



**Texas Association of School Boards**

Legal Services

P.O. Box 400 • Austin, Texas 78767-0400 • 512.467.3610 • 800.580.5345 • [legal.tasb.org](http://legal.tasb.org) • [legal@tasb.org](mailto:legal@tasb.org)

*Serving Texas Schools Since 1949*

## **Addressing Dating Violence in Public Schools**

*Published online in [TASB School Law eSource](#)*

Teen dating violence is a serious problem that affects millions of teens in the United States. According to a 2019 survey of youth by the US Center for Disease Control, about one in 12 students experienced dating violence in the 12 months prior to the survey. Dating violence can take many forms, including mental and emotional abuse, physical abuse, and sexual abuse. The Texas legislature has recognized the seriousness of dating violence and has created requirements for public schools to address and help prevent dating violence among Texas students. This FAQ addresses the requirements set by state law and resources to assist school districts with meeting those requirements and keeping students safe.

### **Dating Violence Policy Requirements**

#### **1. Must a district have an official dating violence policy? What should a district include in the policy?**

State law requires school districts adopt a dating violence policy as part of the district improvement plan. The policy must clearly state that dating violence is not tolerated at school.

The dating violence policy must also:

- 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;
- Provide reporting procedures and guidelines for students who are victims of dating violence; and
- 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.

Tex. Educ. Code § 37.0831.

Many districts also include additional information in the dating violence policy and in the district's student handbook. The student handbook may include additional reporting procedures and information regarding investigations and collaboration with law enforcement. In addition, the district's FFH(LOCAL) addresses reporting procedures and investigations regarding dating violence.

## **2. What type of behaviors indicate dating violence against a student?**

Examples of dating violence against a student may include:

- Physical or sexual assaults;
- Name-calling;
- Put-downs;
- Threats to hurt the student, 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;
- Threats to harm a student's past or current dating partner;
- Attempts to isolate the student from friends and family;
- Stalking; or
- Encouraging others to engage in these behaviors.

For more information on recognizing the signs of dating violence, see the [CDC's Teen Dating Violence website](#).

## **3. How should a district respond to an allegation of dating violence between students?**

The district should respond in accordance with its policy and procedures outlined in the district improvement plan, local policies, and the student handbook, where applicable. Most districts state that a report of dating violence should be made immediately to a teacher, school counselor, principal, or other district employee. Upon receiving the report, the district may determine if the allegations also constitute bullying, discrimination, retaliation, or harassment. In many cases, it may be necessary to involve the district's Title IX coordinator to discuss supportive measures to ensure the safety of the alleged victim. Once the relevant policies are identified, the district may investigate and discipline for prohibited behavior in accordance with the law and district policy. Districts may also be required to conduct threat assessments or report illegal behavior to law enforcement.

To the extent possible, districts must make educational materials on dating violence available to students and provide resources to students seeking help. Tex. Educ. Code § 37.0831(c). The district's resources may include safety planning and access to a counselor. Districts may also be required to conduct threat assessments or report illegal behavior to law enforcement. The district may still discipline the student and take corrective action even if the district determines that the student's conduct was not illegal.

**4. Are districts required to notify the parents of students involved in allegations of dating violence?**

Yes. The district's policy must address a procedure for immediately notifying the parent or guardian of a student about a report received by the district identifying the student as an alleged victim or perpetrator of dating violence. Tex. Educ. Code § 37.0831(b). In addition, parents have a right to full information about their student, and schools have an ethical and professional obligation to share information about a student's physical and emotional safety.

**5. As part of the parent notification, may districts share with parents the name of their child's dating partner?**

Likely, yes. Districts are obligated to share information with parents about a student's educational experience, including experiences of violence, under Texas law and the federal Family Educational Rights and Privacy Act (FERPA). Generally, a parent's right to information under FERPA extends only to that parent's child. FERPA does not usually allow a parent a right to access information about other students involved in an incident. However, FERPA contains an important exception that allows a district to disclose information about another student when disclosure is necessary to protect the health or safety of the student or other individuals. 34 C.F.R. §§ 99.31(a)(10), .36. Because confidentiality and disclosure requirements can be complicated, district officials should consider seeking legal advice when it is unclear what information may be released. Further, while the district is restricted from disclosing information, the students are not restricted in the same manner.

**Curriculum and Instruction Requirements**

**6. Are districts required to teach students about dating violence?**

Yes. In certain grades, the State Board of Education has determined that students should receive instruction related to abuse, including dating violence. For example, students in grades 7 and 8 are expected to "define dating violence and the characteristics of unhealthy or harmful relationships, including anger, controlling behavior, jealousy, manipulation, and isolation." 19 Tex. Admin. Code § 115.27(b)(20). Students in grades 7 and 8 are also expected to identify protective strategies and

explain the importance of reporting. A student that takes Health I in high school is expected to “analyze the characteristics of harmful relationships that can lead to dating violence.” 19 Tex. Admin. Code § 115.38(b)(18). A high school student that elects to take Health I is also expected to explain the importance of reporting dating violence and to learn about safe boundaries and healthy dating and romantic relationships. For more information about the requirements to teach dating violence, see the Texas Education Agency’s [Child Abuse, Family Violence, Dating Violence, and Human Trafficking Frequently Asked Questions](#).

**7. What is the process for adopting curriculum?**

School boards must adopt a policy on the adoption of curriculum materials for the district's instruction on the prevention of child abuse, family violence, dating violence, and sex trafficking.

The School Health Advisory Council (SHAC) is responsible for making recommendations regarding curriculum materials, in accordance with the legal requirements. The school board is ultimately responsible for voting to select the curriculum materials. More information regarding the curriculum adoption process and the SHAC’s responsibilities can be found at TASB Policies EHAA(LEGAL) and (LOCAL). The process is very similar to the process required for human sexuality instructional materials.

**8. Is parent permission required before instruction on the prevention of abuse and dating violence?**

Yes. The law requires parents to opt students into instruction. Parents should receive the opt-in form at least 14 days before the instruction begins. The district must also issue an annual notice to parents that the instruction will be provided. Among other required items, the annual notice must inform parents of the right to access the materials, the right to remove the student from the instruction, and opportunities to be involved in the development of the curriculum. Tex. Educ. Code § 28.004(q-5)-(q-6). TASB Policy Service provides a sample form in the TASB Regulations Resource Manual.

**9. Do all activities involving the prevention of abuse and dating violence require the material adoption process and the parental opt-in?**

No. The new requirements for instruction on the prevention of child abuse, family violence, dating violence, and sex trafficking do not apply to activities that are not considered instruction. For example, if the school counselor makes materials available in the office and the materials are optional and not used in instruction, the material adoption process and the parental opt-in requirements do not apply to those materials. The district may also conduct voluntary awareness events outside of classroom instruction. However, TASB Legal Services recommends the district work with local

counsel if the district is unsure if an activity would fall under the instructional requirements. In addition, although many activities will not fall under the instructional requirements, parents should be informed and allowed to opt their children out of activities involving the sensitive topic of dating violence and abuse prevention.

### **Beyond the Policy: Raising Awareness and Responding Thoughtfully**

#### **10. What else can districts do to address dating violence?**

Many districts have gone beyond the legal requirements of adopting a policy, making resources available, and following the curriculum requirements. The Texas School Safety Center publishes [A Guide to Addressing Dating Violence in Texas Schools](#), which provides additional recommendations to help schools increase awareness and respond appropriately. The guide addresses issues involving dating violence prevention, including training for teachers and administrators and information to increase awareness for parents and guardians in the district. The guide also addresses protocols for responding to an allegation of dating violence, including information on safety planning and sample forms to document student complaints.

Districts should also be aware that certain federal and state laws may have overlapping jurisdictions when dating violence is alleged, including laws regarding sexual harassment and Title IX protections (see TASB Policy FFH), bullying (see TASB Policy FFI), and threat assessments (see TASB Policy FFB). For more information about bullying and Title IX, see TASB Legal Services' [Bullying, Cyberbullying, and Hazing](#) and [Title IX Sexual Harassment](#). Districts can also access materials and resources for awareness and education through the CDC's [Teen Dating Violence Prevention materials](#), [Futures Without Violence Respect! Challenge Action Toolkit](#), [teendvmonth.org](#), and the [Texas Advocacy Project](#).

This document is continually updated at [tasb.org/services/legal-services/tasb-school-law-essource/students/documents/addressing-dating-violence-in-public-schools.pdf](https://tasb.org/services/legal-services/tasb-school-law-essource/students/documents/addressing-dating-violence-in-public-schools.pdf). For more information on school law topics, visit TASB School Law eSource at [schoollawesource.tasb.org](https://schoollawesource.tasb.org).

*This document is provided for educational purposes and contains information to facilitate a general understanding of the law. References to judicial or other official proceedings are intended to be a fair and impartial account of public records, which may contain allegations that are not true. This publication is not an exhaustive treatment of the law, nor is it intended to substitute for the advice of an attorney. Consult your own attorney to apply these legal principles to specific fact situations.*

*Published May 2022*