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5517.03 - DATING VIOLENCE AND ABUSE

The Board strictly prohibits any act of dating violence and abuse committed by one student against another on school property, during a school-sponsored activity, or during school-sponsored transportation.

A. Dating Violence and Abuse Defined

1. For purposes of this policy, dating violence and abuse shall be defined as emotional, verbal, sexual, or physical abuse of a student who is in a current or was in a past dating relationship by the other person in that dating relationship. Abuse may include insults, coercion, social sabotage, sexual harassment, stalking, threats and/or acts of mental, physical or sexual abuse. It may also be a pattern of demeaning, coercive, abusive actions that amount to emotional or psychological abuse. Dating violence and abuse may also include abuse, harassment, and stalking via electronic devices such as cell phones and computers, as well as harassment through a third party.
2. Dating Violence is also addressed and separately defined by Title IX federal regulations as referenced in Policy 2266 - Nondiscrimination on The Basis of Sex in Education Programs and Activities (also known as the "Title IX Policy").

B. Reporting Acts of Dating Violence and Abuse

1. Any student who is the victim of an act of dating violence and abuse, or has cause to believe that s/he is in immediate danger of becoming the victim of an act of dating violence and abuse, should report the matter to the Principal or to any member of the school staff.
2. Any Board employee who receives a report of an act of dating violence and abuse, who directly observes an act of dating violence and abuse perpetrated by one student against another, or who has reason to believe that a student is a victim of dating violence and abuse shall report such report, observations, or suspicions to the Principal or Title IX Coordinator. If the Principal receives the report, he or she should immediately forward the report to the Title IX Coordinator for evaluation of whether Policy 2266 or this policy shall apply.
 1. Any resident of the community or other member of the school community, including students, parents/legal guardians, volunteers, and visitors, who observes an act of dating violence and abuse perpetrated by one student against another, or who has reason to believe that a student is a victim of dating violence and abuse is encouraged to report the matter to the Principal or Title IX Coordinator. These reports can be made either in person or anonymously.
- 3.

C. Investigating Reports of Dating Violence and Abuse

1. If the Title IX Coordinator determines the allegations of dating violence and abuse fall within the scope of the definitions set out in the federal regulations governing Title IX, then the allegations will be investigated according to the grievance process set out in Policy 2266.
2. Upon receiving a ~~Should the Title IX Coordinator determine the~~ report of alleged dating violence and abuse does not to fall within the scope of Title IX as defined under Policy 2266, then the Principal or designee shall promptly conduct an investigation of the allegation under this policy promptly. As part of the investigation, the Principal or designee shall contact the parent/legal guardian(s) of the alleged victim and/or the parent/legal guardian(s) of the alleged perpetrator, if they are under the age of eighteen (18), to inform them of the report.

~~4.3.~~ The investigation of the report should include interviews of the alleged victim, the individual accused of perpetrating the dating violence and abusive behavior, and any other person who may have witnessed the alleged act or who may reasonably be expected to have information relevant to the situation. All interviewed parties and witnesses will be provided an opportunity to present any evidence that they reasonably believe to be relevant to the situation.

~~2.~~

4. The Board reserves the right to investigate a report of dating violence and abuse regardless of whether the student who is allegedly the victim of the dating violence and abuse wants to pursue the matter.

~~3.~~

D. Consequences

1. At the conclusion of the investigation, the Principal or designee will determine whether or not the allegation of dating violence and abuse was substantiated. If the Principal or designee determines that a student has committed an act of dating violence and abuse, that violation of this policy shall result in disciplinary action in accordance with the Student Code of Conduct, which may include suspension, assignment to another school or program, or recommendation for expulsion. All disciplinary action shall be taken in accordance with State law and applicable Board policy. (See Policy 5500 and Policy 5600) When imposing discipline, the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved, shall be considered.

2. Suspensions for acts of teen violence and abuse may be appealed in accordance with the procedures set forth in the Student Code of Conduct. (See Policy 5500)

3. Further, the Department of Children and Families shall be notified if the student who is found to have perpetrated the act of dating violence and abuse is eighteen (18) years of age or older and the student who was the victim of the act of dating violence and abuse is a minor.

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E. Support and Reasonable Accommodations

1. If requested during or after the investigation, the Principal or designee shall make reasonable accommodations for the student who is allegedly experiencing dating violence and abuse including, but not limited to the following:

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b. Class schedule changes;

c. Protection that will enable safe egress/regress from school, as well as movement within the school; and

~~e.~~

d. Referrals for outside support or counseling.

2. Students should provide the Principal or designee with a copy of an order of protection that has been issued by the court. The Principal or designee shall then contact the student whose behavior is to be regulated by that order of protection and initiate a Stay Away Contract that is consistent with the terms of that order and provides penalties for known violations of the contract. Further, the Principal or designee shall notify law enforcement immediately if s/he knows or has reason to believe that a criminal or civil restraining order has been violated.

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I. Education and Training

1. In support of this policy, the Board promotes preventative educational measures to create greater awareness of dating violence and abuse. The Superintendent or designee shall require that the

District's comprehensive health curriculum in grades 7-12 include a component about dating violence and abuse that is age appropriate and includes the content required by State law.

2. Further, the Superintendent or designee shall provide appropriate training to all members of the School District staff related to dating violence and abuse, and the implementation of this policy.

Adopted 7/22/14
Revised 12/11/18
Revised

Legal

F.S. 1003.42

F.S. 1006.148

20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX)

34 C.F.R. Part 106 (Title IX Regulations)

Cross References

 po5500 - STUDENTCONDUCT

po5600 - STUDENT DISCIPLINE

po2266 - NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND
AACTIVITIES

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**Clean
Version**

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