

Milagros R. Fornell, Chief Academic Officer
Academics and Transformation

**SUBJECT: PROPOSED PROMULGATION OF NEW BOARD POLICY:
FINAL READING: POLICY 5517.03, *DATING VIOLENCE OR
ABUSE***

**COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY
ENGAGEMENT**

**LINK TO STRATEGIC
FRAMEWORK: STUDENT, PARENT AND COMMUNITY ENGAGEMENT**

The School Board announced on July 17, 2013, its intention to promulgate new Board Policy 5517.03 - *Dating Violence or Abuse* at its meeting of September 3, 2013. The proposed new policy provides procedures for responding to incidents of dating violence or abuse, including accommodations for students experiencing dating violence or abuse and will be enforced through the Code of Student Conduct. The policy also requires a Dating Violence or Abuse component to be included in the health education curriculum.

Pursuant to the statute, the Florida Department of Education (FDOE) developed a model policy to serve as a guide for district school boards in the development of this policy and provided specific components and procedures that must be reflected in these policies. In addition, the statute requires districts to provide training for teachers, staff, and school administrators to implement the policy.

In compliance with statutory requirements, the proposed M-DCPS policy is based upon the FDOE model policy and was developed with input elicited from various stakeholders through the Student Services District Advisory Committee that reflects representation from local colleges and universities, faith-based organizations, community-based agencies, parents and students. Staff from the Division of Student Services, School Operations, School Board Attorney's Office, School Police, Physical Education and Health Literacy, and the Office of Civil Rights Compliance, along with the United Teachers of Dade, were asked to review the policy and provide feedback. The proposed policy will align with school curriculum, existing discipline policies and other violence prevention efforts currently in effect.

The proposed policy addressing Dating Violence or Abuse does not replace current M-DCPS policies or rules prohibiting harassment on the basis of race, sex, national origin or disability. Specific federal guidelines addressing discriminatory harassment have been established by the U.S. Department of Education's Office of Civil Rights (OCR) and are set forth under Title IX, Florida Equity Act, Section 504 of the Rehabilitation Act, Americans with Disabilities Act (ADA) and the Age Discrimination Act. Implementation of these policies is reviewed and monitored separately by the FDOE Office of Equity and Access (OEA).

There is no additional cost to the district associated with this item.

The Notice of Intended Action was published in the *Miami Daily Business Review* on July 22, 2013, posted in various places for public information and mailed to various organizations representing persons affected by the new policy and to individuals requesting notification.

The time to request a hearing or protect the adoption of this policy has elapsed.

Attached are the Notice of Intended Action and the proposed new policy.

In accordance with the provisions of the Administrative Procedure Act, this new policy is presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file the policy, 5517.03 *Dating Violence or Abuse*, in the official records of The School Board of Miami-Dade County, Florida.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt new Board Policy 5517.03, *Dating Violence or Abuse*, and authorize the Superintendent to file the policy with The School Board of Miami-Dade County, Florida effective September 3, 2013.

MRF/DAM:sh

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on July 17, 2013, its intention to promulgate new Board Policy 5517.03, *Dating Violence or Abuse*, at its meeting of September 3, 2013.

PURPOSE AND EFFECT: The proposed new policy prohibiting dating violence or abuse is the result of Section 1006.148 F.S. which mandates that all school districts adopt a policy prohibiting dating violence or abuse by any student and provide procedures for responding to such incidents of dating violence or abuse, including accommodations for students experiencing dating violence or abuse.

SUMMARY: The rule establishes policy prohibiting the dating violence or abuse by any student on school property, during a school-sponsored activity, or during school-sponsored transportation.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41 (1), (2); 1001.42 (25); 1001.43 (10), F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 1006.147, F.S. 1006.148 F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE SCHOOL BOARD MEETING of September 3, 2013, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided in Section 120.541(1), F.S., must do so in writing by August 14, 2013 to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED NEW RULE is available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Ms. Milagros R. Fornell
Supervisor: Mr. Alberto M. Carvalho
Date: July 2, 2013

**The School Board of Miami-Dade County
Bylaws & Policies**

5517.03 - DATING VIOLENCE OR ABUSE

Student dating violence or abuse is prohibited in all secondary schools on school property, during any school-related or school-sponsored program or activity, and/or during school-sponsored transportation.

Definition

Student dating violence involves 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. Abuse may include insults, coercion, social sabotage, sexual harassment, stalking, threats and/or acts of physical or sexual abuse. It may also include abuse, harassment, and stalking via electronic devices such as cell phones and computers, harassment through a third party, and may be physical, mental, or both.

Reporting Requirement

1. All verbal or written reports/complaints alleging violations of this policy shall be submitted to the Principal or designee.
2. All school employees who witness an act of dating violence or abuse or who have a reasonable suspicion that an act of dating violence and/or abuse has taken place must report the incident to the Principal or designee. The employee shall also immediately report the incident to School Police if there is reason to suspect that the incident might constitute a crime. Any uncertainty regarding whether an alleged violation might constitute a crime must be resolved in favor of reporting the incident to School Police.
3. An employee's failure to report may result in action(s) or discipline consistent with the collective bargaining agreement provisions or Board Policy.
4. Nothing in this policy shall relieve a reporter of the obligation to report a reasonable suspicion of child abuse or neglect to the Florida Abuse Hotline or local law enforcement pursuant to Section 39.201, Florida Statutes.

Complaints/Reports

1. Complaints and reports should be submitted as soon as possible after the alleged incident but shall be submitted within ninety (90) school days after the most recent alleged act of dating violence and/or abuse. The Principal or designee shall document and investigate any complaints or reports and take immediate action to prevent the reoccurrence of the behavior. Appropriate disciplinary action may be taken pursuant to the *Code of Student Conduct* (Policy 5500).
2. Failure on the part of the alleged victim to initiate a complaint within ninety (90) school days or to cooperate with the investigation may result in the complaint being deemed abandoned regarding that particular incident.
3. Additional procedures regarding complaints about bullying and harassment are contained in Policy 5517.01 and Policy 5517.02 and the allegations may also be required to be reported to the Office of Civil Rights pursuant to Policy 5517.

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4. Each school shall publicize the procedure for submitting a complaint or report of dating violence in-person or anonymously and how this report will be addressed.
5. The victim of student 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 pursuant to this policy may submit a report of dating violence or abuse.
6. Submission of a good faith complaint or report of student dating violence or abuse will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments. Appropriate action will be pursued for persons found to have wrongfully and intentionally accused another of an act of dating violence or abuse.
7. Any written or verbal reports of an act of dating violence or abuse shall be considered an official means of reporting. Reports may be made anonymously but disciplinary action may not be based solely on the basis of an anonymous report.

Support and Reasonable Accommodations

1. Principals shall include the policy in the school's student/parent handbook.
2. If students or their parent(s)/guardian(s) inform the school that a court has issued a restraining or protective order, a copy of the order should be maintained in the students' files. The school shall notify School Police immediately if it reasonably believes that a criminal or civil restraining order has been violated. School Police shall respond to a report of a violation of a criminal or civil restraining order.
3. Whenever possible, face-to-face contact between the victim and alleged perpetrator should be avoided during the pendency of the investigation.
4. The student who is allegedly experiencing dating violence or abuse may submit a verbal or written request for accommodations to the school. If the request is made verbally, the school administrator shall document the request in writing and provide a written decision to the student as soon as possible. A denial of a request for accommodation must specify the reason(s) for the denial. If scheduling changes are requested or determined by the school to be in the best interest of the victim, the school will accommodate the victim's preference to the extent possible.

Dating Violence and/or Abuse Prevention Curriculum

Instruction regarding dating violence or abuse will be provided for students in grades 7 through 12 as a component of the health education curriculum as listed in Section 1003.42, Florida Statutes. This instruction 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 must emphasize prevention based education. Schools should also implement a peer mentor or peer education component that will foster a deeper understanding of the issues by allowing students to relate to a similarly situated peer.

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Professional Development

The Principal shall review the policy with faculty/staff at the Opening of Schools meeting. Teachers, school administrators, counseling professionals and other school site employees shall also be provided training in 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 on this policy, evidence-based methods of preventing dating violence or abuse, and how to effectively identify and respond to dating violence or abuse incidents.

Section 1006.148, F.S.