

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 467 Public K-12 Education

SPONSOR(S): Jones and others

TIED BILLS: IDEN./SIM. BILLS: SB 642

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	PreK-12 Policy Committee		Davis	Ahearn
2)	PreK-12 Appropriations Committee			
3)	Education Policy Council			
4)				
5)				

SUMMARY ANALYSIS

Current law requires comprehensive health education for public school students that includes instruction in, for example, community health, consumer health, personal health, prevention and control of disease, and mental and emotional health. There is no specific requirement that teen dating violence and abuse be included as part of that health education.

House Bill 467 requires that a teen dating violence and abuse component be added to the comprehensive health education curriculum for students in grades 7 through 12. The new component must include the definition of dating violence and abuse, the warning signs of dating violence and abusive behavior, the characteristics of healthy relationships, measures to prevent and stop dating violence and abuse, and legal remedies and community resources available to victims of dating violence and abuse. Currently, there are courses in middle school and high school that include content related to teen dating violence and abuse; those course curriculums would need to be expanded to include all elements of the teen dating violence and abuse component.

The bill requires that each district school board adopt and implement a dating violence and abuse policy which is to be integrated into each school district’s discipline policies. Each district’s policy must prohibit dating violence and abuse by any student on school property, during a school-sponsored activity, or during school-sponsored transportation; provide procedures for responding to such incidents of dating violence or abuse, including accommodations for students experiencing dating violence or abuse; and define dating violence and abuse and provide for a teen dating violence and abuse component in the health education curriculum, with emphasis on prevention education. The Department of Education is directed to develop a model policy to assist district school boards in the development of their own policies. Each school district is to provide training for teachers, staff, and school administrators to implement the new dating violence and abuse policies.

See FISCAL COMMENTS section of this analysis

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Law

Dating Violence

Current law does not specifically define "teen dating violence," but does define "dating violence" as violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such relationship is to be determined based on the consideration of the following factors:

- A dating relationship must have existed within the past six months;
- The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
- The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.¹

The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in business or social context.²

The following individuals have standing in the circuit court to file a sworn petition for injunction against dating violence:

- Any person who is the victim of dating violence and has reason to believe that he or she is in immediate danger of becoming the victim of another act of dating violence.
- Any person who has reasonable cause to believe he or she is in immediate danger of becoming the victim of an act of dating violence.

¹ Section 784.046(1)(d), F.S.

² *Id.*

- The parent or legal guardian of any minor child who is living at home and who seeks an injunction for protection against dating violence on behalf of that minor child.³

According to the 2009 Florida Youth Risk Behavior Survey, 11 percent of students were hit, slapped, or physically hurt by a boyfriend or girlfriend during the preceding 12 months. The survey also found that 6.2 percent of students indicated they had been forced to have sexual intercourse against their wishes. The data trend for both of these questions has remained steady since 2001.⁴

A 2003 Center for Disease Control (CDC) report on physical dating violence among high school students suggests that teen dating violence affects a substantial number of high school students. Approximately one in 11 high school students reported victimization, a ratio equating to nearly 1.5 million high school students nationwide.⁵ The CDC recommends the implementation of prevention programs directed at teen dating violence and associated risk behaviors.⁶ Since 2006, the U.S. Congress has designated the first week of February as “National Teen Dating Violence Awareness and Prevention Week” in an effort to bring more public awareness to this problem.⁷

Middle and High School Course Requirements

The requirements for middle grade promotion do not include a health education component.⁸ There are, however, eight health courses listed by the DOE as part of the “Basic Education” courses that may be offered by the district for grades 6 through 8.⁹

In order to graduate from high school students must complete one credit in physical education which must include health.¹⁰ There are also a number of additional health specific courses listed by the Florida Department of Education (DOE) as available to students in grades 9 through 12 if offered by the district.¹¹

Each district school board must provide all courses required for middle grade promotion, high school graduation, and appropriate instruction designed to ensure that students meet State Board of Education adopted standards in the subject areas of reading and other language arts, mathematics, science,

³ Section 784.046(2)(b), F.S.

⁴ Department of Education Analysis of HB 467 (2010), December 8, 2009.

⁵ <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5519a3.htm>

⁶ *Id.*

⁷ According to a 2006 National Teen Dating Violence Prevention Initiative, teens are at a higher risk of intimate partner abuse than any other age group. Further, when female high school students were asked whom they would talk to if someone they date attempts to control them, insults them, or physically harms them, 86 percent said they would confide in a friend, while only 7 percent said they would talk to police. Moreover, of 10th grade students surveyed at the 4th Annual Teen Dating Abuse Summit, 83 percent reported that they would sooner turn to a friend for help with dating abuse than to a teacher, counselor, parent, or other caring adult. This initiative also found that teen dating violence has a negative impact on a teen’s ability to learn. See

<http://www.abanet.org/publiced/teendating.shtml>, <http://www.abanet.org/unmet/teendating/fact.pdf>, <http://www.abanet.org/publiced/teendating.shtml>, and <http://www.abanet.org/unmet/teenabuseguide.pdf>.

⁸ “Middle grades” are grades 6, 7, and 8. The requirements for middle grades promotion are three middle school or higher courses in English, three middle school or higher courses in mathematics, three middle school or higher courses in social studies (one semester of church must include the study of state and federal government and civics education), three middle school or higher courses in science, and once course in career and education planning to be completed in 7th or 8th grade. See s. 1003.4156, F.S.

⁹ The health courses listed by the Department of Education for grades 6 through 8 are M/J Health 1, M/J Health 2, M/J Health 2 & Career Planning, M/J Health 3, M/J Health 3 & Career Planning, M/J Health 4, M/J Health 5, and M/J Health 6. See <http://data.fldoe.org/crsCode/default.cfm?level=68&category=Health>.

¹⁰ There are a number of ways by which students can satisfy this credit requirement without actually completing a physical education course. A student may satisfy the requirement of one credit in physical education by participating in an interscholastic sport at the junior varsity or varsity level for two full seasons and passing a competency test on personal fitness with a score of “C” or better. The competency test on personal fitness is developed by the Florida Department of Education (DOE). Students may also satisfy one-half credit in physical education with completion of one semester with a grade of “C” or better in a marching band class, in a physical activity class that requires participation in marching band activities as an extracurricular activity, or in a dance class. Students who complete two years in a Reserve Officer Training Corps (R.O.T.C.) class satisfy the one credit requirement in physical education and the additional graduation requirement of one credit in performing arts. Section 1003.428(2)(a)6., F.S.

¹¹ The health courses listed by the Department of Education for grades 9 through 12 are Health I-Life Management Skills; Health II-Personal Health; First Aid and Safety; Personal, Social, and Family Relationships; Community and Environmental Health; Adolescent Health Problems; Advanced Health Explorations; Parenting I; Parenting II; Health for Expectant Parents; and Health for Life in the Workplace. See <http://data.fldoe.org/crsCode/default.cfm?level=912&category=Health>.

social studies, foreign languages, health and physical education, and the arts.¹² In addition, comprehensive health education is a required area of instruction to be taught by the instructional staff of public schools.¹³ Florida law does not require district school boards to adopt policies specifically prohibiting dating violence and abuse.

According to the 2008 Florida School Health Profiles,¹⁴ teachers indicated a desire to receive professional development in these content areas: violence prevention (70 percent middle/79 percent high), emotional and mental health (68 percent middle/77 percent high), and injury prevention and safety (67 percent middle/69 percent high). They also reported a desire to receive professional development on implementing health education strategies using prevention messages that are likely to be effective in reaching youth (53 percent middle/49 percent high).¹⁵

District School Boards and Student Safety

District school boards have duties relating to student discipline and school safety. School districts are required to provide for the control of students at school and for proper attention to health, safety, and other matters relating to the welfare of students.¹⁶ Specific consequences are identified for violence at school, school sanctioned events, and school bus stops and transportation.¹⁷ Specific information relating to punishment of students is listed in each school board's Student Code of Conduct.¹⁸

Effect of Proposed Changes

House Bill 467 requires that a teen dating violence and abuse component be added to the current comprehensive health education curriculum provided to students in grades 7 through 12.¹⁹ The dating violence and abuse component includes, but is not limited to, the definition of dating violence and abuse, the warning signs of dating violence and abusive behavior, the characteristics of healthy relationships, measures to prevent and stop dating violence and abuse, and legal remedies and community resources available to victims of dating violence and abuse.

The curriculum for health education courses for middle grades and for grades 9 through 12, as well as the health education integrated into physical education for grades 9 through 12, will need to be supplemented by the districts to include all the elements of the teen dating violence and abuse component; however, most of those courses already include instruction on content related to interpersonal relationships which would encompass teen dating violence.²⁰ Accordingly, it is not anticipated that major changes will be required.

The bill also requires that each district school board adopt and implement a dating violence and abuse policy which is to be integrated into each school district's discipline policies. Each district's policy must prohibit dating violence and abuse by any student on school property, during a school-sponsored activity, or during school-sponsored transportation; provide procedures for responding to such incidents of dating violence or abuse, including accommodations for students experiencing dating violence or abuse; and define dating violence and abuse and provide for a teen dating violence and abuse component in the health education curriculum, with emphasis on prevention education. Each school district is also to provide training for teachers, staff, and school administrators to implement the new dating violence and abuse policies.

¹² Section 1003.42(1), F.S.

¹³ This comprehensive health education addresses ten components: community health; consumer health; environmental health; family life; mental and emotional health; injury prevention and safety; nutrition; personal health; prevention and control of disease; and substance use and abuse. See section 1003.42(2)(n), F.S.

¹⁴ "Florida School Health Profiles" is a biannual survey of middle and high school principals and lead health teachers on school health education, policy, and other related content areas.

¹⁵ Department of Education Analysis of HB 467 (2010), December 8, 2009.

¹⁶ Section 1006.07, F.S.

¹⁷ Section 1006.07(2)(g) - (j), F.S.

¹⁸ See section 1006.07(2), F.S.

¹⁹ Section 1003.42(2)(n), F.S.

²⁰

The Department of Education (DOE) is directed to develop a model policy in order to assist district school boards in the development of their own policies. The bill does not indicate whether the model policy establishes minimum requirements for districts or if it is simply to provide suggested language which the school boards may, or may not, adopt. No date is specified by which the DOE is to develop its model policy.

B. SECTION DIRECTORY:

Section 1. Amends s. 1003.42(n)(2), F.S.; adding the requirement that health education curriculum for students in grades 7 through 12 include a teen dating violence and abuse component.

Section 2. Creates s. 1006.148, F.S.; requiring each school board to adopt and implement a dating violence and abuse policy; requiring the Department of Education to adopt a model policy; requiring district school boards to provide training for teachers, staff, and school administrators to implement these policies.

Section 3. Provides an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

See FISCAL COMMENTS section.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

See FISCAL COMMENTS section.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The Department of Education will be required to develop a model policy prohibiting dating violence and abuse. That cost is indeterminate, but minimal.

School districts will need to incorporate specific dating violence and abuse instruction into existing curricula. That cost is indeterminate, but should be minimal in that materials and information regarding dating violence and abuse are readily available. In addition, districts will need to develop and implement a policy on teen dating violence and abuse and train teachers and staff. Specific training regarding dating violence and abuse can be incorporated into the district's and school's training programs.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require a city or county to expend funds or take any action requiring the expenditure of funds. The bill does not appear to reduce the authority that municipalities or counties have to raise revenue in the aggregate. The bill does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Section 2 of the bill requires that the Department of Education create a model policy for prohibiting dating violence and abuse. Clarification is needed as to whether the model policy will establish minimum requirements for districts, or if it is merely to provide suggested language. In addition, the bill requires that the health education curriculum include "legal remedies." School instructional staff should not be put in a position of discussing legal remedies with students because it may give the appearance that staff is providing legal advice. The bill otherwise requires that students be advised of the community resources available to victims of dating violence and abuse.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

N/A.