

December 14, 2023

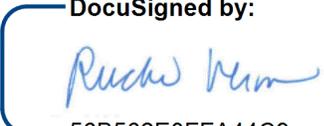
AUTHORIZE THE COMMENCEMENT OF THE PUBLIC COMMENT PERIOD FOR DOMESTIC VIOLENCE AND DATING VIOLENCE POLICY STARTING DECEMBER 15, 2023

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Board authorize the commencement of the Public Comment Period from December 15, 2023 to January 15, 2024 for the Policy described in the disposition table below. Pursuant to Board Rule 2-6(c), the Board must authorize the commencement of the Public Comment Period.

Current Policy Section/ Current Policy Title	New Policy Section/ New Policy Title	Description of Revision/Disposition
704.4 Domestic Violence, Dating Violence and Court Orders of Protection, Restraint or No Contact	Domestic Violence and Dating Violence	<p>Rescind 704.4, Domestic Violence, Dating Violence and Court Orders of Protection, Restraint or No Contact, and adopt a new policy on Domestic Violence and Dating Violence</p> <p>This policy has not been updated since 2008. As a result, many of the resources listed in the document are out of date, including information about the Mayor’s Office on Domestic Violence which no longer exists. We are removing references and links to material associated with this office. In addition, Court Orders of Protection are being removed from this policy.</p>

Approved as to Legal Form: 

DocuSigned by:

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Ruchi Verma
 General Counsel

Approved:

DocuSigned by:

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Pedro Martinez
 Chief Executive Officer

Policy Summary Form

Policy Being Amended/Created	Policy Manager(s)
Domestic Violence and Dating Violence Policy	Camie Pratt
Link to Current Policy (if applicable)	Link to Draft of Policy (Title should include “Rescind and Adopt New”, “Amend”, or “Adopt New” based on what action the department is taking)
Domestic Violence, Dating Violence and Court Orders of Protection, Restraint or No Contact	704.4 Policy 6.29.21 - Domestic Violence Policy

1. Why is this policy being amended, created, or rescinded now? (e.g., state legislation, compliance change, policy was out of date, annual policy review, CEO/CEdO recommendation, etc.)

This policy has not been updated since 2008. As a result, many of the resources listed in the document are out of date, including information about the Mayor’s Office on Domestic Violence which no longer exists. We are removing references and links to material associated with this office.

2. Please provide a high level summary of what policy changes are being made, or created, and why.

Changing definitions, adding curriculum information on Teen Dating Violence, removing No Contact Order information. Updates are being made to ensure compliance with current laws and regulations.

3. Please provide any notable feedback from internal or external stakeholders, and how you addressed it or planned to address it in your policy draft.

OSP has engaged with Law, OSEL, ODLSS, OSCPA, Equity, and OSHW and sought input from Safety and Security, FACE, the Office of Teaching and Learning, and Policy and Procedures. OSP will work to engage students, whether through the Student Advisory Council, Student Voice Committee, Student LSC members or Fellows selected by OSP. OSP will engage school leaders, selecting principals or chiefs that work with OSP or through the Principal Advisory Committee. OSP will engage parents through parent leader meetings FACE hosts or the Parent Board of Governors.

4. Please provide any additional notes/considerations in the box below.



**RESCIND BOARD REPORT 08-0625-PO2 AND ADOPT NEW
POLICY ON DOMESTIC VIOLENCE AND DATING VIOLENCE**

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Chicago Board of Education (“Board”) rescind Board Report 08-0625-PO2, Domestic Violence, Dating Violence and Court Orders of Protection, Restraint or No Contact, and adopt a new Policy on Domestic Violence and Dating Violence.

PURPOSE: This policy addresses the legal obligations imposed on school employees by the Illinois School Code, Domestic Violence Act, Abused and Neglected Child Reporting Act, Mental Health and Developmental Disabilities Act, Mental Health and Developmental Disabilities Confidentiality Act, and Critical Health Problems and Comprehensive Health Education Act, as they relate to domestic violence, dating violence, and teen dating violence. It recognizes the impact that domestic and dating violence have on our students. Chicago Public School employees will work to counteract the traumatic impact of domestic and dating violence by creating a safe environment where students are protected and connected with proper support services.

POLICY TEXT:

I. DEFINITIONS

- A. **Behavior Intervention Plan:** for the purpose of this policy, is implemented for a student who engages in dating violence that impedes their learning or that of others. It includes positive behavioral interventions and supports, behavior management techniques, procedures for crisis intervention, and identifies needs and other strategies to address the behaviors and minimize their impact.
- B. **Complainant:** The person who has experienced the alleged harm. This person is considered a Complainant regardless of whether they choose to file a complaint.
- C. **Dating Violence:** violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:
 - 1. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - 2. Dating Violence does not include acts covered under the definition of Domestic Violence, as defined below.
- D. **Domestic Violence:** a felony or misdemeanor crime of violence committed:
 - 1. By a current or former spouse or intimate partner of the Complainant;
 - 2. By a person with whom the Complainant shares a child in common;
 - 3. By a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;
 - 4. By a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Illinois; or
 - 5. By any other person against an adult or youth Complainant who is protected from

that person's acts under the domestic or family violence laws of Illinois.

To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

- E. **Domestic Violence Act:** The statute adopted by the Illinois General Assembly to “recognize domestic violence as a serious crime against the individual and society which produces family disharmony in thousands of Illinois families, promotes a pattern of escalating violence which frequently culminates in intra-family homicide, and creates an emotional atmosphere that is not conducive to healthy childhood development.”
- F. **Office of Diverse Learner and Support Services (ODLSS):** ODLSS staff for the purpose of this policy includes school social workers, nurses and other employees whom the principal designates to assess the risk and offer assistance to a Complainant of domestic or dating violence.
- G. **Respondent:** The person accused of causing harm.
- H. **Safety Plan:** a strategy implemented by school staff to protect a student from harm, such as Domestic Violence and Dating Violence, as defined below, that impedes their learning and healthy emotional development.
- I. **Sexual Harassment:** Conduct on the basis of sex that satisfies one or more of the following:
 - 1. An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
 - 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
 - 3. Sexual assault, defined as:
 - a) **Sex Offenses:** Any sexual act or attempted sexual act directed against a Complainant, without the consent of the Complainant including instances where the Complainant is incapable of giving consent.
 - b) **Rape:** Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of Complainant, without the consent of the Complainant.
 - c) **Sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - d) **Sexual Assault with an Object:** To use an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - e) **Fondling:** The touching of the private body parts of another person (buttocks, groin, breasts) above or below that person's clothes for the purpose of sexual gratification, forcibly and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances where the Complainant is incapable of giving consent because of age or

- because of temporary or permanent mental or physical incapacity.
- f) **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Illinois law.
 - g) **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent of 17 years old (or 18 years old when the perpetrator is in a position of trust or authority, such as a teacher or coach).
4. Dating Violence, defined as above;
 5. Domestic Violence, defined as above;
 6. **Stalking**, defined as: engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - a) Fear for the person's safety or the safety of others; or
 - b) Suffer substantial emotional distress.
 7. For the purposes of this definition:
 - a) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
 - b) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
 - c) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.
- J. **Sex/Gender-Based Harassment:** Unwelcome verbal, nonverbal, visual, or physical conduct that is based on an individual's actual or perceived sex/gender, sexual orientation or gender identity. Unwelcome conduct may include bullying, intimidation, offensive jokes, slurs, epithets or name calling, assaults or threats, touching, ridicule or mockery, insults or put-downs, offensive objects or pictures, messages sent via email, text or social media, sexual advances, requests for sexual favors, conduct of a sexual nature, sex-based conduct and any other persistent, pervasive or severe conduct that is objectively offensive and unreasonably interferes with, limits, or denies an individual's educational or employment access, benefits, or opportunities.
- K. **Teen Dating Violence:** means either of the following:
1. A pattern of behavior in which a person uses or threatens to use physical, mental, or emotional abuse to control another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age.
 2. Behavior by which a person uses or threatens to use sexual violence against another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age.

II. DOMESTIC VIOLENCE

- A. **Parent/Guardian Reports of Domestic Violence**
1. If a parent or guardian discloses domestic violence to a school employee, that employee shall notify the principal/designee.
 2. The principal/designee shall immediately refer the parent or guardian to a school counselor, social worker, or other employee who can offer support and referrals to a Complainant of Domestic Violence (hereinafter, "clinical support staff").
 3. The designated clinical support staff shall:
 - a) Ask the parent/guardian whether she or he is receiving services to address the domestic violence.

- b) Offer the parent/guardian a private space with a telephone to call the City of Chicago Domestic Violence Helpline, 1-877-TO-END-DV (1-877-863-6338); TTY 1-877-863-6339.
- c) Ask the parent whether any of these factors, which indicate heightened risk for children, is present:
 - (1) weapons in the home;
 - (2) a child witnessed the violence and/or attempted to intervene;
 - (3) any adult in the home abuses alcohol or drugs;
 - (4) frequent or severe attacks by the abusing partner.
- d) Decide, based upon the answers to these questions and any other relevant factors, whether they have a reasonable suspicion that the student is being abused or neglected. If so, call the DCFS Child Abuse Hotline, 1-800-25-ABUSE, and follow the procedures set out in the Board's Policy on Reporting of Child Abuse, Neglect and Inappropriate Relations Between Adults and Students.
- e) Inform the parent or guardian of available support for students within the building as well as resources for a referral to external long-term services.
- f) Provide student support services when properly authorized.

B. Student Reports of Domestic Violence

1. If a student reports domestic violence in their family to any school employee, that employee shall either:
 - a) Determine whether to call the Child Abuse Hotline by following the steps listed in Section II.A.3.d. above. If the employee has reasonable suspicion that the student is being abused or neglected, they shall call the Hotline at 1-800-25-ABUSE, and follow the procedures set out in the Board's Policy on Reporting Child Abuse, Neglect, and Inappropriate Relations Between Adults and Students.
 - b) If the employee does not call the Child Abuse Hotline because they do not reasonably suspect that the student is being abused or neglected, the employee shall notify the principal/designee, who will complete the steps listed in the following paragraph.
2. When a principal receives a report of domestic violence, they shall assign a clinical support staff member to schedule a meeting with the parent whom the student identifies as the Complainant of domestic violence to discuss the student's statement and assess the risk to the student. If the parent discloses domestic violence, that employee shall follow the procedures set out in Section II.A. above.

C. Suspicions of Domestic Violence Affecting Students

1. School personnel who suspect that a student's caretaker is experiencing domestic violence shall either:
 - a) Determine whether to call the Child Abuse Hotline by following the steps listed in Section II.A.3.d. above. If the employee has reasonable suspicion that the student is being abused or neglected, they shall call the Hotline at 1-800-25-ABUSE, and follow the procedures set out in the Board's Policy on Reporting Child Abuse, Neglect, and Inappropriate Relations Between Adults and Students; or
 - b) If the employee does not call the Child Abuse Hotline because they do not reasonably suspect that the student is being abused or neglected, the employee shall notify the principal/designee, who will complete the steps listed in the following paragraph.
2. When a principal is advised that a school employee suspects domestic violence in a student's family, the principal shall assign a clinical support staff member to talk to the student to determine whether the student or their parent is in danger based, in part, on the factors listed in **Section II.A.3.c.** above. The principal may

call the CPS Student Safety Center at (773) 553-3335 to request assistance. Administrators shall notify the Office of Student Protections and Title IX (OSP) at 773-535-4400 regarding all incidents of home-based abuse involving students.

3. If the student and/or the parent/guardian discloses domestic violence, the school employee shall follow the procedures set out in Section II.A. or B. above.

III. DATING VIOLENCE

A. Reports or Suspicions of Dating Violence

Any school employee who is notified of, or who reasonably suspects, that a student has experienced Dating Violence, Sexual Harassment, or Sex/Gender-Based Harassment, shall immediately report that information in accordance with the District's mandatory reporting requirements, set out in Board's Policy on Reporting of Child Abuse, Neglect and Inappropriate Relations Between Adults and Students. This applies to any incident of teen dating violence that is alleged to have taken place at the school, on school grounds, at school-sponsored activities, or in vehicles used for school-provided transportation.

Refer to the Office of Student Protections and Title IX (OSP) Procedure Manual, posted on the CPS OSP [website](#), for additional guidance on the District's mandatory reporting procedure.

B. Providing Support Services to Complainants of Dating Violence

Staff who are assigned to provide information to a Complainant of Dating Violence, Sexual Harassment, or Sex/Gender-Based Harassment, can be kept abreast of the situation and connect students and families to external resources as needed.

C. Safety Transfers

If a student's safety is jeopardized or the student's education is being disrupted by allowing the Complainant and Respondent to remain in the same school, the Respondent may be subject to a safety transfer in accordance with the Board's Enrollment and Transfer Policy, Board Report 21-0728-PO1, as amended or modified. Upon request, the Complainant may elect to be the party transferred, as opposed to a safety transfer of the Respondent. A Respondent may also be subject to a disciplinary transfer as a consequence of inappropriate behavior, as specified in the Board's Enrollment and Transfer Policy. To implement a safety or disciplinary transfer, schools must satisfy the approval requirements set out in the Board's Enrollment and Transfer Policy.

IV. STUDENT SUPPORT SERVICES

Clinical support staff, such as social workers and counselors, who provide student support services are subject to the confidentiality provisions in the Mental Health and Developmental Disabilities Confidentiality Act:

- A. **In general, information revealed by a student during a counseling session shall remain confidential. Disclosure of that information is limited to the following:**
 1. When the information causes the social worker/counselor to reasonably suspect child abuse or neglect, they must call the DCFS Child Abuse Hotline.
 2. When and to the extent the social worker/counselor, in their sole discretion, determines that disclosure is necessary to protect the student or another person from a clear, imminent risk of serious physical or mental injury, disease or death inflicted by the student or another person.
 3. Upon request, a parent of a student under age 12 is entitled to review and copy their student's counseling records.

4. Upon request, the parent of any student aged 12 to 17 may receive information about the student's current physical and mental condition, diagnosis, treatment needs, services provided, and services needed, including any medication, only if the student is informed and does not object. The social worker/counselor may also allow the parent to review and copy the student's counseling records if the student consents, or if the social worker/counselor does not find any compelling reason to deny the parent access to these records.

- B. **Before disclosing any information, the counselor/social worker should attempt to notify the student and address any safety concerns the student may have about the disclosure.**

V. TRAINING AND CURRICULUM RESOURCES

The Chicago Board of Education is committed to addressing barriers to learning by supporting activities designed to promote health, prevent disease, improve the quality of life for students, and increase health equity across the District. Several CPS offices including the Office of Social and Emotional Learning, the Office of Student Health and Wellness, and the Office of Teaching and Learning coordinate a variety of support services, curricular resources, and school health programs to meet students' social, emotional and physical health needs.

Students in CPS receive foundational learning beginning in Pre-K through the Personal Health and Safety Curriculum provided by the Office of Student Health and Wellness and through the Skills-Based Health Education curriculum provided through the Office of Teaching and Learning. Students receive teen dating violence prevention and healthy relationships education through the CPS Sexual Health Education Curriculum in grades 7 through 12. Additionally, the CPS Skills-Based Health Education Curriculum supports students in developing the knowledge and skills necessary to reduce interpersonal violence through lessons on communication and negotiation to reduce violence and healthy relationships beginning in middle school.

Teen dating violence is unacceptable and prohibited. Each student has a right to a safe learning environment. Teen dating violence is covered in training materials for various audiences, including students. District-wide student education training about teen dating violence in age-appropriate curriculum for grades 7-12 are held on an annual and ongoing basis. Procedures for responding to reports of dating violence, including teen dating violence, are outlined further in the Comprehensive Non-Discrimination, Harassment, Sexual Harassment, Sexual Misconduct and Retaliation Policy and Office of Student Protections and Title IX (OSP) Procedural Manual. Employees of OSP are responsible for receiving reports of dating violence, including teen dating violence. OSP can be reached at Phone: 773- 535-4400 Email: osp@cps.edu.

School administrators are strongly encouraged to develop working relationships with their local domestic violence agency, shelter, or rape crisis center. These providers offer support services to students who have experienced dating or domestic violence and can partner with schools to provide violence prevention programs.

Amends/Rescinds: Rescinds 08-0625-PO2

Cross References: 21-0728-PO1; 22-0622-PO2; 22-0928-PO2

Legal References: 105 ILCS 5/10-22.24b; 105 ILCS 5/14-1.09.1; 105 ILCS 5/14-1.09.2; 405 ILCS 5/3-501; 705 ILCS 405/2-3; 740 ILCS 110/11 *et seq.*; 105 ILCS 110/3.10, Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*