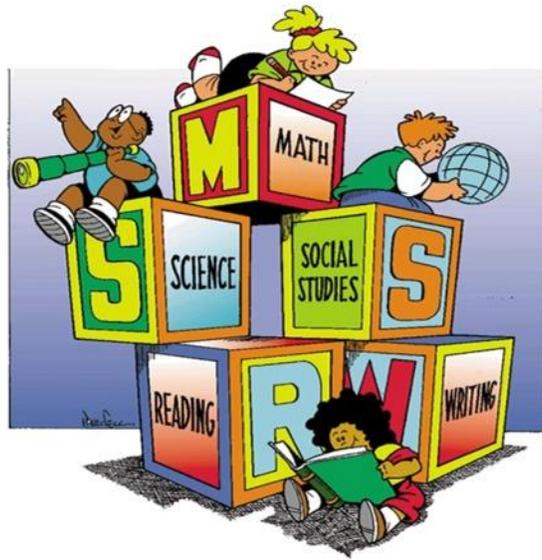


RESOURCES & INFORMATION
TO ASSIST WITH THE PREVENTION OF DATING VIOLENCE IN
NEBRASKA SCHOOL DISTRICTS

NEBRASKA DEPARTMENT OF EDUCATION
OFFICE OF SCHOOL SAFETY



IMPLEMENTING

THE LINDSAY ANN BURKE ACT

NEBRASKA LEGISLATIVE BILL 63

TABLE OF CONTENTS

Acknowledgements.....	Page 3
Introduction.....	Page 4
Rule 10 School Safety Requirements.....	Page 5
The Lindsay Ann Burke Act.....	Page 6
Considerations for Training.....	Page 9
Notification of Dating Violence Policy.....	Page 10
Definitions.....	Page 11
Suggested Responsibilities and Expectations.....	Page 13
Suggested Protocol for Responding To Reports of Dating Violence	Page 14
Resources.....	Page 18
Appendix A. State Board Policy.....	Page 19

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NEBRASKA DEPARTMENT OF EDUCATION



INTRODUCTION

In adopting requirements for school safety and security as directed in Rule 10, the State Board intends for the physical safety and emotional security of Nebraska's children to be of the utmost importance.

One step in meeting this goal is the development of policies and procedures that protect all students and staff, and thus produce a positive learning climate. Our success as educators depends on the success of our students, and can only be obtained in a safe environment.

This booklet provides a resource for school districts on developing a policy to prevent dating violence.

The contents of this booklet are offered as suggestions and recommendations only, and are not requirements other than the statements from the school safety section of Rule 10-Regulations and Procedures for the Accreditation of Schools.

Rule 10 (Regulations and procedures for the Accreditation of Schools,) includes requirements related to preventing dating violence. The requirements are intended to support schools in their efforts to provide safe environments for all students and staff.



11.01 Quality Indicator: The school facilities and the general environment are safe, orderly and supportive of quality learning for all students. A supportive atmosphere for learning supports and reflects the work of students.

11.01E: Pursuant to 79-2,141 (2) R.R.S., by July 1, 2010, each school district shall develop and adopt a specific policy to address incidents of dating violence involving students at school. This policy shall include a statement that dating violence will not be tolerated

Section 11.01.E in rule 10 was approved by Governor
Heinemann on January 15, 2010

The Nebraska Department of Education Accreditation staff has primary responsibility for supervision of rule 10.

The Lindsay Ann Burke Act

79-2,138 Act, how cited.

Sections 79-2,138 to 79-2,142 shall be known and may be cited as the Lindsay Ann Burke Act

Source Laws 2009, LB63, § 43. May 28, 2009



79-2,139 Legislative findings and intent:

The Legislature finds and declares that all students have a right to work and study in a safe, supportive environment that is free from harassment, intimidation, and violence. The Legislature further finds that when a student is a victim of dating violence, his or her academic life suffers and his or her safety at school is jeopardized. The Legislature therefore finds and declares that a policy to create a better understanding and awareness of dating violence shall be adopted by each school district. It is the intent of the Legislature to require each school district to establish a policy for educating staff and students about dating violence.

Source Laws 2009, LB63, § 44. May 28, 2009

79-2,140 Terms, defined.

For purposes of the Lindsay Ann Burke Act, unless the context otherwise requires:

- (1) Dating partner means any person, regardless of gender, involved in an intimate relationship with another person primarily characterized by the expectation of affectionate involvement whether casual, serious, or long-term;
- (2) Dating violence means a pattern of behavior where one person uses threats of, or actually uses, physical, sexual, verbal, or emotional abuse, to control his or her dating partner;
- (3) Department means the State Department of Education; and
- (4) School district has the same meaning as in section 79-101.

Source Laws 2009, LB63, § 45. May 28, 2009

79-2,141 Model dating violence policy; department; school district; duties; publication; staff training; redress under other law.

(1) On or before March 1, 2010, the department shall develop and adopt a model dating violence policy to assist school districts in developing policies for dating violence.

(2) On or before July 1, 2010, each school district shall develop and adopt a specific policy to address incidents of dating violence involving students at school, which shall be made a part of the requirements for accreditation in accordance with section 79-703. Such policy shall include a statement that dating violence will not be tolerated.

(3) To ensure notice of a school district's dating violence policy, the policy shall be published in any school district handbook, manual, or similar publication that sets forth the comprehensive rules, procedures, and standards of conduct for students at school.

(4) Each school district shall provide dating violence training to staff deemed appropriate by a school district's administration. The dating violence training shall include, but not be limited to, basic awareness of dating violence, warning signs of dating violence, and the school district's dating violence policy. The dating violence training may be provided by any school district or combination of school districts, an educational service unit, or any combination of educational service units.

(5) Each school district shall inform the students' parents or legal guardians of the school district's dating violence policy. If requested, the school district shall provide the parents or legal guardians a copy of the school district's dating violence policy and relevant information.

(6) This section does not prevent a victim of dating violence from seeking redress under any other available law, either civil or criminal, and does not create or alter any existing tort liability.

Source Laws 2009, LB63, § 46. May 28, 2009

79-2,142 School district; incorporate dating violence education.

Each school district shall incorporate dating violence education that is age-appropriate into the school program. Dating violence education shall include, but not be limited to, defining dating violence, recognizing dating violence warning signs, and identifying characteristics of healthy dating relationships.

Source Laws 2009, LB63, § 47. May 28, 2009

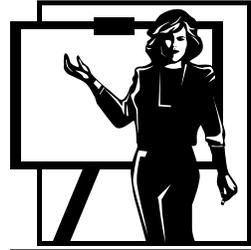
Training on Preventing Dating Violence

Considerations for Training:

Dating violence training, as defined by section 79-2,141(1) shall be provided to staff deemed appropriate by the administration.

The training should be organized to reach all members of the school staff who have significant contact with students, including educators, school nurses and mental health staff, administration, custodial and food service staff, bus drivers and parents.

The administration should do an annual evaluation to identify and address the severity of the dating violence.



Per statute training must include:

- Basic awareness of dating violence
- Warning signs of dating violence
- The districts dating violence policy

The committee suggests additional training that may include:

- Response to victims
- Disclosure guidelines
- Reporting procedures
- Results of annual evaluation

Parent Education per statute:

Parents/legal guardians must be provided with information about the dating violence policy by the superintendent or designee. If requested, the district will provide a copy of the policy and relevant information.

Student Education per statute:

Districts must incorporate dating violence education that is age appropriate into the school program to include but not limited to:

- Defining dating violence,

- Recognizing dating violence warning signs, and
- Identifying characteristics of healthy dating relationships.

The committee suggests additional training that may include:

- Response to and reporting of dating violence;
- Examining power and control in relationships;
- Examining and challenging myths about sex, gender and abuse;
- Examining the role of the media in supporting stereotypes and how those stereotypes, if believed are a setup for sexual violence;
- Addressing the role of perpetrators, victims and bystanders in dating violence and exploring how each group can respond to resolve conflict; and Identifying community resources and referrals that address dating violence.

NOTIFICATION OF DATING VIOLENCE POLICY:



The dating violence policy must be published in any school district handbook, manual or similar publication that sets forth comprehensive rules, procedures and standards of conduct for students at school.

Districts must inform students, parents or legal guardians of the districts dating violence policy. If requested, districts must provide parents or legal guardians a copy of the districts dating violence policy and relevant information.



The dating violence policy should be available to staff, students and parents and published in the manner in which the district's rules, procedures, and standards for conduct are disseminated.

REQUIRED DEFINITIONS

Dating Violence:

A pattern of behavior where one person uses threats of, or actually uses, physical, sexual, verbal or emotional abuse to control his or her dating partner. (Pursuant to section 79-1,140)

Dating Partner:

Any person, regardless of gender, involved in an intimate relationship with another person primarily characterized by the expectation of affectionate involvement whether casual, serious, or long-term. (Pursuant to Section 79-1,140)



COMMITTEE SUGGESTED

These terms defined would assist schools in developing policies and training.

Dating:

Any romantic relationship between an unmarried couple regardless of duration, commitment level, or physical intimacy. Dating includes hooking up, going out, and being “friends with benefits.”

Physical Abuse:

Being pushed, shoved, held down, bitten, kicked, slapped, punched, choked, hair pulled. Being thrown against the wall or on the ground, being stabbed or shot, tied up, having something thrown at you, being kept from food, water, sleep etc.

Sexual Abuse:

Having your sexual past insulted, being called bad sexual names, having bad things said about your body, being forced to do something sexual you don't want to do, being forced to have sex without birth control or safer sex, forced into prostitution or pornography, etc.

Sexual Assault:

Behaviors that are attempted or perpetrated against a victim's will or when a victim cannot consent because of age, disability or the influence of alcohol or drugs. Sexual assault may involve actual or threatened physical force, use of weapons, coercion, intimidation, or pressure and may include:

- Intentional touching of someone in ways that are unwanted
- Voyeurism
- Exposure to exhibitionism
- Undesired exposure to pornography

- Public display of images that were taken in private context or when the victim was unaware

Rape:

Nonconsensual oral, anal, or vaginal penetration of the victim by body parts or objects using force, threats of bodily harm. This includes taking advantage of a victim who is incapacitated or otherwise incapable of giving consent. Incapacitation may include mental or cognitive disability, self-induced or forced intoxication, status as a minor, or any other condition defined by law that voids an individual's ability to give consent.

Controlling Behavior:

Dating partner expects you to spend all your time with him/her, tells you how to dress, calls, texts or pages you a lot to keep track of you, treats you like a servant, etc.

Threats:

Dating partner threatens to spread rumors, leave you, commit suicide, and hurt your friends/family, beat you up or kill you. Threatens you with weapons to keep you in line, destroys your property, makes threatening phone calls to you, etc.

Emotional Abuse:

Being yelled at, called names, and made to feel worthless or crazy. Being told you're stupid, embarrassed you in front of others and being made to feel bad about yourself etc.

Isolating Behavior:

Not being allowed to go out with friends or see family. Not being allowed to be able to talk to others of the opposite sex, disapproving of all your friends, etc.

Economic Abuse:

Having your money taken away from you to use for him/her, being prevented from getting or keeping a job, going to school or making you ask for money, etc.

Blaming & Denying Behavior:

The perpetrator makes light of the abuse, saying that you cause it or you like it, saying he/she loves you after hurting you. Being told it's your entire fault and you deserve it, etc.

Stalking:

Being willfully, maliciously and repeatedly followed by the other person with the intent to place your person in reasonable fear of bodily injury.

COMMITTEE SUGGESTED RESPONSIBILITIES AND EXPECTATIONS

Responsibilities of Administrators:

Investigations of all teen dating violence reports.

The principal, or his or her designee, shall investigate all allegations of dating violence, and sexual violence and the parties involved. If the allegation is supported by the outcome of an approved investigation, appropriate disciplinary sanctions, subject to any appropriate due processes procedures will be imposed.



The investigation will include an assessment of what effect the dating violence had on the victim.

When a student discloses dating violence, the principal or his or her designee shall work with the victim, alleged perpetrator and their respective parents or guardians, appropriate staff and possibly a domestic violence advocate to create an individualized safety plan.

Whenever possible, face-to-face contact between the victim and the alleged perpetrator should be avoided.

If changes need to 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.

Responsibility of School Staff

School staff shall take all reasonable measures to prevent dating violence. All school staff who witness, hear of, or have reasonable grounds to believe that these behaviors are taking place, are obligated to report incidents. In this context, the staff includes volunteers working in the school. Failure of any school staff member to follow these procedures will result in consequences consistent with _____ School Districts existing policies for non-compliance.

Responsibility of Students

Students who observe an act of dating violence or who have reasonable grounds to believe that these behaviors are taking place are obligated to report incidents to school authorities. The victim shall, however, not be subject to discipline for failing to report the offence.

SUGGESTED PROTOCOLS FOR RESPONDING TO REPORTS OF DATING VIOLENCE

_____ School District hereby incorporates the following response protocol to dating violence into its school district policies.

Protocol for School-Based Intervention: Staff Members

Any school staff member who witnesses or learns of an act of dating violence shall take the following steps:

1. Separate the victim from the alleged perpetrator.
2. Speak with the victim and alleged perpetrator separately.
3. Speak with any bystanders who may have been present or involved. Encourage them to speak up directly on the behalf of the victim if they should witness further incidents, or to get help from school personnel.
4. Administer logical and reasonable consequences to the alleged perpetrator when appropriate, including but not limited to making a referral to the principal.
5. Inform the victim of his or her rights to file a complaint of dating violence with any counselor or administrator.
6. Monitor the victim's safety. Increase supervision of the alleged perpetrator as needed.

Protocol for School-Based Intervention: Administrators

Any school administrator, who witnesses or learns of an act of teen dating violence, shall take the following steps:

1. Separate the victim from the alleged perpetrator.
2. Meet separately with the victim.
3. Review the student's complaint form or assist the student in documenting the incident or a complaint form during the meeting.
4. Further investigate the complaint by speaking with the alleged perpetrator and any bystanders separately. Document all information.
5. If the assessment by the counselor or administrator determines that the incident involved physical or sexual assault or threats, the counselor or

administrator should notify the School Resource Officer or police immediately.

6. If the assessment by a school psychologist, social worker or counselor determines that the victim's mental health has been placed at risk, make appropriate referrals.
7. Contact the parents/guardians of the victim and the alleged perpetrator to inform them that an incident of dating violence has occurred. Ask the parents/guardians to attend a meeting with the administrator and their child to discuss the incident.
8. Track progress of investigation and intervention to ensure that all important actions are taken.

Protocol for Working with the Victim

In working with the victim, _____ School District requires schools to make every reasonable effort to protect the due process rights of the alleged perpetrator. Administrators shall consider adopting the following methods of intervention with the victim:

- Conference with the victim and parents/guardian.
- Identify immediate actions that can be taken to increase the victim's safety and ability to participate in school without fear or intimidation.
- Inform the student and parent/guardian of school and community resources available, including their right to file charges or seek legal protection.
- Encourage the student to report further incidents.
- Inform the victim of his or her right of request for a stay-away agreement or other school-based alternative to a protection order.
- If the behavior included a violent criminal offense, the victim will be informed of any school transfer rights he or she may have under the Federal No Child Left Behind Act.
- Monitor the victim's safety as needed. Assist the victim with safety planning for the school day and for after-school hours.

- Document the meeting and any action plans on a complaint form. If the victim or parent/guardian declines to have the incident documented and filed, note this on a complaint form.
- Store all complaint forms in a separate, confidential file and document subsequent follow-up actions and complaints on a complaint form.

Administrators may provide the victim with the right to have a parent, guardian or an adult support person or legal representative present during all stages of the investigation.

Protocol for Working with the Alleged Perpetrator

_____ School District requires schools to make every reasonable effort to protect the due process rights of the alleged perpetrator. At their discretion, administrators shall consider adopting the following methods of intervention with the perpetrator:

- Conference with the alleged perpetrator and parent/guardian.
- Allow the alleged perpetrator an opportunity to respond in writing to the allegations.
- Identify and implement disciplinary and other actions and consequences that will be taken to prevent further incidents.
- Inform the alleged perpetrator and parents/guardians of help and support available at school or in the community as needed.
- Address the seriousness of retaliation against the victim for reporting the incident or cooperating with the investigation. Inform the alleged perpetrator that retaliation or threats of retaliation in any form designed to intimidate: the victim of dating violence, those who are witnesses, or those who are investigating 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 and, in appropriate cases, referral to the police.
- Increase supervision of the alleged perpetrator as needed.
- Document the meeting and action plans on a complaint form.

Protocol for Documentation and Reporting of Incidents

_____ School district shall establish, and prominently publicize to students, staff, volunteers and parents, how a report of dating violence may be filed and how this report will be acted upon. Anyone who has information concerning an incident of abuse may file a report. _____ School District hereby incorporates the following protocol to document teen dating violence into its school districts policy.

1. Teen dating complaints and investigations are kept in a file separate from academic records. This practice is recommended to prevent inadvertent disclosure of confidential information.
2. Each complaint of teen dating or sexual violence, either written or orally given, must be documented. Documentation includes:
 - a. All allegations regarding the original complaint,
 - b. All evidence, statements, etc. gathered in support of or contradiction to the allegations,
 - c. Reports of findings and recommendations for disciplinary action should be shared with the alleged offender, their parent or guardian and to other administrators.
 - d. Safety planning action taken. The document should including changing the alleged perpetrators schedule and school activities to protect the victim.
 - e. Follow-up action, including any responses to disciplinary and safety planning actions and status reports from the victim.
3. In addition to the information specified above, the district shall track and archive aggregate annual data, on the incidence, types and prevalence of dating violence.
4. The principal will provide the Superintendent of Schools and the School Safety Committee with its annual archived aggregate data report on incidents of dating violence which have taken place in the schools under their respective supervision. This report will include a statement describing what remedial action has been taken to address the incidents.

RESOURCES

Nebraska Domestic Violence and Sexual Assault Coalition <http://www.ndvsac.org/>

Voices of Hope <http://voicesofhopelincoln.org/>

R.E.S.P.E.C.T.2 <http://www.respect2all.org/>

Dating Violence Resource Center, National Center for Victims of Crime
www.ncvc.org

Choose Respect, Centers for Disease Control and Prevention
www.chooserespect.org

Women's Law <http://www.womenslaw.org/index.php>

Teen Action Campaign www.seeitandstopit.org

Liz Claiborne <http://loveisnotabuse.com>

Family Violence Prevention Fund <http://endabuse.org/programs/teens/>

NEBRASKA DEPARTMENT OF EDUCATION
MODEL DATING VIOLENCE POLICY

School District provides physically safe and emotionally secure environments for all students and staff. Positive behaviors are encouraged in the educational program and are required of all students and staff. Inappropriate behaviors, including but not limited to, dating violence, will not be tolerated and must be avoided by all students and staff.

Pursuant to Section 79-2,140, the Legislature has defined (a) “dating violence” to mean a pattern of behavior where one person uses threats of, or actually uses, physical, sexual, verbal, or emotional abuse to control his or her dating partner; and (b) “dating partner” to mean any person, regardless of gender, involved in an intimate relationship with another person primarily characterized by the expectation of affectionate involvement whether casual, serious, or long term.

Strategies and practices are implemented to reinforce positive behaviors and to discourage and protect others from inappropriate behaviors. Dating violence training, as defined by Section 79-2,141(4,) shall be provided to staff deemed appropriate by the administration. The administration will be responsible for reviewing the school district’s Student Code of Conduct to insure that this policy is reflected therein.