

**TESTIMONY OF  
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California Commission on the Status of Women  
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**Teen Dating Violence and School Response:**

Good afternoon. I am Emily Austin, the Audrey & Sydney Irmes Fellow at the California Women's Law Center. The Law Center is a policy and advocacy organization that works to protect the rights of women and girls by affecting systemic changes in communities, public policy, and the law. We have worked in the area of violence against women since our founding in 1989. I am the coordinator for the S.T.O.P (School Training, Outreach, and Prevention) Teen Dating Violence Project which is one of the Law Center's violence against women projects. This project was developed to address the pervasive problem of teen dating violence.<sup>1</sup> Through our contact with victims of dating violence, we have found that school districts play a critical role in preventing, identifying and addressing teenage dating violence. However, school districts do not educate teenagers about abusive relationships, do not train staff and faculty to identify dating violence, and continually fail to adequately respond to student complaints involving teen dating violence. We urge the California Commission on the Status of Women to recognize the need for greater policy development to protect young women in abusive dating relationships.

Today I will define and discuss some aspects of teen dating violence. I will show why schools should be responsible for taking affirmative action to prevent this violence and protect victims. Then, I will talk about the problems the Law Center has encountered. Finally, I will make recommendations about what the state of California can do through legislation and policy development.

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<sup>1</sup> In a 2003 study, 8.9% of 8<sup>th</sup> and 9<sup>th</sup> grade students reported being a victim of physical dating violence during the preceding 12 months. That equates to nearly 1.5 million high school students nation-wide. Centers for Disease Control and Prevention (CDC), 55(19); 532-35.

## ***I. Teen Dating Violence***

The seriousness of intimate violence against young women cannot be overstated. Approximately 1 in 5 high school-aged girls report having been physically and/or sexually abused by an intimate partner.<sup>2</sup> The U.S. Department of Justice, Bureau of Justice Statistics found that from 1993 to 1999 young women (ages 16 to 24) were the most vulnerable to intimate partner violence; the prevalence of intimate partner violence for young women was three times higher than any other age group.<sup>3</sup> Young women also face high rates of date rape and intimate partner murder. In one study, 68% of young women who were raped knew their rapist as a boyfriend, friend or causal acquaintance.<sup>4</sup> Twenty-two percent of all homicides of women ages 16-19 are committed by an intimate partner.<sup>5</sup>

Adult intimate partner violence and teen dating violence are similar. Both exist on a continuum of controlling behaviors that include psychological, physical and sexual abuse. Both cross race, gender, sexual orientation, and socioeconomic lines.<sup>6</sup> Programs addressing teen dating violence should consider the following additional characteristics, many of which are similar to adult intimate partner violence:

- Experiencing teenage dating violence is a precursor for being in an abusive relationship as an adult.<sup>7</sup>

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<sup>2</sup> Silverman, *Dating Violence Against Adolescent Girls and Associated Substance Use, Unhealthy Weight Control, Sexual Risk Behavior, Pregnancy, and Suicidality*, 286 JAMA 572 (2001); see also Barrie Levy, *Introduction* in *DATING VIOLENCE: YOUNG WOMEN IN DANGER* (Barrie Levy ed., 1991) (About 30% of high school and college female students reported experiencing dating violence during their high school and college years).

<sup>3</sup> U.S. Department of Justice, Bureau of Justice Statistics, *Special Report: Intimate Partner Violence and Age of Victim*, 1993-99 (Oct. 2001).

<sup>4</sup> *Dating Violence*, ACADV, <http://www.acadv.org/dating.html>; *Girls and Violence*, Girls Incorporated, <http://www.girls-inc.org>.

<sup>5</sup> U.S. Department of Justice, Bureau of Justice Statistics; *Special Report: Intimate Partner Violence and Age of Victim*, 1993-99 (Oct. 2001).

<sup>6</sup> National Teen Dating Violence Prevention Initiative, American Bar Association 2006.

<sup>7</sup> CDC, 55(19); 532-35; *Guidelines for Schools on Addressing Teen Dating Violence*, Massachusetts Department of Education, [www.doe.mass.edu/ssce/tdv/guidelines/tdv1.html](http://www.doe.mass.edu/ssce/tdv/guidelines/tdv1.html).

- Teenagers lack dating experience and have difficulty defining abuse as unhealthy or problematic.<sup>8</sup> As is the case with adult victims of intimate partner violence, teenagers often interpret possessiveness, jealousy and controlling behavior as loving devotion or romantic love.<sup>9</sup>
- Teenage girls face extreme social peer pressure. In one study, 58% of teenage girls felt that having a boyfriend was very important.<sup>10</sup> This social pressure can prevent girls from ending unhealthy relationships.
- Both teenage boys and girls are victims of dating violence; however, boys and girls experience different types of violence.<sup>11</sup> Boys are more likely to use force in order to control their girlfriends, and girls more often react with physical violence in self-defense.<sup>12</sup> Boys injure girls more severely and frequently.<sup>13</sup> Also, teenage girls are twice as likely as teenage boys to be victims of sexual abuse.<sup>14</sup>
- Teenagers are reluctant to seek help from adults and would rather confide in friends.<sup>15</sup> One study found that 83% of tenth graders reported they would sooner turn to a friend for help with dating violence than parents,

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<sup>8</sup> Carlson, *Invisible Victims: Holding the Educational System Liable for Teen Dating Violence at School*, 26 HARVARD WOMEN'S L. J. 351, 359 (2003).

<sup>9</sup> Guidelines for Schools on Addressing Teen Dating Violence, Massachusetts Department of Education, [www.doe.mass.edu/ssce/tdv/guidelines/tdv1.html](http://www.doe.mass.edu/ssce/tdv/guidelines/tdv1.html); Carlson, *Invisible Victims: Holding the Educational System Liable for Teen Dating Violence at School*, 26 HARVARD WOMEN'S L. J. 351, 359 (2003).

<sup>10</sup> Zwicker, *Education Policy Brief: The Imperative of Developing Teen Dating Violence Prevention and Intervention Programs in Secondary Schools*, 12 S. CAL. & WOMEN'S STUD. 131, 135 (2002).

<sup>11</sup> CDC, 55(19); 532-35. In a 2003 study of 8<sup>th</sup> and 9<sup>th</sup> grade students 8.8% of girls and 8.9% of boys reported being a victim of physical dating violence during the preceding 12 months. *Id.*; National Teen Dating Violence Prevention Initiative, American Bar Association 2006.

<sup>12</sup> National Youth Violence Prevention Resource Center, [www.safeyouth.org](http://www.safeyouth.org).

<sup>13</sup> National Teen Dating Violence Prevention Initiative, American Bar Association 2006.

<sup>14</sup> *Teen Victim Project*, National Center for Victims of Crime, [www.ncvc.org/tvp](http://www.ncvc.org/tvp); V.A. Forshee et al., *Gender differences in adolescent dating abuse prevalence, types and injuries*, HEALTH EDUCATION RESEARCH, 11(3), 275-86 (1996).

<sup>15</sup> Guidelines for Schools on Addressing Teen Dating Violence, Massachusetts Department of Education, [www.doe.mass.edu/ssce/tdv/guidelines/tdv1.html](http://www.doe.mass.edu/ssce/tdv/guidelines/tdv1.html); Zwicker, *Education Policy Brief: The Imperative of Developing Teen Dating Violence Prevention and Intervention Programs in Secondary School*. 12 S. CAL. R. L. & WOMEN'S STUDIES 131 (2002).

teachers, or counselors.<sup>16</sup> The Empowerment Program teen survey found that 86% of female high school students reported that they would confide in a friend, while only 7% would talk to police.<sup>17</sup>

- Much like adult victims of intimate partner violence, students who experience dating violence are more likely to engage in high risk behaviors. The Department of Health and Human Services, Centers for Disease Control and Prevention found that female students who reported experiencing physical dating violence were more likely than their non-abused peers to engage in sexual activity, suicide attempts, binge drinking, and physical fighting.<sup>18</sup> The National Center for Injury Prevention and Control found that dating violence among teenage girls is a risk factor for substance abuse, unhealthy weight control, pregnancy, unprotected sex, and suicide.<sup>19</sup>

Acknowledging these aspects of teen dating violence is central to developing effective intervention and prevention programs for teens.

## ***II. Why Schools?***

Involving school systems is crucial to successful advocacy against teenage dating violence because schools play a central role in teenagers' lives. Furthermore, schools face criminal and civil liability for failing to protect victims of dating violence.<sup>20</sup> Schools should be the site of policy reform and prevention efforts for the following reasons:

First, schools are a place where a victim faces a serious risk of being abused by her batterer. When the victim and batterer attend the same school, contact between them is largely inescapable because schools enforce truancy policies and school selection is

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<sup>16</sup> Northern Westchester Shelter, with Pace Women's Justice Center (April 2003).

<sup>17</sup> Zwicker, *Education Policy Brief: The Imperative of Developing Teen Dating Violence Prevention and Intervention Programs in Secondary School*. 12 S. CAL. R. L. & WOMEN'S STUDIES 131 (2002).

<sup>18</sup> CDC, 55(19); 532-35.

<sup>19</sup> Molitor & Tolman, *Gender and Contextual Factors in Adolescent Violence*, VIOLENCE AGAINST WOMEN, 4(2)(1998): 180-194.

<sup>20</sup> See National Teen Dating Violence Prevention Initiative, American Bar Association 2006.

limited either by public school options or parental choice of private schools. When the victim and batterer go to different schools or the batterer is not in school, the victim's school provides a known site for interaction and stalking; the batterer knows the victim's school schedule and location. Furthermore, schools are a place where dating violence occurs; 43% of teenage victims of dating violence report being abused by their batterer at school or on school grounds.<sup>21</sup> Eighty-four percent of teen dating violence that occurs at school involves physical violence.<sup>22</sup> Also, victims of dating abuse are more likely than their non-abused peers to be involved in other types of violent or dangerous behavior on school campuses; victims are more likely to bring a weapon to school, be harassed by people other than their boyfriend/girlfriend while at school, or be in a physical fight with someone other than their boyfriend/girlfriend while at school.<sup>23</sup>

Second, schools have a duty to protect the safety of their students under California law.<sup>24</sup> Article I, section 28(c) of the California Constitution states that schools are required to provide "safe, secure and peaceful" environments for their students.<sup>25</sup> Furthermore, state laws require schools to develop safety plans and school procedures for providing "a high level of school safety," and state laws already encourage spending for instruction in dating violence prevention.<sup>26</sup>

Third, schools are liable for sexual harassment under Title IX of the Civil Rights Act Amendments of 1972.<sup>27</sup> Dating violence often includes forms of sexual harassment, such as unwanted touching and verbal abuse.<sup>28</sup> The Supreme Court held in *Davis v. Monroe County Bd. of Ed.*, 526 U.S. 629 (1999), that students have a viable lawsuit and a claim for monetary damages against school faculty and school districts for failing to

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<sup>21</sup> New York Office for the Prevention of Domestic Violence, *citing* Molidor & Tolman, *Gender and Contextual Factors in Adolescent Violence*, VIOLENCE AGAINST WOMEN, 4(2)(1998): 180-194.

<sup>22</sup> Guidelines for Schools on Addressing Teen Dating Violence, Massachusetts Department of Education, [www.doe.mass.edu/ssce/tdv/guidelines/tdv1.html](http://www.doe.mass.edu/ssce/tdv/guidelines/tdv1.html).

<sup>23</sup> 2003-04 California Student Survey Brief 4; *Teen Dating Violence*, Office of the Attorney General, Crime and Violence Prevention Center.

<sup>24</sup> Cal. Const. Art I. § 28(c).

<sup>25</sup> *M.W. v. Panama Buena Vista Union School District*, 110 Cal.App.4th 508, 518 (2003).

<sup>26</sup> Cal. Ed. Code §§ 32281, 32282(a)(2)(E), 32228(c)(4).

<sup>27</sup> *Gebser v. Lago Vista Independent School Dist.*, 524 U.S. 274, 290 (1998); *see* 20 U.S.C. §1681(a).

<sup>28</sup> *Warning Signs*, National Teen Dating Violence Prevention Initiative, American Bar Association, 2006.

protect or respond to severe student-to-student sexual harassment, which includes dating violence.<sup>29</sup>

Fourth, teachers and other school staff are mandatory reporters of child abuse. Under California Penal Code sections 11165.7 and 11165.9, school administrators, teachers, counselors, and social workers are required to report all known or suspected incidents of child abuse to law enforcement or child protective services. Incidents of physical violence in teen dating relationships may constitute a reportable offense under state mandatory reporting laws, and therefore, administrators, teachers, counselors, and social workers must know how to identify such violence.<sup>30</sup> The failure to make a mandated report can result in a misdemeanor conviction and criminal penalties.<sup>31</sup>

Finally, schools have the ability to change abusive behavior by batterers and protect/advocate for victims during a critical time of development. Many studies have found that dating patterns in adults are established during adolescence, and intervention during adolescence can change perceptions about relationships.<sup>32</sup>

For these reasons, schools have a duty to develop more comprehensive strategies to prevent, identify, and address teen dating violence.

### ***III. Current School Response***

Our Law Center has received an increasing number of complaints from parents and students throughout the state regarding inadequate school responses to sexual assault and dating violence against students. These complaints include issues involving schools' failure to take formal and informal complaints seriously, administrators' failure to contact victims about disciplinary actions taken against batterers, administrators' placing a higher priority on protecting the batterer's interests over the victim's, administrators' penalizing

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<sup>29</sup> Under *Davis* the student must show that the school receiving Title IX funds "is deliberately indifferent to sexual harassment, of which the recipient has actual knowledge," and the harassment must be "so severe, pervasive, and objectively offensive that it effectively bars the victim's access to an educational opportunity or benefit." *Davis*, 526 U.S. at 632.

<sup>30</sup> Cal. Penal Code § 11165.6.

<sup>31</sup> Cal. Penal Code § 11166.

<sup>32</sup> National Teen Dating Violence Prevention Initiative, American Bar Association 2006, *citing* V.A. Forshee et al., *Gender differences in adolescent dating abuse prevalence, types and injuries*, HEALTH EDUCATION RESEARCH, 11(3), 275-86 (1996).

victims by forcing them to change their school schedules or stop participating in extracurricular activities, school districts not having a procedure for dealing with dating violence, and school districts not following their own sexual harassment protocols.

We are currently intervening in several cases of inadequate school response to dating violence/sexual assault in schools at the elementary, secondary, undergraduate, and graduate levels. Moreover, the Law Center has extensively researched violence against young women as part of our Murder at Home Project which deals with intimate partner murder in California. We have found that school systems are the obvious site for continued policy development concerning teen dating violence. Beyond increasing awareness and education, we believe that teen dating violence must be addressed through official state action, either by the Department of Education or the state legislature.

#### ***IV. Recommendations***

We recommend several changes to California law and development of policy at the California Department of Education. These recommendations include:

- Mandating trainings for school counselors, teachers, administrators, and staff on identifying, addressing and preventing teen dating violence. Curriculum for trainings should be prepared in collaboration with advocates who work in the area of domestic violence and teen dating violence.
- Requiring school districts to establish a policy and protocol for preventing and responding to teen dating violence in middle and high school. These policies should be developed in collaboration with advocates who work in the area of domestic violence and teen dating violence.
  - School district policies should require school administrators to engage in safety planning with victims of teen dating violence. Teachers, administrators and counselors must help teen victims develop safety plans to leave abusive relationships and avoid contact with their abusers.

- School district policies should include methods for enforcing restraining orders on campus. Restraining orders should be enforced even at schools that do not have assigned campus police. Sound policies should be developed that help teachers and administrators contact authorities and/or enforce restraining orders on their own campuses.
- Requiring the State Department of Education to include teen dating violence education in its current health curriculum framework.
- Listing dating violence as a separately enumerated offense for which students can be suspended or expelled under Education Code § 48900.
- Developing interagency collaborations with advocates who work in the area of domestic violence and teen dating violence.
- Publishing and distributing information about what schools can do to prevent dating violence and avoid liability. The Department of Education or the Attorney General's office can reach school administrators and faculty by publishing a more exhaustive guide for how schools can limit their liability by effectively responding to teen dating violence.

I would like to thank the California Commission on the Status of Women for providing me with the opportunity to raise our concerns about school response to teen dating violence. I hope that we can work with the Commission to advocate for policy changes that can prevent teen dating violence, help school faculty and staff identify dating violence, and protect victims. Thank you.