

A Preventable Epidemic:

Teen Dating Violence

**And Its Impact On
School Safety And
Academic Achievement**

**California Attorney General's Office
and the
California Department of Education**

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Message from the

Attorney General and Superintendent of Public Instruction

On March 27, 2003, 15-year-old Ortralla Mosley broke-up with her 16-year-old boyfriend Marcus McTear, both sophomores at Reagan High School in Austin, Texas. The next day, as school let out, McTear found Mosley in a hallway and stabbed her to death with a butcher knife.


While teen dating homicides are rare, the violent relationships that can produce them are not. Twenty percent of all high school girls, according to a recent Harvard School of Public Health survey, reported that they had experienced physical or sexual violence from a dating partner. Some dating violence takes place on campus, as it did in Austin. When it occurs off campus, student victims may see their perpetrators the next day in school, giving rise to potential new violence or harassment. Wherever the violence takes place, however, the victims are much more likely than their classmates to be threatened or injured with a firearm at school and to bring a firearm to school.

These high levels of student-on-student violence undermine our schools' capacity to accomplish their core mission: academic achievement. Students who experience physical and/or sexual violence will have a much more difficult time learning. They are at significantly greater risk of skipping school, fearing school, considering or attempting suicide, and using drugs, alcohol, and tobacco. They are also at greater risk of depression, post-traumatic stress, and a host of risky health behaviors.

With so much teen dating violence taking place and so much at stake, it is surprising that schools are not doing more to address this problem. Perhaps it is because schools, for good reason, are focused on academic standards. Perhaps it is because students are loathe to communicate with teachers and parents about these experiences. Whatever the reason, too many schools are failing to live up to their safety obligations and also missing the opportunity to overcome a major obstacle to academic success. They are also running the risk of having to pay money damages.

The Attorney General's Office and the Department of Education are undertaking an initiative to work with schools and their communities to address teen dating violence. The touchstone of this initiative is prevention. We firmly believe that there are existing strategies and curricula that can help teens understand that dating relationships do not have to be violent, and that there are tools to help them navigate such relationships. We also believe that there are policies that districts can adopt to reduce teen dating violence and mitigate its ill effects.

In the coming months, our two departments will convene regional meetings for California's school leadership to discuss steps that can be taken to address this barrier to academic achievement and threat to school safety. In preparation for these meetings, we attach for your consideration a paper, prepared with the help of the Los Angeles Commission on Assaults Against Women, that details the dangers of, and possible remedies for, teen dating violence. We look forward to working together with you in this effort to boost student achievement and student safety.


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Introduction

Learning and safety go hand in hand. As all educators know, students who are safe and feel secure are in a far better position to learn and achieve. It is therefore surprising that California's campaign to boost academic achievement has not been matched by a commensurate effort to improve student safety. School authorities have responded, of course, to the rare – but notorious – incidents of students killing others on campus to exact some sort of revenge. But other forms of violence – much more common and with toxic results – have been overlooked or ignored, with disastrous impacts on our students and their capacity to learn and achieve.

Teen dating violence is one such form of violence. Authoritative scientific data demonstrate that it is at epidemic proportions, and that it impedes academic achievement and threatens school safety. For a variety of reasons, however, most schools have not begun to address this issue, despite state and federal requirements to do so and the potential for legal liability. More importantly, these schools, by failing to act, are missing the opportunity to help thousands of students overcome a major obstacle to achieving academic success.

The California Attorney General's Office and the California Department of Education (CDE), with the help of the Los Angeles Commission on Assaults Against Women, have prepared this paper to sound the alarm about teen dating violence. We plan, over the next several months, to convene regional meetings of school leaders around the state to discuss this issue, and to propose strategies for its prevention – for we firmly believe that it can be prevented.

Any serious effort to improve academic achievement must take account of those students whose safety is so compromised as to undermine their capacity to learn. Teen dating violence poses such a threat. It is time that we, as a state, begin to take steps to prevent it.

Teen Dating Violence: An Epidemic

Teen dating violence (also called teen relationship violence) is shockingly common, as numerous studies have demonstrated:

- One of the most significant is a study published by the Harvard School of Public Health in 2001. Female students in the 9th through 12th grades were asked "whether they had ever been hurt physically or sexually by a date or someone they were going out with. This would include being shoved, slapped, hit, or forced into any sexual activity." The results: **20%** of all female 9th through 12th grade students reported that they had experienced physical or sexual violence, or both, from a dating partner.¹
- The California Student Survey (CSS), administered by the Attorney General's Office, CDE, and the California Department of Alcohol and Drug Programs, asks middle and high school students state-wide about their health-related behaviors and attitudes. According to the 2003-2004 CSS, **5.2%** of 9th graders and **8.2%** of 11th graders (male and female), stated that they had been "hit, slapped, or physically hurt on purpose" by their partner in the past twelve months. (Note that they were not asked about sexual violence.)²
- In a study of 8th and 9th grade boys and girls published by the University of North Carolina at Chapel Hill in 1996, **25.4%** reported being a victim of nonsexual dating violence, and **8%** reported being a victim of sexual dating violence.³

- According to the U.S. Bureau of Justice Statistics, females age 16-24 are more vulnerable to intimate partner violence than any other age group – at a rate almost triple the overall average.⁴

Teen dating violence is not limited to male-on-female attacks. To summarize just three studies:

- According to the California Student Survey, 9th graders reported little difference by gender, and 11th grade females were only 1.6 times more likely to report than the males.⁵
- According to the University of North Carolina study, there were no gender differences in nonsexual violent victimization. Girls were more likely than boys, however, to report being subjected to sexual violence.⁶
- A parity in physical violence was found in a survey of students in a Los Angeles-area high school: 45.5% of girls and 43.2% of boys reported that they had experienced some form of physical aggression at the hands of a dating partner.⁷

Regardless of who initiates the violence, however, girls are much more frequently and more severely injured than boys.⁸

A Threat to School Safety

This epidemic of teen dating violence directly compromises, in several ways, our schools' capacity to provide a "safe, secure, and peaceful" environment as required by the California Constitution, Article I, section 28(c). First, some dating violence literally takes place on campus, though we do not yet know how much. Perhaps the most notorious case took place at Reagan High School in Austin, Texas. On March 27, 2003, 15-year-old sophomore Ortralla Mosley broke-up with her 16-year-old sophomore boyfriend Marcus McTear. The next day, Mosley told teachers that McTear was "becoming increasingly violent with her and that she was worried about her safety." Two hours later, as school let out, McTear found Mosley in a hallway and stabbed her to death with a butcher knife.⁹

Second, a significant number of the students who are victimized by their dating partners will see them in school the next day, giving rise to potential new violence, harassment, and anguish. Even if the victims and victimizers do not attend the same school, rumors about an incident of dating violence will often prompt other students to inflict further damage. Third, most students are aware that dating violence is a frequent occurrence, even if we as adults are not.

Finally, victims of teen dating violence are substantially more likely than their classmates to be involved in other forms of violence **on campus**. The statistics are sobering. Ninth grade victims of teen dating violence are 6.4 times as likely to have carried a gun to school and 3.5 times as likely to have carried any other type of weapon to school as other ninth graders; they are 3.7 times as likely to have been threatened or injured with a weapon at school, 3 times as likely to have been in a physical fight at school, and 3 times as likely to have damaged school property as other ninth graders.¹⁰ In short, victims of dating violence are much more likely to be involved in other acts of violence on the school campus, threatening school safety for all who attend school.

The high frequency of teen dating violence means that large numbers of our middle and high school students – boys and girls – come to school with deep fears and anxieties about their own safety, both in school and outside school. This is an unacceptable state of affairs, especially because it can be prevented.

A Threat to Academic Achievement

Teen dating violence generates a spectrum of negative effects on students that seriously undermines a school's ability to promote academic growth and achievement. Many studies demonstrate that students who experience physical and/or sexual violence have a difficult time learning their academic subjects. Girls experiencing relationship violence often feel self-conscious and afraid, do not want to go to school, and find it hard to pay attention and difficult to study.¹¹ Among 9th graders in California, teen dating violence victims were almost twice as likely to have grades of mostly Ds or Fs as other 9th graders.¹²

Victims of teen dating violence are also at considerably higher risk of engaging in harmful behaviors such as using alcohol, tobacco and cocaine; becoming pregnant; and considering or attempting suicide.¹³ The California Student Survey confirms that students who reported relationship violence were much more likely to use alcohol or abuse drugs than the total sample, especially in the 9th grade.¹⁴ These risky behaviors are not just incidental to, but go to the core of, a school's mission: youth who engage in alcohol and drug abuse, and whose physical and emotional health is compromised, cannot focus on learning.

Schools' Legal Obligations and Potential Liability

Federal and state law both require that students be safe and protected at school, and impose potential liability on a school for injuries arising out of teen dating violence. State law directs schools to develop comprehensive safety plans that address topics such as teen dating violence and encourages schools to educate their students in order to prevent such violence.

Federal Law

In 1972, Congress amended Title IX to end sex discrimination in schools: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational programs or activity receiving federal financial assistance." 20 U.S.C. § 1681(a).

On the basis of this right, the Supreme Court recently held that a student subjected to sexual harassment by another student has a private action for money damages against the school. *Davis v. Monroe County Bd. of Ed.* (1999) 526 U.S. 629. The Court further held that the school may be liable if it was "deliberately indifferent" and the harassment was severe, pervasive, and objectively offensive. Thus, schools may now be liable, under certain circumstances, for student-on-student teen dating violence. The family of the teen who was murdered by her boyfriend at Reagan High School in Texas has filed such a law suit against the school.

State Law

The California Constitution requires schools to provide a safe environment:

Right to Safe Schools. All students and staff of public primary, elementary, junior high and senior high schools have the inalienable right to attend campuses which are safe, secure and peaceful.¹⁵

While this duty does not give rise to a personal cause of action for money damages, it is a duty nonetheless and includes preventing teen dating violence.¹⁶ It is settled in California that a school may be liable under ordinary tort principles for student-on-student assault, including sexual assault, if the school provides inadequate supervision.¹⁷

California law also requires school districts to develop “comprehensive safety plans” that identify strategies to provide “a high level of school safety” and that “address the school’s procedures for complying with existing laws related to school safety,” including “the development of...a discrimination and harassment policy.” Ed. Code §§ 32281, 32282(a)(2)(E). California law, moreover, encourages schools to spend funds to “[p]rovide age-appropriate instruction in...dating violence prevention....” Ed. Code § 32228(c)(4).

Schools Can Enhance School Safety and Academic Achievement Through Effective Teen Dating Violence Prevention Programs

School districts, county offices of education (COEs), schools, and teachers can play a pivotal role in reducing teen dating violence within communities, **particularly if they collaborate with community organizations**. Many districts, COEs, and schools have already launched or participated in programs designed to prevent or reduce incidents of teen dating violence. Examples of projects from around the country demonstrate the strength of the collaborative approach.

- **The Los Angeles Commission on Assaults Against Women** has written a manual, *In Touch With Teens: A Relationship Violence Prevention Curriculum for Youth Ages 12-19*, covering topics that range from the cycle of violence to building blocks for healthy relationships. Named a model program for domestic violence prevention education for youth by the U.S. Department of Health and Human Services, In Touch With Teens has been implemented with thousands of students in Los Angeles schools and around California.¹⁸
- **The Minnesota Coalition for Battered Women**, a membership program for the state’s domestic violence centers, joined with schools statewide to train teachers in the use of a violence prevention curriculum for secondary students.¹⁹
- **The Teen Dating Violence Intervention and Prevention Program of the Massachusetts Department of Education** supports middle schools and high schools that implement comprehensive dating violence prevention programs. The model emphasizes: (1) community collaboration for intervention, resources, and referral services, (2) education and training for students, parents, and school personnel, and (3) policies and procedures that address all aspects of teen dating violence and foster a zero-tolerance climate.²⁰
- **SafePlace, a domestic violence center in Austin, Texas**, runs a dating and sexual violence prevention program in the local middle and high schools. The program has four components: (1) classroom presentations to youth, (2) training for parents and school staff, (3) counseling and support groups, and (4) a teen volunteer program in which 7th to 12th graders raise awareness in their communities and schools.²¹

School districts, COEs, and schools that want to address – and prevent – teen dating violence should develop strategies in five areas:

Education and Training — Students, teachers, staff, administrators, and school board members must be informed about the prevalence and impacts of teen dating violence. Students in particular must learn about healthy relationships, self-esteem, and gender stereotypes.

Community Partnerships — School districts, COEs, and schools should form partnerships with community organizations that are in the business of promoting health, safety, and public health-

oriented violence prevention strategies. This could include local law enforcement, and agencies (e.g., rape crisis centers and domestic violence shelters) that can provide training and counseling on and off campus.

School Policies and Procedures — Policies and procedures should be implemented that define dating violence, identify associated negative behaviors, and outline the spectrum of actions to be taken in response to this violence (including how to respond when victims and perpetrators attend the same campus).

Public Leadership — To promote public awareness of the teen dating violence epidemic, school districts, COEs, and schools should educate their communities and the media about their efforts to prevent teen relationship violence.

School Environment and Safety — The physical and social environment of the school community must be secure and promote student safety.

Conclusion: The Next Step

Schools are mandated to provide a safe learning environment and to fulfill their mission to educate. It is their responsibility to address impediments to campus safety and to learning.

Currently, too many schools are failing to live up to their obligations to keep campuses safe by neglecting the high prevalence of teen dating violence and its alarming consequences. They are also missing an important opportunity to overcome a major obstacle to many students achieving academic success.

It is critical that schools begin to address the crisis of teen dating violence in order to reduce the risk to student and campus safety, and to materially reduce schools' potential liability for injuries and other damages arising from teen dating violence.

Even the longest journey begins with a first step. Now is the time for school leaders – board members, superintendents, principals, and administrators – to take the first step to address the danger of teen dating violence as it affects student safety and achievement. To that end:

The California Attorney General's Office and the California Department of Education will soon convene regional meetings for school, district, and COE leaders to discuss teen dating violence and consider specific strategies that can be taken – and in some places are already being taken – to address and prevent teen dating violence.

The Los Angeles Commission on Assaults Against Women (LACAAW) has helped draft this position paper at the request of the California Attorney General's Office and the California Department of Education for the purpose of promoting awareness and prevention of teen dating violence among educators in California. These three organizations believe that collaboration among law enforcement, schools and the community is essential for combating the epidemic of teen dating violence and promoting safe communities and academic achievement.

For more information, contact the Attorney General's Crime and Violence Prevention Center at (916) 324-7863, or visit the web site at www.safestate.org.

Endnotes:

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2. WestEd, Los Alamitos: *Tenth Biennial California Student Survey 2003-04*, preliminary report to the California Attorney General's Office, 2004.
3. Foshee VA, Linder GF, Bauman KE, Langwick SA, Arriaga XB, Heath JL, McMahon PM, Bangdiwala S. *The Safe Dates Project: Theoretical Basis, Evaluation Design, and Selected Baseline Findings*. Youth Violence Prevention: Description and baseline data from 13 evaluation projects (K Powell, D Hawkins, Eds.). *American Journal of Preventive Medicine*, Supplement, 1996; 12 (5) cited on National Center for Injury Prevention and Control website <http://www.cdc.gov/ncipc/factsheets/datviol.htm>.
4. U.S. Department of Justice, Bureau of Justice Statistics. *Special Report: Intimate Partner Violence and Age of Victim*, 1993-99 (Oct. 2001, rev. 11/28/01).
5. WestEd, Los Alamitos: *Tenth Biennial California Student Survey 2003-04*, op. cit.
6. Foshee VA, et al., op. cit.
7. O'Keefe M and Treister L. Victims of dating violence among high school students. *Violence Against Women*, Vol. 4 (2), April 1998, Sage Publications, Inc.
8. Makepeace JM (1986) cited in Levy B. *Dating Violence: Young Women in Danger*. 1998, Seattle: Seal Press.
9. Blackwell K and Osborn C. Young love loses innocence when violence interferes. *The Austin American-Statesman*. April 13, 2003, p. A1.
10. Among 9th grade victims of teen dating violence, 21.8% carried a gun to school, 30.1% carried another weapon, 38% had been threatened or injured with a weapon at school, 67.1% had been in a physical fight at school, and 52.8% had damaged school property in the last year. WestEd, Los Alamitos: *Tenth Biennial California Student Survey 2003-04*, op.cit.
11. Lipson, J, Ed. *Hostile Hallways: Bullying, Teasing and Sexual Harassment in School*. New York: AAUW Educational Foundation, 2001.
12. 9.2% of 9th grade victims reported these grades, in contrast to 5.4% of all other 9th graders. WestEd, Los Alamitos: *Tenth Biennial California Student Survey 2003-04*, op.cit.
13. Silverman J, et. al., op. cit.
14. Among 9th graders, 55% of teen dating violence victims reported current (past 30 days) use of alcohol or other drugs compared to 29% of all students; 45% of victims were "excessive alcohol users" vs. 14% of all students; 28% of victims were "high risk drug users" vs. 9% of all students. WestEd, Los Alamitos: *Tenth Biennial California Student Survey 2003-04*, op.cit.
15. California Constitution, Art. I, § 28(c).
16. *Leger v. Stockton Unified School District* (1988) 202 Cal.App.3d 1448, 1454, 1456.
17. *Dailey v. Los Angeles Unified School District* (1970) 2 Cal.3d 741, 747; *M.W. v. Panama Buena Vista Union School District* (2003) 110 Cal.App.4th 508, 518.
18. Aldridge L, Friedman C, Giggans P. *In Touch With Teens: A Relationship Violence Prevention Curriculum for Youth Ages 12-19*. Los Angeles Commission on Assaults Against Women, 1995.
19. Jones LE. The Minnesota school curriculum project: a statewide domestic violence prevention project in secondary schools. *Dating Violence: Young Women in Danger*. Levy B. 1998, Seattle: Seal Press.
20. Massachusetts Department of Education website. *Updated Guidelines for Schools on Addressing Teen Dating Violence*. <http://www.doe.mass.edu/hsss/tdv/tdv1.html>. 2003.
21. SafePlace Website. *Expect Respect, Program Overview*. <http://www.austin-safeplace.org>.