



# TEXAS SCHOOL DISTRICTS' IMPLEMENTATION OF TEEN DATING VIOLENCE LEGISLATION

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In March of 2003, 15-year old Ortralla Mosley was stabbed to death by her ex-boyfriend in the hallway of her high school in Austin, Texas. This was the first on-campus homicide in the state that was linked to dating violence. The intense scrutiny following this incident and the activism of Ortralla's mother and others highlighted the issue of teen dating violence (TDV), especially with regard to behaviors that occur at school and the response of school administrators. In 2007, Texas became the first state to pass a law requiring school districts to adopt and implement a dating violence policy (HB 121). According to section 37.0831 of the Texas Education Code, each school district is required to develop and implement a dating violence policy that must: (1) "include a definition of dating violence that includes the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship" and (2) "address safety planning, enforcement of protective orders, school-based alternatives to protective orders, training for teachers and administrators, counseling for affected students, and awareness education for students and parents."

In response to this legislation, a number of state and local victim service agencies mobilized to support school districts in their efforts to respond to this new law, producing a model policy, guides to implementation, sample protocols for dealing with incidents, and training and education. Since this law passed five years ago, however, very little systematic attention has been paid to how school districts have developed and implemented dating violence policies in connection with the legislation.

This report presents results from the first empirical assessment of the extent to which Texas school districts have implemented the legislatively mandated teen dating violence policy. The full study will be published in an upcoming issue of the journal, *Criminal Justice Policy Review*.

## Sample

The purpose of this study was to examine how Texas school districts have addressed teen dating violence in their policies.

There are over 200 school districts located throughout the 20 Education Service Center (ESC) regions in Texas. In his study we included only Independent/Common school districts (i.e., traditional public schools, N = 1,034) with overall student enrollment greater than 25,000. For those regions that did not have districts with 25,000 or more student enrollments, the two districts with the largest student

enrollments within that region were selected. In total, 72 Texas public school districts that serve K-12 students were selected. For each of the selected school districts, publicly available documents (i.e., student/parent handbooks, student codes of conduct) were obtained from the district website.

These documents were examined to assess the extent to which (1) districts implemented the TDV policy, (2) consequences are outlined for offending students, (3) rights for victims are presented, and (4) the policies are easily accessible.

## School District Dating Violence Policies

In looking at the district materials, the vast majority of the selected districts had implemented a dating violence policy (n = 65; 90.3%), which for the current analysis is defined as having at least a dating violence definition in the student/parent handbook or the student code of conduct. This leaves nearly 10% of the schools that don't include even a definition of dating violence. Of the districts that have a dating violence policy, 8 (12.3%) consist of only the definition, and the remaining 57 (87.7%) feature the definition and some set of consequences for engaging in dating violence on or near school grounds or at a school sponsored event.

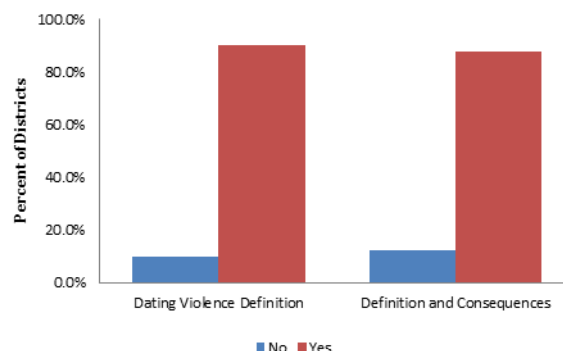


Figure 1: Dating Violence Policy

Although the districts' TDV definitions are generally very similar, there are some differences in how the definition is presented. A majority of the districts (n = 37; 56.9%) utilize the following definition:

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense. This type of conduct is considered harassment if the conduct is so severe, persistent, or pervasive that it affects the student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; or substantially interferes with the student's academic performance.

In addition to a definition, many of the districts (n = 33; 50.8%) feature a set of examples that identify specific TDV behaviors:

Examples of dating violence against a student may include, but are not limited to, physical or sexual assaults, name-calling, put-downs, threats to hurt the student or the student's family members or members of the student's household, destroying property belonging to the student, threats to commit suicide or homicide if the student ends the relationship, attempts to isolate the student from friends and family, stalking, or encouraging others to engage in these behaviors.

Overall, the school districts mostly rely on the definition and information presented in the Texas Education Code dating violence policy mandate for K-12 school districts.

### Consequences of Teen Dating Violence

The handbooks and codes of conduct for each district were also examined to identify the types of consequences specified for engaging in dating violence. Nearly half of the districts (n = 41; 63.1%) listed dating violence as a type of general conduct violation, described broadly as "categories of conduct...prohibited at school and all school-related activities." The categories include, but are not limited to, mistreatment of others, disregard or disrespect of authority, and property offenses. In this case, engaging in dating violence is one form of mistreatment of others. Alternatively, 12 of the districts (18.5%) had a specific misconduct type for dating violence with a specific set of consequences (e.g., suspension, discretionary removal to a Disciplinary Alternative Education Program). Twelve of the districts (18.5%) did not specifically mention dating violence as a punishable offense.

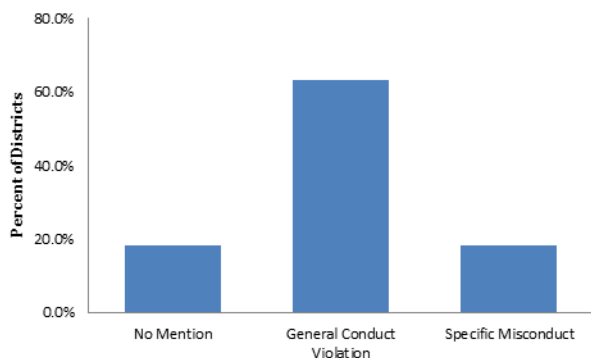


Figure 2: Categorization of Dating Violence by Type of Misconduct

Among those schools listing dating violence as a general conduct violation, many of those offenses are subject to punishments from the Disciplinary Management Techniques, which are a general listing of potential consequences intended to encourage students to be responsible mem-

bers of their school community. Suggested consequences range from verbal reprimands, counseling by school personnel, parent-teacher conferences, and removal from the classroom setting. Forty of the districts (61.5%) were found to have a wide range of starting consequences (e.g., verbal reprimand, in school suspension, removal from school) that were contingent on the severity of the offense. Twelve of the districts (18.5%) were moderate in severity and had techniques such as suspension as a starting consequence for dating violence. One district (1.5%) had discretionary DAEP as a beginning consequence.

### Rights of Teen Dating Violence Victims

An important and practical aspect of a dating violence policy is victim safety. Examination of the student/parent handbooks and codes of conduct revealed that provisions specifically for dating violence are lacking. The most common reference to victim rights refers to reporting, with 43 districts (66.2%) indicating that students who have been the victim of dating violence or their parent/guardian can report dating violence to a school official, which includes counselors, teachers, principals, or other district personnel. The remaining districts do not address victim reporting. Additionally, 43 of the districts (66.2%) indicate that counseling services for dating violence victims are available. The remaining 22 districts (33.8%) do not mention counseling as an option for victims of dating violence.

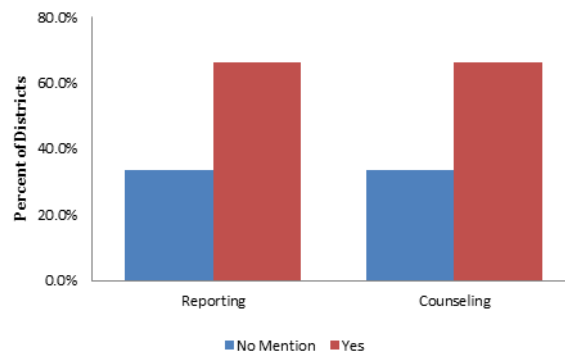


Figure 3: Victim Rights

Although most of the districts indicate that the Disciplinary Alternative Education Program (DAEP) is available as a possible consequence for the perpetrator of dating violence, none of the districts indicate that a victim of dating violence or a victim's parent/guardian can request that the victim transfer to another classroom or campus in the district as a result of their victimization. Forty-seven of the districts (72.3%) indicate that the parent or some other responsible adult can request that a victim of some other form of relational abuse (i.e., bullying, assault, sexual assault) transfer to another classroom or campus if the perpetrator attends the same campus as the victim. Similarly, 54 of the districts (83.1%) provide student transfers based on the sexual assault campus assignment, which allows parents or guardians to request (on behalf of a victim) that the perpetrator of a sexual assault or aggravated sexual assault be transferred to another classroom, campus, or DAEP if the offending student has been adjudicated and/or convicted of the offense. However, dating violence is not specifically recognized in these alternative provisions.

## Accessibility of Dating Violence Policies

Another issue related to TDV concerns the accessibility or ease of locating dating violence awareness information as well as the ability to locate the district response to dating violence. District TDV policies, which are located in the student/parent handbook and/or the code of conduct, were fairly easy to locate. More than two-thirds of the handbooks ( $n=52$ ; 80%) were found either on the district's main website or directly on the student/parent website. Seven of the handbooks and codes of conduct (10.8%) were found with medium difficulty (within 1-2 clicks of the student/parent website), and six (9.2%) were difficult to find (three or more clicks).

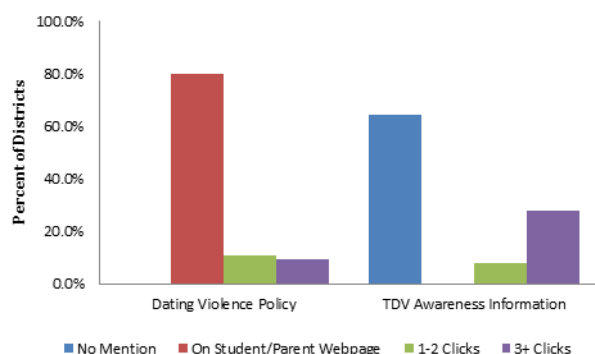


Figure 4: Ease of Access to Dating Violence Information

Awareness information, when available, was generally found on the district website. A majority of the districts ( $n=42$ ; 64.6%) did not have dating violence awareness information that we were able to locate. Of the 23 districts that had awareness information for students and parents, 18 (27.7%) were difficult to locate (requiring three or more clicks from the student/parent website), and the remaining five (7.7%) could be located with medium ease (within 1-2 clicks of the student/parent website). Another aspect of the awareness information is how specific the information is to dating violence. Fourteen (21.5%) of the districts had awareness information that was specifically designed to address dating violence among teens and adolescents, including descriptions of specific programs and/or curricula (e.g., Safe Dates, Choose Respect). Nine districts (13.9%) had some general mention of dating violence, and 42 districts (64.6%) did not have information about dating violence awareness.

## Conclusion

The current study offers the first examination of the degree to which a sample of Texas school districts have implemented various components of the dating violence policy as specified in the Texas state law. Results from a content analysis of school districts' student/parent handbooks and codes of conduct reveal four main findings that merit further discussion. First, findings from the analysis indicate that a majority of the districts in the sample (90%) have complied with the basic components of the dating violence policy mandate. Specifically, many of the districts in the analysis have included a definition of dating violence using elements of the definition presented in the Texas dating violence policy mandate. Furthermore, although the mandate does not specify the location of the policy, the school districts that had a dating violence policy were consistent in that the definition and consequences could be found in the student/parent handbook or code of conduct. Since the handbooks and codes of conduct are items that both parents and students are required to re-

view each school year, a majority of the districts are successfully making the policy available to students and parents throughout the state.

Second, many districts have a general and wide ranging set of consequences that can be imposed on students who engage in dating violence on or near school grounds and at school-related events. These consequences range from verbal reprimand to expulsion. Additionally, the starting severity level for incidents of dating violence covered a wide range of consequences. This combination of a general set of consequences and the use of a wide range of techniques as a starting consequence indicates that a majority of districts in the sample treat incidents of dating violence as general mistreatment of others or as a general form of misconduct instead of as a clearly identified offense with specific consequences for perpetrators.

Third, although we found that a majority of the districts have a policy and some form of consequences for dating violence, none of the districts have safety provisions specifically for TDV victims that allows the victim to request a transfer to another classroom or campus. Thus, victims of dating violence must use an alternative policy or technique to gain protection from their abuser. Two-thirds of the districts' handbooks and/or codes of conduct indicate that victims of dating violence have access to counseling services and that they are able to report dating violence to a school official. Despite a majority of districts showing access to counseling services, it remains problematic that nearly one-third of the districts do not clearly indicate that victims of dating violence can get counseling services.

The fourth main finding pertained to the availability of and access to districts' dating violence policies and awareness information as well as specificity of the awareness information. Although the district policy, which was located in student/parent handbooks and/or codes of conduct, was easily found on district websites, teen dating violence awareness information was generally either nonexistent or difficult to find.

Collectively, our four key findings have important policy implications. At present, data specifically regarding implementation of dating violence policies is lacking both at the state and federal level. However, Ramos's (2010) examination of the language used in Texas' dating violence policy mandate is useful as a roadmap for successful implementation of the dating violence policy as well as a guide for gauging how well districts are implementing the policy. Specifically, Ramos (2010) contends that the teen dating violence statute is insufficient and its effectiveness is limited because districts remain unsure about how to implement the policy, as evidenced by the variation in the method of implementation from district to district uncovered in the current study.

Based on these findings, we conclude that school districts' implementation of the dating violence policy as it is currently specified is in need of additional attention. Though most of the districts have a definition and set of consequences, the wide range of disciplinary techniques may unintentionally benefit the offending student. For example, rather than be subject to a distinct set of consequences for engaging in dating violence, perpetrators face punishments that cover a wide spectrum and are contingent on the severity of the offense. Essentially, this means that the severity of the incident as well as the punishment is based on the discretion of school officials, which is problematic for several reasons. For example, school administrators may not realize the severity of TDV, the violence may be deliberately downplayed in an effort to protect the school's public image, or the perpetrator may be highly regarded by administration (e.g., promising student athlete, class valedic-

torian, influential status of parent in the community) and, therefore, school responses to TDV may underestimate the seriousness of the offense.

Ultimately, the school districts' response to TDV may have the most serious effects on the victim. If some school districts have few safety provisions specifically for victims of dating violence, victims will be forced to creatively use district policies that allow victims of interpersonal abuse (i.e., bullying, assault, sexual assault or harassment) and/or the sexual assault campus assignment listed in a majority of the handbooks if they want to ensure that their abuser is not at the same school. For instance, a dating violence victim may use district policies that apply to bullying (i.e., threats, harassment, and physical assault) to request a transfer to another school. District policies related to other forms of relational abuse and the sexual assault campus assignment policy are important to the current analysis because they provide dating violence victims with alternative forms of relief from their abuser. However, some of the nonphysical elements of dating violence are not compatible with district policies that apply to bullying, harassment, assault, or the sexual assault campus assignment policy. Furthermore, relying upon these other policies marginalizes TDV victims and their parents by conveying the message that TDV is not common or important enough for the school district to recognize it as a distinct form of violence that must be taken seriously. Therefore, it is critical for school districts to implement and enforce more specific policies that target dating abuse among teens.

An additional barrier for victims is the lack of easily accessible dating violence awareness information, services (including counseling services), and resources provided by the districts. Awareness information or services made available by school districts are useless unless victims are able to locate and become aware of these resources. The lack of dating violence awareness information as well as the difficulty of locating the information, which was demonstrated by the current study, can be problematic for parents and individuals who have not experienced or been exposed to dating violence and are unaware of its immediate and long-term consequences. Importantly, awareness information educates parents, victims, and

others about the signs of abuse (physical, emotional, and psychological), and an inability to access the information means that parents, victims, and potential victims may miss an opportunity to stop or prevent dating violence. To address the lack of dating violence awareness information while making efforts to prevent future violence, districts can implement programs to promote awareness and prevention of TDV. For example, Safe Dates is a school and community based adolescent dating violence prevention program that has demonstrated success in reducing various forms of dating violence over time (Foshee et. al, 1998, 2004).

In closing, an education policy brief by Zwicker (2002) examined state-level intimate partner violence legislation throughout the United States and determined that more legal protection should be put in place for teens. Zwicker (2002) also concluded that intervention and prevention programs must be implemented in schools. The Texas state legislature and school districts within the state have taken an important step forward, but much work remains in our efforts to promote healthy dating relationships and to prevent relationship violence.

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### Resources on Teen Dating Violence:

**February is Teen Dating Violence Awareness and Prevention Month.**

**One in three young people experience abuse in their relationships.**

Visit <http://www.teenDVmonth.org> for more information!

Trella's Foundation – founded by Carolyn White-Mosley after her daughter, Ortralla, was killed by her ex-boyfriend in her Austin, TX high school: <http://www.ortrallafoundation.org>

Texas Dating Violence Awareness and Prevention Toolkit: <http://www.txssc.txstate.edu/healthyteendating.org/>

Texas Council on Family Violence: [www.tcfv.org](http://www.tcfv.org)

SafePlace: 24-Hour Hotline (512) 267-SAFE or (512) 927-9616 TTY: <http://www.safeplace.org/>

National Dating Abuse Helpline: Text – loveis to 77054, Phone: 1-866-331-9474 or 1-866-331-8453 TTY: <http://www.loveisrespect.org/>

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