

TEEN DATING ABUSE EDUCATION AND SCHOOL POLICIES



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Dating abuse is the use of abusive behaviors by a person to harm, threaten, intimidate or control a current or former dating partner. Dating abuse can include, but is not limited to, physical, emotional and sexual abuse. Dating abuse is a widespread problem -- nationally, up to 40 percent of teens have been in abusive relationships and of those that have, 43 percent experienced abuse while at school. Several states now require school districts to adopt policies on dating abuse among students, which include providing dating abuse education to students and/or protecting targets of dating abuse while they are on campus. This guide tracks current laws and pending legislation relating to dating abuse.

RECOMMENDED PROVISIONS FOR SCHOOL DATING ABUSE POLICIES

It is crucial to approach the issue of dating abuse by examining the needs of the targets of abuse and how changes to school policy might help them. Most school districts already have clear disciplinary procedures for violence and harassment that occurs on campus; what schools lack are the support systems that can enable a target of dating abuse to retain access to his or her education despite experiencing abuse. For this reason, the recommended provisions below take a non-punitive approach to addressing dating abuse by focusing on the needs of a target of dating abuse. School districts in Texas, Rhode Island and Washington DC have already implemented policies focused on the targets of dating abuse. Recommended provisions include:

- A statement that dating abuse and sexual assault will not be tolerated by the school.
- The designation of a staff member as “Dating Abuse Coordinator” and the notification to students, parents and teachers that this individual handles all complaints and requests relating to dating abuse. The coordinator must receive substantial training on dating abuse and safety issues that may arise for targets of abuse.
- Creation of in-school stay-away orders that require the abuser to maintain a certain distance from the target of the abuse at all times, and require the abuser to refrain from contacting the target. The school should also create reporting and enforcement procedures for violations of stay-away orders.
- Accommodations that can be granted to a target of abuse to assist him or her to avoid the abuser on campus, including: change of locker assignment, change of lab group or work group assignment, schedule changes, and designated routes for the abuser and target in and out of the school building.
- Accommodations for targets of abuse that allow them to pursue legal action against the abuser or obtain necessary counseling or medical care for the abuse, including excused absences from classes.
- Methods for enforcing civil or criminal orders of protection held by students.
- Training for all school staff, including any security guards or police personnel that work at the school, on dating abuse and sexual assault, as well as how to handle reports of dating abuse by students, enforcement of the school's dating abuse policy, and enforcement of civil or criminal orders of protection.

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- Creation of a system of referrals to community-based organizations and mental and physical health care services for targets and perpetrators of dating abuse and sexual assault.
- As with all discipline problems at school, schools should use restorative practices to allow perpetrators of abuse to recognize and change their behaviors through counseling and support services. Exclusionary discipline (e.g. suspensions, detentions) and police involvement should only be used as a last resort if the abuse poses a significant danger to the school community.

STATES WITH LAWS ADDRESSING TEEN DATING ABUSE IN THE SCHOOLS

ARIZONA: Ariz. Rev. Stat. § 15-342.02, 15-712.01 (Az. 2010)

Section 15-342.02 allows, but does not require, school districts to adopt and enforce policies to address incidents of dating abuse involving students at school.

Section 15-712.01 allows, but does not require, school districts to incorporate dating violence education into health curricula for grades 7-12.

DELAWARE: S.C.R. 21 (De. 2009)

This resolution, passed in June 2009, establishes a Teen Dating Violence Task Force to evaluate and make recommendations on policies for education on teen dating violence.

FLORIDA: CS/HB 467, 2010 Sess. (Fla. 2010)

This law requires that health education include education on dating abuse for students in grades 7-12. The law further requires school boards to adopt dating violence and abuse policies. The policies must prohibit dating abuse and provide for procedures to respond to dating abuse. The Department of Education is tasked with developing a model policy.

GEORGIA: Ga. Code Ann. § 20-2-314 (Ga. 2009)

This law requires the state Board of Education to develop a rape prevention and personal safety education program, and a program for preventing teen dating violence, for grades 8-12. The law does not specify the parameters of the program or require schools to address any specific topics. Local boards of education may implement these programs at any time, but are not required to do so.

ILLINOIS: 105 Ill. Comp. Stat. § 110/3 (Il. 2009)

This law includes dating violence education in the Comprehensive Health Education program for grades 8-12.

INDIANA: Ind. Code § 20-19-3-10 (In. 2010)

This law requires the Department of Education to develop model dating violence education materials and a model dating violence response policy.

LOUISIANA: H.B. 46, 2010 Sess. (La. 2010)

This law requires each public school to provide dating violence education as part of its health curriculum in grades 7-12.

MAINE: H.P. 760-L.D. 1105, 124th Legislature (Me. 2009)

This resolve directs the Department of Education to review its policies and rules regarding faculty and student training on the topic of dating abuse, and to review its administrative policies to determine which address dating abuse.

MARYLAND: Md. Code Ann. Educ. § 7-411.1 (Md. 2009)

This law encourages schools to adopt age-appropriate dating violence education into the school curricula.

MASSACHUSETTS: S2404, 186th Sess. (Ma. 2010)

This law primarily deals with the prevention of bullying, but modifies the state's academic standards to allow for instruction on a range of topics including dating violence.

NEBRASKA: Neb. Rev. Stat. §79.2139-2142 (Nb. 2009)

This law requires each school district to develop and adopt a policy to address incidents of dating violence, including training for staff. The state department of education is required to develop a model policy to assist the school districts. The law also requires each school district to incorporate dating violence education into the school curriculum.

NEW HAMPSHIRE: H.C.R. 7, 2009 Reg. Sess. (N.H. 2009)

This concurrent resolution endorses Rhode Island's Lindsay Ann Burke Act, and encourages the New Hampshire department of education to devise and implement teen dating violence policies. The resolution recommends that the policies include: "a mission statement emphasizing that dating violence is unacceptable and will not be tolerated as well as the establishment of guidelines and discipline procedures to respond to incidents taking place at school or on school grounds, and urges school districts to incorporate dating violence education into health education curriculums in middle and or high school."

NEW JERSEY: N.J. Rev. Stat. § 18A:35-4.23 (N.J. 2010)

This law allows, but does not require, boards of education to include education on domestic violence, dating violence and child abuse in school curricula.

OHIO: H.B. 19, 128th Leg. Sess., Modifying O.R.C. §§ 3313.60, 3313.666, 3314.35, 3319.073, 3319.39 and 3327.10 (Ohio 2009)

This law, the “Tina Croucher Act,” requires the state board of education to develop a model dating violence policy, and each local board of education to adopt a dating violence policy to address incidents of dating violence involving students. Under this law policies must include: a statement that dating violence will not be tolerated, dating violence reporting procedures, guidelines to responding to at-school incidents of dating violence, and discipline procedures specific to at-school incidents of dating violence. The boards of education are required to train school staff to address dating violence. The bill also requires age-appropriate dating violence education in grades 7-12.

RHODE ISLAND: Lindsay Ann Burke Act, R.I.G.L. 16-21-30 & R.I.G.L. 16-22-24 (R.I. 2009)

This law requires schools to establish policies to address incidents of dating abuse that must include: “a statement that dating violence will not be tolerated, dating violence reporting procedures, guidelines to responding to at school incidents of dating violence and discipline procedures specific to such incidents.” The law also requires that all middle and high school staff be trained on dating violence. The law requires that each school district incorporate education about dating violence into its annual health curriculum for grades 7-12.

TENNESSEE: Tenn. Code. § 49-1-220 (Tn. 2009)

This law encourages, but does not require, the state Department of Education to develop a sexual and dating violence curriculum for students in grades 7-12. According to the law: “The curriculum should include instruction to increase students' awareness and understanding of teen dating violence and sexual violence, including, but not limited to, date, acquaintance, and stranger rape and statutory rape, rape prevention strategies, resources and support available to victims of teen dating violence and sexual violence, and prosecution of crimes associated with teen dating and sexual violence.”

TEXAS: Tex. Educ. Code § 37.0831 (Tx. 2009)

This law requires each school district to adopt and implement a dating violence policy. The policies must address: safety planning, enforcement of orders of protection, training for school staff, counseling for students, and awareness education for students and parents.

UTAH: H.C.R. 2, 2009 Gen. Sess. (Ut. 2009)

This concurrent resolution of the legislature and governor encourages the Utah State Board of Education and Utah

State Board of Regents to ensure that all middle school, junior high school, senior high school and post-secondary education programs provide materials and services on domestic and dating violence.

VIRGINIA: Va. Code § 22.1-207.1 (Va. 2009)

This law requires the state Board of Education to develop curriculum guidelines for family life education in grades K-12 that include: dating violence, the characteristics of abusive relationships, steps to avoid sexual assault and the availability of counseling and legal resources.

WASHINGTON: Wash. Rev. Code § 28A.300.185 (Wa. 2010)

This law requires the Office of the Superintendent of Public Instruction to develop a model family preservation curriculum that includes instruction on domestic and dating violence.

STATES WITH PROPOSED LEGISLATION RELATING TO TEEN DATING ABUSE IN THE SCHOOLS

CALIFORNIA: S.B. 1300, 2009-2010 Sess. (Ca. 2010)

This bill would allow school districts to provide age-appropriate instruction on teen dating violence prevention in the health curriculum for grades 7-12. It also provides that the state Board of Education will incorporate dating violence prevention into its health curriculum.

CONNECTICUT: H.B. 6494, S.B. 474, H.B. 5706, H.B. 5768, 2009 Reg. Sess. (Ct. 2009)

H.B. 6494 and S.B. 474 would require the state to integrate dating violence education into the schools' health curriculum.

H.B. 5706 and H.B. 5768 would require the state Department of Education to use the “Safe Dates” curriculum to train middle and high school teachers.

GEORGIA: S.B. 217, H.B. 1018, 2009-2010 Legislative Sess. (Ga. 2010)

S.B. 217 would require the state sex education curriculum to include dating violence education for grades 8-12. The bill would also require each local school board to develop a dating violence response policy for students in grades 6-12. These policies would include: “a statement that dating violence will not be tolerated, dating violence reporting procedures, guidelines to responding to at-school incidents of dating violence, and discipline procedures specific to such incidents.”

H.B. 1018 would require the state Board of Education to

incorporate Liz Claiborne's "Love is Not Abuse" program into its rape prevention education program. The bill would allow, but not require, local school boards to implement dating abuse education programs as well.

HAWAII: H.B. 1672, 25th Leg. (HI 2009)

H.B. 1672 would require the state Department of Education to develop a model dating violence policy to assist schools in developing dating violence policies. The policy must include: "a statement that dating violence will not be tolerated, dating violence reporting procedures, guidelines to responding to at school incidents of dating violence and discipline procedures specific to such incidents." The Department of Education would be required to train middle and high school staff annually on dating violence education. The bill also requires the Department of Education to incorporate age-appropriate dating violence education into any annual health curriculum for grades 7-12.

IOWA: S.F. 2034, 2010 Sess. (Ia. 2010)

This bill would require schools to incorporate dating violence education into their health curricula for grades 7-12. Every school district would be required to adopt a policy to address incidents of dating violence involving students at school. In addition to the policy, each school district would provide training for all middle school administrators, teachers, nurses and mental health staff.

KANSAS: H.B. 2628, 2010 Session (Ks. 2010)

This bill would amend Kansas' current bullying law to include dating violence. The law would require each school district to adopt a plan to deal with dating violence at school, on school vehicles or at school-sponsored events.

MARYLAND: S.B. 984, H.B. 911, 427th Session (Md. 2010)

These bills would repeal the existing Maryland law encouraging schools to adopt dating violence education, and instead require public schools to adopt an educational program before the 6th grade on dating violence.

MASSACHUSETTS: H.B. 490, H.B. 1125, H.B. 453, 186th Sess. (Ma. 2010)

These bills would require schools to adopt a specific policy and discipline code to address dating violence. They would also add "safe and healthy relationships" to the topics included in health education instruction.

MICHIGAN: H.B. 5021, S.B. 0665, 2009 Reg. Sess (Mi. 2009)

These bills would require every school district to adopt a dating violence policy and incorporate age-appropriate dating violence education into the curriculum for grades

7-12. They would also require the Department of Education to develop a model dating violence policy and model curriculum. They would further require the boards of education to train school teachers and administrators on how to address dating violence.

NEW JERSEY: A.1329, S.1332, 214th Leg. (N.J. 2010)

This bill would require every school district to adopt a dating violence policy that includes: a statement that dating violence will not be tolerated, dating violence reporting procedures, guidelines for responding to in-school incidents of dating abuse, and discipline procedures specific to dating abuse. The law would also provide that, if funds are available, school districts should train school employees on dating abuse.

NEW YORK: A.819, A.10206, S.2537, S.7131, 2010 Leg. Sess. (N.Y. 2010)

A.819 and S.2537, known as the "Kari Ann Gorman Act," would require school districts to develop age-appropriate dating violence education for grades 7-12. The act would also require each school district to establish a policy to address incidents of dating violence. The Department of Education and Office on the Prevention of Domestic Violence would have to develop a model school policy to assist school districts in the development of their own policies. Under this act the policies would include: a statement that dating violence will not be tolerated, dating violence reporting procedures, guidelines to responding to at-school incidents of dating violence, and discipline procedures for incidents of dating violence. The act also requires school districts to train all middle and high school staff to address dating violence, and requires school districts to notify parents and guardians of the policy.

A.10206 and S.7131, known as the "Jessica Tush Act," would require school districts to incorporate age-appropriate dating violence education into the curriculum for various class subjects in grades 7-12. The act would also require each school district to establish a policy to address incidents of dating violence. The Department of Education and Office on the Prevention of Domestic Violence would have to develop a model school policy to assist school districts in the development of their own policies. These policies would include: dating violence reporting procedures, guidelines to responding to at-school incidents of dating violence, discipline procedures for incidents of dating violence, and an option for targets of dating abuse to be allowed to request that the perpetrator be transferred to another school. Each school district would have to provide training to staff on how to address dating violence, and notice of the policy to parents and guardians. This law would

also require school districts to incorporate respect and self-esteem education into the curriculum for grades K-6.

OKLAHOMA: S.B. 1098, 52nd Leg. (Ok. 2009)

This bill would require the state Department of Education to develop a model dating violence policy and each district board of education to establish dating violence policies.

These policies would include: “a statement that dating violence will not be tolerated, reporting procedures for dating violence, guidelines to responding to at school incidents of dating violence and discipline procedures specific to such incidents.” Each district would provide training to middle and high school staff on addressing dating violence. The bill would also require each school district to incorporate age-appropriate dating violence education into the annual health curriculum for grades 7-12. The education would include: “defining dating violence, recognizing dating violence warning signs and characteristics of healthy relationships.”

PENNSYLVANIA: S.B. 56, S.B. 1116, H.B. 2026, 2009 Leg. Sess. (Pa. 2009)

S.B. 56 would authorize the Office for Safe Schools to make grants to fund programs addressing school violence, including dating violence.

S.B. 116 would authorize the Office for Safe Schools to make grants to fund programs addressing school violence, including dating violence. The bill would also require each school to develop a dating violence policy, working in conjunction with local rape crisis and domestic violence organizations. Schools would further have to provide training to staff on how to address dating violence, and in-

corporate dating violence education into the curriculum for grades 7-12. The Office for Safe Schools would be required to develop a model dating violence policy.

The House bill would require each school to develop a dating violence policy, train staff on dating violence issues, and incorporate dating violence education into the curriculum for grades 7-12, but would not require schools to work with local rape crisis and domestic violence organizations to do so. This bill would require the Department of Education to develop a model dating violence policy.

SOUTH CAROLINA: S. 266, H. 3202, H. 3543, 118th Sess. (S.C. 2009)

This bill would require the state Department of Education and the South Carolina Coalition Against Domestic Violence and Sexual Assault to develop a model dating violence policy, and would require each school district to establish a specific policy to address incidents of dating violence involving students at school. The policy must include: “a statement that dating violence will not be tolerated, dating violence reporting procedures, guidelines to responding to at school incidents of dating violence, and discipline procedures specific to these incidents.” Each school district would provide dating violence training to school staff who work with students in grades 6-12. The bill would also require each school district to incorporate age-appropriate dating violence education into the annual health curriculum for grades 6-12

H. 3202 is substantially identical to S. 266. H. 3543 is substantially identical to the other two bills except that it only requires the dating violence policy, not dating violence education.