

- SUBJECT:** Requiring school districts to have dating violence policies
- COMMITTEE:** Public Education — committee substitute recommended
- VOTE:** 8 ayes — Eissler, Zedler, Branch, Delisi, Hochberg, Mowery, Olivo, Patrick
- 0 nays
- 1 absent — Dutton
- WITNESSES:** For — Ana Rodriguez, Texas Council on Family Violence; Barri Rosenbluth, Safeplace; Mel Waxler, Austin Independent School District; Nicole Avey, Carolyn Mosley. (*Registered, but did not testify:* Jennifer Canaday, Association of Texas Professional Educators; Jason Sabo, United Ways of Texas; Melody Chatelle, United Way, Capital Area; Kirsha Haverlah, on behalf of Travis County Constable Bruce Elfant; Josette Saxton, Texans Care for Children)
- Against — None
- BACKGROUND:** Education Code, sec. 11.252 requires each school district to adopt a district improvement plan. The purpose of the plan is to guide district and campus staff in the improvement of student performance for all student groups in order to attain state academic standards.
- Education Code, sec. 37.083 requires school districts to adopt a discipline management program to be included in the district improvement plan. The program must provide for prevention of and education concerning unwanted physical or verbal aggression, sexual harassment, and other forms of bullying in school, on school grounds, and in school vehicles.
- Family Code, sec. 71.0021 defines a "dating relationship" as a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship must be determined based on consideration of the length of the relationship, the nature of the relationship, and the frequency and type of interaction between the people involved in the relationship.

DIGEST: HB 121 would require each school district to adopt and implement a dating violence policy to be included in its district improvement plan. The policy would have to include a definition of dating violence that included 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, as defined by Family Code, sec. 71.0021. The policy also would have to 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.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

SUPPORTERS SAY: CS HB 121 would help ensure that school districts addressed the problem of teenage dating violence, which threatens the health and safety of youth in Texas. Statistics indicate that one in five teenagers experience abuse while in dating relationships. Without protection and support from informed teachers, administrators, other students, and parents, young victims are likely to be re-victimized in current and future relationships.

CS HB 121 is intended to guide school districts in establishing effective and consistent responses to incidents of dating violence that occur among students. If school districts took these measures, they might be able to prevent a situation like the one that occurred in Austin in March 2003, when a high school student was killed at her school by her ex-boyfriend. The Austin Independent School District responded to that tragedy by initiating a comprehensive dating violence policy. Other districts throughout the state should be required to do the same.

A "dating relationship" is clearly defined in statute, and there is little likelihood that it would be misinterpreted by school personnel. Because of the bill's emphasis on training and awareness, it likely would avoid the unintended consequences that other discipline policies may have had.

The bill would require all school districts to recognize the problem of dating violence by defining it in the district improvement plan and confronting it through safety planning, enforcement of protective orders, staff training, counseling, and awareness education. Support for these programs is readily available from statewide and local family violence

programs as well as from other school districts that already have initiated such policies.

School districts already are required to plan strategies for improving the school environment by addressing issues like suicide prevention and conflict resolution. These are important issues facing students that should be addressed as part of the overall educational experience.

Districts would have the discretion to determine the best policy and course of action for their communities as long as they met the basic criteria established in the bill.

**OPPONENTS
SAY:**

Although the concepts behind this bill are valid and important, the approach required by HB 121 could have unintended consequences. While a "dating relationship" is defined in statute, identifying such a relationship could be difficult in the variety of situations and relationships between high school students.

Efforts to meet the requirements of HB 121 could lead school districts to adopt and impose policies that are unnecessarily punitive and difficult to enforce. This has been a problem with enforcement of student discipline policies, which the state adopted in an effort to improve school safety. Some school districts have interpreted these requirements to mean that preschoolers could be sent to alternative education programs, an outcome that the Legislature surely could not have intended when it adopted these requirements. The same thing could happen if the state required school districts to adopt dating violence policies.

HB 121 would require every district to adopt a dating violence policy as part of the district improvement plan. The district improvement plan was intended to address student academic performance in relation to state accountability standards, and its focus on academic performance should not be diluted.

The bill would create an unfunded mandate for school districts and could further erode local control. School districts should have the option of approaching dating violence in a manner that is most appropriate for their communities.

NOTES:

The committee substitute incorporated the definition of "dating relationship" included in Family Code, sec. 71.0021.

The Senate companion, SB 86 by Hinojosa, has been scheduled for a public hearing on March 15 in the Senate Education Committee.