

POLICY SERVICES ADVISORY

Volume 23, Number 1

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Policy Advisory Discussion

Policy Advisory No. 403. JICL, JICL-R, and JICL-E — Dating Abuse.

A.R.S. 15-702.01, as amended by Senate Bill 1308, 2010 Legislature, states that:

- On or before June 30, 2011, the governing board of each school district educating students in grades seven (7) through twelve (12) SHALL:
 - Conduct a public meeting to review and consider incorporating age-appropriate dating abuse information into the district's health curriculum, including:
 - ▲ A definition of dating abuse.
 - ▲ Recognition of dating abuse warning signs.
 - ▲ Characteristics of healthy relationships.
 - Notify a local domestic violence organization of the date and time of the public meeting at least two (2) weeks prior to the meeting.

In summary, although the law requires the board to conduct a public meeting on a dating abuse policy, the board is NOT required under the law to adopt ANY policy changes whatsoever. The law merely mandates a discussion and consideration of a dating abuse policy not the acceptance and approval of one.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

The statute also directs that a parent or guardian submitting a written request to the principal of a school where a child under the age of eighteen is enrolled SHALL be permitted to review the dating abuse information instructional materials within a reasonable time after submitting the written request.

A.R.S. 15-342.02, created by Senate Bill 1308, 2010 Legislature, provides that a school district governing board MAY prescribe and enforce policies and procedures

- to address incidents of dating abuse involving students at school
- that MAY be based on a model dating abuse policy.

A school district that adopted a dating abuse policy before July 29, 2010 is exempt from the requirement to conduct a meeting.

Governing boards that determine it is in their district's best interest to establish a dating abuse policy are herein provided with the accompanying recommended document models including an administrative regulation and an exhibit form. Local modifications to the documents may be made, however, districts are encouraged to confer with Policy Services or the district's legal counsel prior to finalizing any local revisions.

Previous Advisories related to legislatively mandated hearings and public meetings generated inquiries to Policy Services relative to notice and agenda items. Therefore, following are a sample notice for the public meeting (which may be conducted as a segment of a regular board meeting or a standalone special meeting), and suggested wording for the agenda items.

Sample notice and invitation:

Notice from the _____ School District Governing Board

Constituents of the _____ School District are invited to a public meeting at which the Governing Board will review and consider the possible adoption of a 'dating abuse' policy and the possible addition of 'dating abuse' instruction in the health curriculum for students in grades seven through twelve (*insert actual grades educated in the district*). The public meeting will be held _____ at _____ in the District's Governing Board room located at _____. Should you not be able to attend the meeting but want to submit comment please do so by e-mailing your comments to _____ or sending a letter to _____ prior to _____. The _____ Governing Board appreciates receiving community participation and comments.

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Suggested agenda items:

- ◆ Discussion and possible adoption of a policy to incorporate dating abuse instruction into the health curriculum for students in grades seven through twelve (*as applicable for district*).
- ◆ Discussion and possible adoption of a dating abuse policy to address incidents of dating abuse involving students at school.

If there are questions, contact Policy Services at (602) 254-1100 or fax information to (602) 254-1177. Ask for James Deaton, Director of Policy Services; Dr. Terry Rowles, Policy Analyst; or Steve Highlen, Policy Analyst. E-mail addresses are, respectively, jdeaton@azsba.org, trowles@azsba.org, and shighlen@azsba.org.

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DATING ABUSE

The Governing Board is committed to maintaining a school campus environment that is safe and secure for all students. Dating abuse will not be tolerated by the District. Students who become targets of dating abuse are entitled to certain rights that shall be respected and protected by all school employees. It is the responsibility of all District employees to respond to any incident of dating abuse they become aware of in a manner consistent with District training.

The Superintendent shall provide for procedures to ensure appropriate steps are taken to establish and maintain safe and secure schools. These shall include but not be limited to:

- an ongoing effort to enhance employee training and campus safety planning,
- establishing reporting procedures, and
- making accommodations for victims.

The Superintendent shall establish an age-appropriate dating abuse curriculum for students in grades seven (7) through twelve (12). That curriculum shall include the following components:

- A definition of dating abuse.
- The recognition of dating abuse warning signs.
- The characteristics of healthy relationships.

Dating Abuse Definition

Dating abuse is a pattern of behavior in which one person uses or threatens to use physical, sexual, verbal, or emotional abuse to control the person's former or present dating partner. Behaviors used may include but are not limited to:

- *Physical Abuse:* Any intentional, unwanted physical contact by either the abuser or an object within the abuser's control, regardless of whether such contact caused pain or injuries to the former or present dating partner.

- *Emotional Abuse:* The intentional infliction of mental or emotional distress by threat, coercion, stalking, humiliation, destruction of self esteem, or other unwanted, hurtful verbal or nonverbal conduct toward the former or present dating partner.
- *Sexual Abuse:* Any sexual behavior or physical contact toward the former or present dating partner that is unwanted and/or interferes with the ability of the former or present dating partner to consent or control the circumstances of sexual interaction.
- *Threats:* The threat of any of the aforementioned forms of abuse, threat of disclosing private information to parents, peers, or teachers, or any other threat made with the intent of forcing the former or present dating partner to change his or her behavior.

***Student Rights Relating to
Dating Abuse:***

- All students have the right to be free from sex discrimination and sexual harassment at school. Dating abuse is a form of sexual harassment.
- A student who reports dating abuse shall be treated with respect and dignity.
- Schools personnel shall take affirmative steps to prevent and respond to dating abuse that occurs both on and off campus.
- To the extent possible victims and abusers shall be separated on campus. The school shall make every reasonable effort possible to ensure the victim does not come into contact with the abuser. Any burden of change of adjusting an individual's schedule or participation in a school activity is placed on the abuser.
- A victim of dating abuse has the right to transfer to another school. A victim's decision to transfer to another school must be informed and voluntary. Should an alternative school placement be determined in the best interest of the victim all transportation needs will be accommodated by the student's parent or guardian.
- A victim has the right to be treated with respect and dignity, and not be subjected to pressure to minimize the severity of acts that occurred or to suggestions that he or she contributed to his or her own victimization.

- Students who have experienced dating abuse have the right to full cooperation from school personnel in obtaining information necessary to achieve resolution.

Students are encouraged to report all known or suspected instances of dating abuse involving themselves or other students. Although initial reports of abuse may be made verbally or in writing, verbal reports must be converted to written records on District-provided forms and confirmed by the victim for accuracy.

When District officials have a reasonable belief or an investigation reveals that a reported incident may constitute an unlawful act law enforcement authorities will be informed.

Adopted: date of Manual adoption

LEGAL REF.: A.R.S. 13-1401
13-1403
13-1404
13-1405
13-1406
15-342.02
15-712.01

CROSS REF.: ACA - Sexual Harassment
JII - Student Concerns, Complaints and Grievances
JK - Student Discipline
JKD - Student Suspension
JKE - Expulsion of Students
JR - Student Records
KB - Parental Involvement in Education

REGULATION**REGULATION****DATING ABUSE****Complaint Procedure**

The District is committed to investigating each substantiated complaint and to taking appropriate action on all confirmed violations of policy. The principal shall investigate and document complaints filed pursuant to this regulation. In investigating the complaint, the principal will maintain confidentiality to the extent reasonably possible. The principal shall also investigate incidents of policy violation that are raised by employees, community members or students even though no written complaint has been made. It is the responsibility of all District employees to respond to any alleged or known incident of dating abuse in a manner that is consistent with District training.

If after the initial investigation the principal has reason to believe a violation of policy has occurred, the principal shall determine the appropriate response. The principal shall impose discipline on students who violate this policy in accordance with policies JK, JKD and JKE.

If the principal's investigation reveals no reasonable cause to believe policy has been violated, the principal shall so inform the complaining student.

Students have the responsibility to file a complaint as soon as possible but within thirty (30) days of the alleged incident. A staff member who becomes aware of a suspected or known dating abuse situation shall make a report to the principal immediately. The principal's investigation will be concluded within five (5) days of the receipt of the complaint.

Staff Training

School principals shall coordinate annual training as part of required professional development for all staff members. Components of this training will be provided to the principal by the District. The Superintendent will oversee the development of the staff training. The training shall include but not be limited to:

- Review of Governing Board policy.
- Responsibilities of school employees.
- Characteristics and identification of dating abuse.
- Accommodation of victim needs.

REGULATION**REGULATION**

- Crisis intervention and safety planning.
- Reporting procedures.
- Legal considerations.

Student Curriculum

An age-appropriate dating abuse curriculum established by the District will be presented to students in grades seven (7) through twelve (12). The curriculum shall include the following components:

- A definition of dating abuse.
- The recognition of dating abuse warning signs.
- The characteristics of healthy relationships.

The Superintendent will oversee the initial and ongoing development of the curriculum. School principals shall oversee the presentation of the curriculum and work with instructional staff to ensure delivery of the curriculum meets District standards.

Documentation

Each school administrator shall maintain documentation of each case of dating abuse that is addressed. The documentation will be kept for a period of time in accordance with the records retention requirements established by the Arizona State Library, Archives and Public Records. Access to student files is governed by state and federal law. In accordance with the Family Education Rights and Privacy Act (FERPA), parents and legal guardians have a right to access their children's school records until the child turns eighteen (18), including files that involve dating abuse.

Reporting

Students are encouraged to report all known or suspected instances of dating abuse involving themselves or other students.

When District officials have a reasonable belief or an investigation reveals that a reported incident may constitute an unlawful act, law enforcement authorities will be informed.

EXHIBIT **EXHIBIT**

DATING ABUSE

COMPLAINT FORM

(To be filed with any professional staff member who will forward this document to the school administrator)

Please print:

Name _____ Date _____

Address _____

Telephone _____ Another phone where you can be reached _____

During the hours of _____

E-mail address _____

I wish to complain against:

Name of person _____

Specify your complaint by stating the problem as you see it. Describe the incident, the participants, the background to the incident, and any attempts you have made to solve the problem. Be sure to note relevant dates, times, and places. Additional pages may be attached if necessary.

EXHIBIT **EXHIBIT**

If there is anyone who could provide more information regarding this complaint, please list name(s), address(es), and telephone number(s).

Name	Address	Telephone Number
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

The projected solution

Indicate what you think can and should be done to solve the problem. Be as specific as possible.

I certify this information is correct to the best of my knowledge.

Signature of Complainant _____ Date _____

Document received by _____ Date _____

Investigating administrator _____ Date _____