

Dating Violence Policy Q & A



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This policy Q & A addresses the legal requirements for schools related to dating violence.

List of Questions – Click any Question to Jump to that question and its answer.

- [What is dating violence?](#)
- [What is the definition of a dating partner?](#)
- [Does Nebraska have a law on dating violence that concerns schools?](#)
- [Why did the Nebraska Legislature pass this law?](#)
- [What must be included in the dating violence policy?](#)
- [Is there a model that provides guidance to school districts when developing this policy?](#)
- [Can the parents and/or student still file charges against the offender regardless of what the school policy says?](#)
- [Are school districts required to train staff in dating violence?](#)
- [Are school districts required to educate students on dating violence?](#)
- [Can schools discipline students for dating violence?](#)
- [Does dating violence have to be reported to police?](#)

What is dating violence?

Dating violence is a pattern of behavior where one person uses or threatens physical, sexual, verbal, or emotional abuse, to control his or her dating partner ([Neb. Rev. Stat. 79-2,140\(2\)](#)).

What is the definition of a dating partner?

A dating partner is any person, regardless of gender that is involved in an intimate relationship with another person, primarily characterized by the expectation of affection regardless of status (i.e., casual, serious, or long-term) ([Neb. Rev. Stat. 79-2,140\(1\)](#)).

Does Nebraska have a law on dating violence that concerns schools?

Yes. The law is known as the Lindsay Ann Burke Act and it was enacted in 2009. It is found in the [Neb. Rev. Stat. §79-2,138 to 79-2,142](#). Lindsay Ann Burke was from Rhode Island and she was murdered by her ex-boyfriend in September of 2005 at the age of 23. She was stabbed to death and her ex-boyfriend was found guilty of first-degree murder. The parents of Lindsay set up a fund to help educate high school students about domestic violence so that they can hopefully avoid it. Lindsay’s parents believed that if they and their daughter had been more educated in domestic violence and what it is, they might have been better able to help her. (<http://labmf.org/main/story> and http://warwickonline.com/stories/Martinez-found-guilty-of-torture-stabbing-murder-of-ex-girlfriend,25363?content_source=&category_id=&search_filter=&event_mode=&event_ts_from=&list_type=&order_by=&order_sort=&content_class=&sub_type=stories&town_id=)

Why did the Nebraska Legislature pass this law?

The Legislature declares that all students have a right to work and study in a safe, supportive environment that is free from harassment, intimidation, and violence. Dating violence jeopardizes safety and academic achievement of the victim. Therefore, school districts need to create a policy to educate, to spread awareness, and to disseminate information on dating violence ([Neb. Rev. Stat. 79-2,139](#)).

What must be included in the dating violence policy?

The school district policy must address the incidence of dating violence involving students at school. The policy must include a statement that dating violence will not be tolerated. The policy must be published in the school district’s handbook or manual that explains the discipline policy. The school district is required to inform the students’ parents or legal guardians of the dating violence policy. Schools could insert the policy into the student handbook, which is distributed annually to parents. This practice will become a requirement for school accreditation. Districts may verify that the parents received the handbook by having the parent sign a form that they received and read the policies in the handbook. ([Neb. Rev. Stat. 79-2,141\(2\) to \(5\)](#)). Schools were directed to have such a policy in place by July 1, 2010 ([Neb. Rev. Stat. 79-2,141\(1\)](#)).

Is there a model that provides guidance to school districts when developing this policy?

Yes. When the Lindsay Ann Burke Act was passed, the Nebraska Department of Education was directed to create a “model dating violence policy” to assist school districts ([Neb. Rev. Stat. 79-](#)

[2,141\(1\)](#)). This Nebraska Department of Education “model policy” on dating violence was developed in February of 2010 and is reprinted here:

Model Policy to Prevent Dating Violence

(School District Name) 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.

This model policy can be found at:

http://www.education.ne.gov/safety/Docs/LB63_Model_Policy_to_Prevent_Dating_Violence_2-2-10.pdf.

Can the parents and/or student still file charges against the offender regardless of what the school policy says?

Yes. This law does not alter an existing tort or criminal law so civil or criminal charges can still be filed ([Neb. Rev. Stat. 79-2,141\(6\)](#)).

Are school districts required to train staff in dating violence?

Yes. The training has to include a basic awareness of dating violence, warning signs of dating violence, and the school district's dating violence policy. This training can be provided by one

school district, a group of districts, an educational service unit, or a combination of educational service units ([Neb. Rev. Stat. 79-2,141\(4\)](#)).

Are school districts required to educate students on dating violence?

Yes. The Act directed that districts' curriculum must be age-appropriate and include a definition of dating violence. Curriculum should teach students to recognize dating violence warning signs and identify characteristics of healthy dating relationships ([Neb. Rev. Stat. 79-2,142](#)).

Can schools discipline students for dating violence?

The act does not provide direction about whether schools can or should discipline a student for dating violence. In-school dating related violence is addressed in rules related to bullying, harassment, or other types of aggression; therefore, resulting in school discipline issues. However, school officials could be overstepping their authority if they attempt to discipline students for an incident that happened off school property.

Does dating violence have to be reported to police?

If the principal or the principal's designee becomes aware of or suspects that the domestic violence is occurring, which violates the Nebraska Criminal Code, then he or she must report it to the police regardless if it occurred on school grounds. Good practice suggests that school officials should report dating violence incidents to the student's parents.

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