Stopping the Cycle of Abuse Before It Starts: An Evaluation of Virginia’s Domestic Violence Primary Prevention Model in Schools

Amanda Palini

Follow this and additional works at: https://scholarship.richmond.edu/pilr
Part of the Public Law and Legal Theory Commons

Recommended Citation
Amanda Palini, Stopping the Cycle of Abuse Before It Starts: An Evaluation of Virginia’s Domestic Violence Primary Prevention Model in Schools, 27 RICH. PUB. INT. L. REV. 169 ().
Available at: https://scholarship.richmond.edu/pilr/vol27/iss3/8

This Article is brought to you for free and open access by the Law School Journals at UR Scholarship Repository. It has been accepted for inclusion in Richmond Public Interest Law Review by an authorized editor of UR Scholarship Repository. For more information, please contact scholarshiprepository@richmond.edu.
STOPPING THE CYCLE OF ABUSE BEFORE IT STARTS: AN EVALUATION OF VIRGINIA’S DOMESTIC VIOLENCE PRIMARY PREVENTION MODEL IN SCHOOLS

Amanda Palini*
ABSTRACT

In 1994 the United States was faced with a domestic violence epidemic that led Congress to pass the Violence Against Women Act (VAWA). The Act was passed to respond to the needs of victims, particularly women, who are at the highest risk of victimization in crimes such as domestic violence and sexual assault. While domestic violence has been recognized as an important public health problem, most services provided are focused on after-the-fact interventions rather than prevention.

Many states, including Virginia, have since created domestic violence prevention programs, added preventative requirements to their state code, and tasked their respective Departments of Education with creating age-appropriate family life curricula that address sexual and domestic violence. Since the passing of VAWA, Virginia has taken a two-pronged approach to prevention by focusing on curriculum and state funding. First, the legislature began requiring curriculum that educates students about the possible threats of sexual and domestic violence. Second, the Virginia General Assembly designated a non-reverting fund towards prevention programs in Virginia.

As it stands, this two-pronged approach to primary prevention does not fulfill the Commonwealth’s legitimate interest in preventing domestic violence because the current curriculum lacks consistency, repetition, and contains loopholes that render it ineffective. Virginia legislators should remedy the gaps in the Virginia Department of Education’s Standard of Learning for family life by: (1) requiring domestic and sexual violence education be taught every year from first grade through twelfth grade; (2) barring gender-segregated family life classrooms; and (3) barring parental opt-outs from family life education. These three policy changes will allow the school’s domestic violence primary prevention program to be more effective in meeting all the elements of a successful primary prevention program, and in reducing domestic violence. This legislation would directly support the Commonwealth’s objective of reducing and preventing intimate partner and domestic violence.

INTRODUCTION

In 1994, the United States was faced with a domestic violence epidemic that led Congress to pass the Violence Against Women Act (VAWA) in order to respond to the needs of victims, particularly women, who were at the highest risk of victimization in crimes such as domestic violence and sexual
assault.\textsuperscript{1} “Although violence against women . . . has been recognized as an important public health problem, most programs and services have focused on responding to violent incidents after they occur rather than on preventing the violence from occurring in the first place.”\textsuperscript{2}

Many states, including Virginia, have since created domestic violence prevention programs, added preventative requirements to their state code, and tasked their respective Departments of Education with creating age-appropriate family life curricula that address sexual and domestic violence.\textsuperscript{3} Since the passing of VAWA, Virginia has taken a two-pronged approach to prevention by focusing on curriculum and state funding. First, the legislature codified § 22.1-207.1:1 in 2018, requiring curriculum that educates students on the prevention of sexual and domestic violence.\textsuperscript{4} Then in 2020, the Virginia General Assembly codified § 63.2-2300, which designated a non-reverting fund towards prevention programs in Virginia.\textsuperscript{5}

As it stands, this two-pronged approach to primary prevention lacks consistency, repetition, and contains loopholes that render it ineffective in meeting the goals of the Commonwealth. Virginia legislators should remedy the gaps in the Virginia Department of Education’s (VDOE) Standards of Learning for family life by: (1) requiring domestic and sexual violence education be taught every year from first grade to twelfth grade; (2) barring gender-segregated family life classrooms; and (3) barring parental opt-outs from family life education. These three policy changes will allow the school’s domestic violence primary prevention program to be more effective in meeting all the elements of a successful primary prevention program and in reducing domestic violence.

Part I of this paper will describe why primary prevention programs are critical to reducing the occurrence of domestic violence. Part II will discuss Virginia’s past legislative attempts to address primary prevention and why they have failed. Part III will detail the possible ways to fill the gaps in the current Standards of Learning to better serve the students of Virginia. Finally, Part IV will detail the conclusion of this article.

\textsuperscript{3} \textit{E.g.}, VA. CODE § 63.2-2300 (2020).
\textsuperscript{4} VA. CODE § 22.1-207.1:1 (2022).
\textsuperscript{5} VA. CODE § 63.2-2300 (2020).
I. PRIMARY PREVENTION PROGRAMS IN VIRGINIA ARE CRITICAL IN REDUCING THE OCCURRENCE OF DOMESTIC VIOLENCE

Generally, when people think of domestic violence programs, they imagine shelters, advocates, court personnel, and other support systems that are necessary for addressing domestic violence after it has already occurred. While these programs are crucial to addressing the needs of victims, they alone cannot solve the problem of domestic violence. Prevention programming is a critical investment in creating a future free of violence.\(^6\) The majority of people, however, are not familiar with the concept of primary prevention.

The term “primary prevention” as it relates to domestic violence “means preventing first instances of victimization and perpetration of psychological and physical violence between intimate . . . partners in dating or marital relationships.”\(^7\) In order to prevent such “first instances” of violence, it is critical to intervene early in a person’s lifespan.\(^8\) In fact, “[i]n contrast to secondary and tertiary prevention efforts that target individuals across the life span, primary prevention often targets children, as its aim is to prevent (rather than reduce the negative impact of) maladaptive developmental trajectories.”\(^9\) This focus on youth development is a core concept in primary prevention programming, whereas pure intervention programs largely focus on serving the needs of adult victims.\(^10\)

Primary prevention models aim to intercept cultural views which can contribute to incidents of violence. Primary prevention models are long-term strategies “aimed at preventing violence . . . by changing the attitudes, values, and structures that sustain inequality and violence” and increasing public awareness.\(^11\) Increasing public awareness of the causes and consequences of violence is a critically important component of any prevention model.\(^12\) Without a fundamental culture shift, a permanent end to domestic and sexual

\(^6\) See SUSAN L. STAGGS & PAUL A. SCHEWE, VIOLENCE AGAINST WOMEN AND CHILDREN, VOL. 2 - NAVIGATING SOLUTIONS 237 (M. P. Koss et al. eds., 2011).
\(^7\) Id. at 238.
\(^8\) See id.
\(^9\) Id.
\(^10\) Id.
\(^12\) See id.
violence is unlikely.\textsuperscript{13}

There are ten “distinct but interdependent” characteristics of effective primary prevention programs. These have been developed by evaluating over “150 chapters [and] more than 250 authors from around the world” from the Encyclopedia of Primary prevention and Health Promotion, which takes stock of evidence-based strategies that work well and those that do not.\textsuperscript{14} For primary prevention programs to be successful they must: (1) be based upon sound scientific research in their content, structure, and implementation; (2) have clearly defined goals; (3) adopt a multi-system, multi-level perspective that attends to multiple influences on multiple pathways to development; (4) attend carefully to dosage as well as follow up to achieve and sustain desired outcomes; (5) consider existing strengths, competence, wellness and protective factors as well as risks and difficulties of individuals and systems; (6) be sensitive to the target population in both content, structure and implementation; (7) incorporate high-quality evaluation and monitoring into their design; (8) be transferable and translatable; (9) attend to diverse resource needs; and (10) be characterized by socio-political sensitivity.\textsuperscript{15}

Each component is critical to the overall success of a primary prevention program as they overlap and are interwoven with each other.\textsuperscript{16} Virginia cannot simply pick and choose which of the ten they wish to implement because “the value of any one or more of the features . . . depends on the existence of and the synergistic effects with the others.”\textsuperscript{17} Virginia’s Standards of Learning do not currently meet all ten components of a successful primary prevention program and thus are not optimizing their effectiveness potential.

\textbf{A. Primary Prevention Programs Play a Critical Role in Preventing and Correcting Domestic Violence Behaviors}

It is difficult to measure the impact of primary prevention programs because of the inherent difficulty in proving a precise future event. While research has not conclusively proven that prevention programming successfully prevented a precise future event of violence before it occurred, some impacts can be measured and observed, including the promotion of healthy relationships.

Violence prevention programs in educational settings can, and do, change
social attitudes about what behavior is acceptable in relationships. It is less clear, however, if there is a link between raised awareness and any long-term impact on violence reduction. Nevertheless, evidence suggests that supportive anti-violence work in schools may play a role in setting guidelines for healthy relationships. For example, students participating in the “Do You” primary prevention program learn about components of healthy sexuality, how to model fairness and equality, and they master two primary communication skills: active listening and assertiveness.

Research indicates that children want and value lessons on relationships and abuse. Students indicated their awareness of domestic violence increased after going through prevention programs. In fact, children participating in school-based primary prevention programs were “more knowledgeable and held more desirable attitudes concerning interpersonal violence” when compared to those not receiving the same or similar content. These programs encourage participants to think critically about gender socialization and imagine a world without gender stereotypes or limitations on how they see themselves. Primary prevention programs teach students what is acceptable in relationships by setting guidelines for healthy relationships and thus play a critical role in preventing future violence.

B. Intervention in Youth is Critical to Prevention

While it may be difficult to initially understand the need for investment

---

18 HESTER & WESTMARLAND, supra note 11, at 16.
19 DO YOU Overview, VA. SEXUAL AND DOMESTIC VIOLENCE ACTION ALL., https://vsdvalliance.org/wp-content/uploads/2021/10/DO-YOU-Building-Youth-Resilience-Through-Creative-Expression.pdf (last visited Apr. 4, 2024) (“DO YOU” is a program created by The Virginia Sexual & Domestic Violence Action Alliance “that addresses youth violence by confronting root causes and enhancing protective factors (building resilience) to promote positive development and healthy relationships for young people age 13-16 years old.”) The program “uses primary prevention principles and creative expression as strategies intended to prevent youth violence before it ever starts. The DO YOU program achieves this by using two . . . phases.” The first phase is the “DO YOU” phase where “teens to create a ‘zine’ [a self-published work] about their own cultural backgrounds, values, experiences and goals over the course of 10 sessions with a trained facilitator.” The second phase is the “DO SOMETHING” phase, in which the participants “identify a community-level campaign or project they would like to execute.” Participants then brainstorm what changes they would like to see in their communities and follow a structured process to narrow and prioritize those ideas and eventually execute the campaign within their communities); see DO YOU, VA. SEXUAL AND DOMESTIC VIOLENCE ACTION ALL., https://www.doyoutools.org/ (last visited Apr. 7, 2024).
20 HESTER & WESTMARLAND, supra note 11, at 23.
21 Id. at viii.
in youth intervention, it is far easier to correct, redirect and prevent abusive behavior in children than it is in adults.\textsuperscript{25} While the results may not be immediate, violence prevention efforts for youth are promising and imperative to ultimately reduce intimate partner violence.\textsuperscript{26} As children develop, their behavior is shaped through interactions between others and their environment.\textsuperscript{27} One theory of development, suggests that development is a result of interactions at various levels of social organization, each of which depends on its relationships with the other, from broad influences like mass media and community resources to the most immediate and impactful relationships with family and friends.\textsuperscript{28} Primary prevention allows the child’s parent to participate in out-of-the-classroom conversations with their children. Research indicates that the family is one of the most effective systems for fostering and sustaining the child development.\textsuperscript{29}

Although a program may benefit the child at any age, initiating appropriate intervention at earlier stages can be expected to yield more gains.\textsuperscript{30} Disturbingly, intimate partner violence has, in some cases, started with children as early as twelve years old.\textsuperscript{31} Intimate partner violence is most common among high school students, with middle school students experiencing fewer incidents on average.\textsuperscript{32} However, reported incidents of intimate partner violence between children so young is diminished in areas where preventative measures are being actively employed.\textsuperscript{33}

Once intimate partner violence begins, it often escalates, and is difficult or impossible to correct.\textsuperscript{34} In fact, the difficulty in successfully curbing abusive behavior has drawn attention to the need for programs that address intimate partner violence before it ever starts or when it is in its early stages.\textsuperscript{35} Studies

\textsuperscript{29} Bond & Carmola Hauf, supra note 14, at 208.
\textsuperscript{30} O’Leary & Slep, supra note 26, at 209.
\textsuperscript{31} Id. at 330.
\textsuperscript{32} Id.
\textsuperscript{33} Id.
\textsuperscript{34} Id. at 334.
\textsuperscript{35} Id. at 336.
show the higher the number of prior domestic violence arrests and/or convictions, the higher the number, and likelihood, of rearrests and reconvictions.\(^{36}\) In Chesterfield, Virginia, alone, the recidivism rate for domestic violence offenders is forty-seven percent.\(^{37}\) The earlier a community intervenes in a person’s life, the easier it is to fix the behavior.\(^{38}\) This includes intimate partner violence, which is easier to prevent early in life than to treat later in life.\(^{39}\)

There are also practical and safety reasons justifying youth prevention programming. First, children are more accessible than adults because they are in a school setting. The school setting provides a safe, supervised environment where children can learn and explore these concepts. Once children leave the monitored environment of the school and home, intervention programs have very little effect.\(^{40}\) It is difficult, if not impossible, to have a broad educational impact on adults who generally do not stay in one consistent location, have more obligations, and less desire to participate in programs like this.

Adversaries argue that it may be ineffective to teach students about intimate partner violence before they begin relationships.\(^{41}\) However, when prevention efforts begin early, they leave room for other topics in school health curricula to be taught without one overriding the other.\(^{42}\) For example, as students age and progress in their health education, competing issues like unprotected sex, drugs, and alcohol may override the conversation on domestic violence.\(^{43}\) Furthermore, teaching students about healthy relationship guidelines at a younger age creates a positive attitude towards interpersonal relationships. Having this positive attitude makes these children less likely to create, or be in, an abusive relationship in the future compared


\(^{37}\) Id. at 124.


\(^{41}\) O’Leary & Slep, supra note 26, at 336.

\(^{42}\) Contra id. (noting early prevention efforts may “be challenging as issues compete for attention in school health curricula.”)

\(^{43}\) See id. (referring to school-based “prevention programs for . . . adolescent risk behaviors such as early or unprotected sex, alcohol, and drug experimentation.”); see also Substance Use and Sexual Risk Behaviors, CDC (Aug. 19, 2019), https://www.cdc.gov/healthyyouth/substance-use/dash-substance-use-fact-sheet.htm (demonstrating the importance of prevention efforts on other risks for youth).
to those who do not receive any preventative programming. Taking that into consideration, programs that included intimate partner violence education in their health curricula by addressing healthy relationships, sexual health, abuse, and power dynamics saw a reduction in abusive behaviors both at the end of the intervention and at follow-up.

Finally, when intimate partner violence occurs between children (i.e. children in middle and high school whose relationships are unlikely to persist long-term), there are less likely to be factors which can lead to long term safety concerns. Due to the various dynamics and entanglements that can exist between adults, adult victims typically face more complex barriers when leaving abusive relationships as compared to victims in adolescent relationships. The absence of these barriers, in addition to the monitored school setting, allow for a safer environment for both the person who initiated the harm and the victim.

Investment in primary prevention programming is critical in preventing intimate partner violence. Waiting until adulthood is ineffective, and therefore, early intervention among school age children is essential to an effective prevention program. Despite the great need for this programming, Virginia lawmakers have not consistently supported or understood the need for this programming.

---


45 See generally Phyllis Holditch Niolon et al., supra note 44.

46 See Wendy Manning et al., Cohabitation & Intimate Partner Violence During Emerging Adulthood: High Constraints & Low Commitment, 39 J. FAM. ISSUES 1030, 1033-1034 (2018) (explaining the differences between dating relationships and cohabitation, the former carrying a lower risk of intimate partner violence because “dating . . . couples have fewer conflicts and issues of control because their lives are not as intertwined” and these couples “have fewer instrumental, social, and emotional investments so the constraints to end a relationship are weaker [as compared to] cohabiting couples.”).

47 See Daniel Saunders, Barriers to Leaving an Abusive Relationship, in HANDBOOK OF INTERPERSONAL VIOLENCE AND ABUSE ACROSS THE LIFESPAN, 1, 2-5 (2020) (adults must consider more factors than adolescents, such as economic support, supporting their children, etc.); see also Sherri Gordon, How to Help a Teen Leave an Abusive Relationship, VERY WELL FAMILY (May 30, 2021), https://www.verywellfamily.com/develop-a-safety-plan-for-an-abused-teen-5113941 (several plans can be put into place for adolescents at school with supervision of other adults to help them leave an abusive relationship).

48 See generally Phyllis Holditch Niolon et al., supra note 44.
II. HISTORICALLY, VIRGINIA’S LEGISLATIVE ATTEMPTS TO ADDRESS PRIMARY PREVENTION HAVE BEEN INCONSISTENT AND INADEQUATE, RESULTING IN CRITICAL GAPS IN PROGRAMMING

Throughout Virginia’s legislative history, the critical need for primary prevention programming has often been overlooked and misunderstood. Although Virginia lawmakers have tried to maintain consistent funding and support for violence prevention programs, it has not always been prioritized.

Starting with the Virginia Code, two provisions were added in the last decade to support prevention programs. Enacted in 2011 and amended in 2018, Virginia Code § 22.1-207.1:1 requires that children be taught age-appropriate sexual and domestic violence curricula at least once in middle school and at least twice in high school.\(^49\) It explains that topics such as the prevention of dating violence, domestic abuse, sexual assault, and the meaning of consent are required as part of the curriculum.\(^50\)

Second, Virginia Code § 63.2-2300 created a non-reverting fund known as the Virginia Sexual and Domestic Violence Prevention Fund.\(^51\) Its purpose is to develop, support, and evaluate programs that prevent sexual and domestic violence using strategies that promote healthy practices in relationships; sexual, social, and emotional development; and that counteract the factors associated with the initial perpetration of sexual and domestic violence.\(^52\)

Unfortunately, it has been difficult to keep the prevention fund afloat due to the recent COVID-19 pandemic. The pandemic forced legislators to divert funds to COVID-19 prevention efforts.\(^53\) Due to the effects of the pandemic, “our justice system struggled to meet the public’s needs, which interfered with countless programs intended to help the country.”\(^54\) During the pandemic, “life-changing events, that people often face without legal help – like . . . [d]omestic violence” occurred more frequently without the availability of this crucial funding.\(^55\) Moreover, criminal justice programs

\(^50\) Id.
\(^51\) VA. CODE § 63.2-2300 (2020).
\(^52\) Id.
\(^53\) See S. DUKE STOREN, VA. DEPT. OF SOC. SERV., SEXUAL AND DOMESTIC VIOLENCE PREVENTION FUND FISCAL YEAR 2021 REP. TO THE GEN. ASSEMBLY (2021), https://rga.lis.virginia.gov/Published/2022/RD17/PDF.
\(^55\) Id. at 3-4.
were crippled by the pandemic.\textsuperscript{56} By tasking federal and state administrations with minimizing the effects of the worst pandemic in our history, the fund became a lower priority.\textsuperscript{57} The pandemic increased the need for legal help, strained existing governmental resources, and created a reliance on non-state-funded programs for intimate partner violence prevention efforts.\textsuperscript{58} With state funding diverted elsewhere, the VDOE’s Standards of Learning became increasingly important as the number of state-funded primary prevention programs dwindled in the Commonwealth.\textsuperscript{59}

In 1987, the legislature amended the Virginia Code and directed VDOE to develop a standard of learning and curriculum in grades K-12.\textsuperscript{60} The Virginia Board of Education now provides the Commonwealth with the Standards of Learning for Virginia Public Schools, which all Virginia public schools must abide by.\textsuperscript{61} The standards provide for family life curriculum that is broken down by grade level from kindergarten to twelfth grade.\textsuperscript{62} Although the curriculum includes topics on domestic and sexual violence, its focus remains on the primary objective: abstinence education.\textsuperscript{63}

The VDOE’s current Standards of Learning do not meet the top ten characteristics of a successful primary prevention program because they fail to: (1) be based upon sound scientific research in their content, structure, and implementation; (2) carefully attend to the dosage as well as follow up to achieve and sustain outcomes; and (3) consider existing strengths, competence, wellness and protective factors in addition to the risks of individuals and the system.\textsuperscript{64}

\textit{A. The Current Virginia Curriculum fails to be Based Upon Sound Scientific Research in its Content, Structure, and Implementation Because it Does Not Teach Students About the Power and Control Wheel}

The power and control wheel was developed by the Domestic Abuse

\textsuperscript{56} Id. at 14.
\textsuperscript{57} See DUKE STOREN, supra note 53.
\textsuperscript{58} See generally REMUS & GARLAND, supra note 54, at 14.
\textsuperscript{60} VA. DEPT. OF EDUC., FAMILY LIFE EDUCATION, BOARD OF EDUCATION GUIDELINES AND STANDARDS FOR VIRGINIA PUBLIC SCHOOLS 5 (2020).
\textsuperscript{61} VA. CODE § 22.1-253.13:1 (2023); see generally FAMILY LIFE EDUCATION, supra note 60, at 3, 6-7, 10, 15-43.
\textsuperscript{62} See generally FAMILY LIFE EDUCATION, supra note 60.
\textsuperscript{63} Id. at 7.
\textsuperscript{64} See Bond & Carmola Hauf, supra note 14, at 202-03, 206-08.
Intervention Program in Duluth, Minnesota in 1984.\textsuperscript{65} It was created to help describe the experience of victims of violence and the tactics that abusers use.\textsuperscript{66} The power and control wheel was created by combining “the most common abusive behaviors or tactics used against women,” as reported from multiple focus groups of women who had been battered.\textsuperscript{67} The power and control wheel “constitute[s] a cohesive set of empirically interrelated actions” used by abusers.\textsuperscript{68} These include: intimidation, coercion and threats, economic abuse, emotional abuse, using male privilege, child involvement, blaming, and isolation.\textsuperscript{69} The tactics described in the wheel were the ones “most universally experienced by battered women.”\textsuperscript{70} Battering “is characterized by the pattern of actions that an individual uses to intentionally control or dominate [their] intimate partner . . . [which] is why the words ‘power and control’ are in the center of the wheel.”\textsuperscript{71} “A batterer systematically uses threats, intimidation, and coercion to instill fear in [their] partner” which is why “these behaviors are the spokes of the wheel. Physical and sexual violence holds it all together—this violence is the rim of the wheel.”\textsuperscript{72} Often, one or more violent incidents are accompanied by an array of other types of abuse, which makes them less easy to identify, but firmly establishes “a pattern of intimidation and control in the relationship.”\textsuperscript{73}

The power and control wheel is a universally adopted model for tracking and managing aggression, and can be found in manuals, books, articles, and on the walls of agencies seeking to prevent domestic violence.\textsuperscript{74} It has been seen on national television shows and soap operas, but it is not without its
critics. Some say the power and control wheel does not apply to those who are not female or from certain cultural backgrounds. However, this criticism is misguided, as the Domestic Abuse Intervention Programs notes:

The power and control wheel represents the lived experience of women who live with a man who beats them. It does not attempt to give broad understanding to all violence in the home or community but instead offers a more precise explanation of the tactics men use to batter women. We keep our focus on women’s experiences because the battering of women by men continues to be a significant problem. Men commit 86 to 97 percent of all criminal assaults and women are killed 3.5 times more often than men in domestic homicides.

Moreover, “[m]aking the power and control wheel gender neutral would hide the power imbalances in relationships between men and women that reflect power imbalance in society.” While the wheel may not apply to every abusive situation a person may find themselves in, it does make visible the pattern, intent, and impact of violence—which is an important part of prevention programs. Seeing the power and control wheel helps “group participants see alternate ways of being in a relationship . . . free of violence and controlling behavior.” Additionally there are numerous adaptations of the power and control wheel that address specific genders, sexualities, cultures, races, or other characteristics that could be implemented into curriculum if a school felt their population might benefit from the use of additional models.

---

76 See PAYMAR & BARNES, supra note, 75 at 7.
77 Understanding the Power and Control Wheel, supra note 65.
78 Id.
79 See id.
80 Id.
Virginia curriculum does not address the power and control wheel at all; the Virginia Standards of Learning do not specifically address any of the eight forms of power and control, even though there are significant correlations between these categories and abusive relationships. In fact, the Standards of Learning specify that teaching students the characteristics of abusive relationships and steps to deter sexual assault do not become an in-depth focus until middle school, when it becomes required.

Disappointingly, the first explicit mention of domestic and sexual violence is not until fourth grade when students learn the terms “child abuse, child neglect, and sexual abuse.” While the curriculum does address age appropriate topics—such as the difference between “good and bad touches”

---

81 Power and Control, supra note 65.


83 See FAMILY LIFE EDUCATION, supra note 60, at 3 (2020) (noting that high-school students spend twice as much time learning about characteristics of abusive relationships than middle-school students).

84 See id. at 22 (internal quotation marks omitted).
for children as young as kindergarten—the Standards of Learning do not mandate lessons on domestic and sexual violence until middle school. By allowing schools to “reassign the grade designations of the Standards of Learning objectives within grades K-6”—and only requiring the material to be taught “at least once in middle school and at least twice in high school”—there is no guarantee that children are being exposed to all of this important material. While the guidelines do address violence in some way for each grade between kindergarten and twelfth grade, characteristics of abusive relationships are not explicitly mentioned until seventh grade. This curriculum is based on how to avoid a seemingly imminent abusive situation and what to do after an abusive situation. The current Standards of Learning focus heavily on abstinence and after-the-fact interventions rather than on avoiding or preventing abuse in the first place. This contradicts the goals of a primary prevention program.

The Virginia family life curriculum fails to take advantage of critical sound, scientific research by not addressing the power and control wheel, not including teachings on the cycle of abuse, and not including information about how children who are predisposed to violence can avoid both being abused and/or becoming abusers. Even though it has been relied on by many scholars, the power and control wheel is not taught in the Virginia family life curriculum. For these reasons, Virginia’s educational efforts in this area fail to fully be based upon “sound scientific research in their content, structure, and implementation.”

B. The Current Virginia Curriculum Fails to Attend Carefully to Dosage, as well as Follow-Up, to Achieve and Sustain Desired Outcomes
Because It Lacks the Repetition and Consistency Needed to Yield Long Lasting Impacts

The second characteristic of a successful primary prevention program that Virginia currently lacks is attending carefully to dosage, as well as follow-up, to achieve and sustain desired outcomes. The impacts of primary prevention programs are short-term when the interventions are "one-offs." The current Virginia curriculum lacks repetition and consistency, which

---

85 Id. at 14; VA. CODE § 22.1-207.1:1 (2022).
86 FAMILY LIFE EDUCATION, supra note 60, at 9; VA. CODE § 22.1-207.1:1 (2022).
87 FAMILY LIFE EDUCATION, supra note 60, at 29.
88 Id. at 32-33.
89 See generally FAMILY LIFE EDUCATION, supra note 60.
90 See Bond & Carmola Hauf, supra note 14, at 202.
91 Id. at 206.
92 See generally id. at 206; see also HESTER & WESTMARLAND, supra note 11, at 25.
results in short-term impacts on children’s attitudes towards interpersonal relationships. For impacts to remain intact, prevention programs need to be repeated often enough to enter into the students’ subconsicous.

Repetition is an essential learning aid that allows a conscious skill to transfer into one’s subconscious. Prevention program efficacy studies show that one-time prevention programs are less effective at creating improvement than reoccurring prevention programs. An oral health efficacy study showed that a single lesson did increase knowledge, but that knowledge was only sustained for six months. Similarly, a study on the efficacy of school-based bullying prevention programs found that programs repeating the same material every year were more likely to result in significant effects. Furthermore, a study on preschoolers' comprehension of sexual abuse found that children who reviewed the concepts more than once learned significantly more than children who viewed the segment only once. Finally, a study on the efficacy of school-based child abuse prevention programs found that programs with longer durations had better results. The study demonstrated that four or more sessions yielded the highest effect, and that “the number of sessions was more important than the amount of intervention overall, with many brief sessions having better results than fewer long sessions.” These studies lead to the conclusion that, for primary prevention programs to be significantly impactful, such programs must repeat and reinforce topics.

Not only does the Commonwealth fail to repeat domestic violence programming enough for it to be effective, it also does not provide students

---

93 See generally Importance of Repetition in Learning, CPD CERTIFICATION SERV. (Sept. 15, 2022), https://cpduk.co.uk/news/importance-of-repetition-in-learning#:~:text=Repetition%20sounds%20simple%20enough%20but,the%20performance%20of%20the%20skill (explaining “when stimuli are learned by repetition, they are remembered better and retained for a longer time. Studies have shown that the brain forms new pathways when a task is repeated often, thereby optimizing the performance of the skill.”).

94 See generally The Power of Repetition in Shifting a Paradigm, PROCTOR GALLAGHER INST., https://www.proctorgallagherinstitute.com/27216/the-power-of-repetition-in-shifting-a-paradigm#:~:text=Repetition%20is%20the%20second%20way%20to%20impress%20the%20idea%20or%20image%20into%20your%20subconscious%20mind. (last visited Apr. 11, 2024) (explaining repetition as the process of exposing oneself to a new idea over and over again to “impress the idea or image into [one’s] subconscious mind.”).

95 See generally HESTER & WESTMARLAND, supra note 11, at 25.

96 Abdul Haleem et al., The Role of Repetition and Reinforcement in School-Based Oral Health Education, 16 BMC PUB. HEALTH 1 (2016).

97 Nicolai Topstad Borgen et al., The Potential of Anti-Bullying Efforts to Prevent Academic Failure and Youth Crime. A Case Using the Olweus Bullying Prevention Program (OBPP), 22 PREVENTION SCI. 1147, 1148, 1154 (2014).


100 Id.
with consistent programming, which makes the transition to their subconscious more challenging. Additionally, the Standards of Learning do not clarify what “age-appropriate” means, leaving this definition up to the individual schools. While the Standards of Learning do lay out all the material to be covered in family life from Kindergarten through twelfth grade, it only requires three teachings of family life from middle school to high school graduation.  

The Standards of Learning currently require only one teaching of the family life program between sixth and eighth grade, and two teachings of family life programming between ninth and twelfth grade—all of which are at the school’s discretion to administer. As previously discussed, programs that repeat the material are more likely to “establish a memory representation that is less based on item familiarity and rigid association.” Despite this finding, the Standards of Learning requirements differ between each grade, and have a different range of goals and topics being taught every year. This results in students from different schools and different grade levels learning completely different topics.

The totality of this information demonstrates what "attend[ing] carefully to dosage” and “follow-up to achieve and sustain the desired outcomes” is supposed to entail: repetition and consistency. Virginia lacks both. Since Virginia law only requires that family life be taught once in middle school and twice in high school, and the topics covered in the Standards of Learning differ every year, the Virginia Standards of Learning are not consistent enough to effectively attend carefully to dosage, nor follow-up, and thus do not achieve and sustain the desired outcomes of the Commonwealth.

C. Current Virginia Curriculum does not Consider Existing Strengths, Competence, Wellness, and Protective Factors, or the Risks of Individuals and Systems, because it allows Gender-Segregated Lessons and for Parents to Opt their Children out of Family Life Instruction

Programs that address gender-based expectations are shown to result in more changes to dating abuse norms. The current Virginia curriculum,
however, does not address specific gender expectations. Instead, Virginia furthers gender stereotypes by allowing for gender-segregated family life education. By statute, Virginia allows schools to segregate their family life classes by gender as long as they announce this plan publicly. Unfortunately, the practice of gender segregation has more damaging effects than beneficial ones. There is an unsupported notion that there are “‘hardwired’ gender differences that can only be managed through fundamentally different, and segregated, educational methods.” However, research has shown there is minimal, if any, “difference between boys and girls in various laboratory tests of learning” and boys and girls learn and process information in very similar ways. Because “boys and girls do not see, hear, learn, remember, or respond to stress in meaningfully different ways,” gender segregated classes are actually harmful in multiple ways.

Firstly, they promote gender stereotyping, as girls are sheltered from typically masculine topics and vice versa. As one article put it, “[t]he natural tendency to teach to students’ perceived strengths will mean further neglect of their weaker areas, inflating small academic gaps into much larger ones.” Secondly, segregated class lessons affect students’ self-perceptions. Instead of “segregating children in the name of ‘hardwired’ abilities and learning styles, schools should be . . . instilling in children the faith in their own malleability, and promoting their self-efficacy as learners, regardless of gender, race, or other demographic characteristics.” Gender-segregated schooling that addresses topics differently based on the gender of their audience “implies that part of the problem with the current system is the presence of girls.” Teaching genders differently reinforces “the idea . . . that women . . . are second class citizens and not entitled to the same benefits

110 Id. at 374-375.
111 Id. at 375.
112 Id.
113 Id. at 375-376.
114 Id. at 376.
115 Id. at 375.
and respect as men.” 117

As Nicole Cushman at Rutgers University notes, “[w]hen we divide young people by gender, the implication there is that we’re somehow giving them different messages.” 118 In doing so, we end up reinforcing the “cultural taboo about [sex], and we reinforce the idea that sex is not something to be discussed in ‘mixed company.’” 119 “By teaching students of all genders alongside one another about healthy sexuality and relationships… we hand them a set of social expectations to hold in common.” 120

By separating students by gender, Virginia’s curriculum reinforces the harmful devaluation of women. For the reasons above, gender-segregated lessons fail to consider existing strengths, competence, wellness, and protective factors, as well as the risks of individuals and systems—thus, failing to meet the fifth requirement of successful primary prevention programs and negatively affecting the Commonwealth.

Not only does Virginia fail to consider the protective factors inside the school setting, it also fails to consider protective factors that primary prevention programs create outside of the school environment. The current Standards of Learning emphasize that its programming is designed to promote parental involvement because parents are encouraged to explain, reinforce, and continue the takeaways from their child’s family life curriculum at home. 121 However, the Standards of Learning also give parents the right to opt their child out of all or part of the program, thereby removing any possibility of parental involvement all together. 122

A study by Robert Pollak discusses how behavioral tendencies transmit from parent to child, and thus children growing up in violent homes are more likely to be violent, and/or a victim of intimate partner violence. 123 Additionally, children who witness domestic violence “learn that (1) violence is an appropriate way to resolve conflicts; (2) violence is a part of family

117 Id. at 152.
120 Id.
121 See generally FAMILY LIFE EDUCATION, supra note 60.
relationships; (3) the perpetrator of violence in intimate relationships often goes unpunished; and (4) violence is a way to control other people.\footnote{Joy D. Osofsky, Prevalence of Children's Exposure to Domestic Violence and Child Maltreatment: Implications for Prevention and Intervention, 6 CLINICAL CHILD AND FAM. PSYCH. REV. 161, 165 (2003).} Unfortunately, the “opt out” procedure provided in Virginia’s family curriculum—in theory—permits any parent to take their child out of programs that could alert their child to abuse at home, provide them resources to report it, and possibly reduce their chances of being in an abusive relationship in the future.\footnote{FAMILY LIFE EDUCATION, supra note 60, at 9.} For these reasons, the current Virginia Standards of Learning are not successful in considering the existing strengths, competence, wellness, and protective factors, as well as the risks of individuals and systems.\footnote{Bond & Carmola Hauf, supra note 14, at 207 (discussing how successful primary prevention programs “consider existing strengths, competence, wellness, and protective factors as well as risk and difficulties of individuals and systems.”).}

The VDOE’s Standards of Learning, as they are now, do not meet the ten characteristics of a successful primary prevention program because they fail to: (1) be based upon sound scientific research in their content, structure, and implementation; (2) carefully attend to the dosage, as well as follow-up, to achieve and sustain outcomes; and (3) consider existing strengths, competence, wellness and protective factors, as well as the risks of individuals and system.\footnote{See generally Bond & Carmola Hauf, supra note 14.} Due to the aforementioned reasons, the current Standards of Learning are ineffective and fail to further the legitimate interests of the Commonwealth.

### III. THE VIRGINIA GENERAL ASSEMBLY SHOULD PASS LEGISLATION THAT:

(1) **REQUIRES DOMESTIC VIOLENCE PROGRAMMING BE TAUGHT EVERY YEAR AFTER KINDERGARTEN;**

(2) **BARS GENDER-SEGREGATED LESSONS;**

(3) **BARS PARENTAL OPT-OUTS TO FILL THE CURRENT GAPS IN VIRGINIA’S PREVENTION PROGRAMMING**

#### A. Amending the Virginia Code to Require the Department of Education’s Standards of Learning to Include the Power and Control Wheel

Would Allow Virginia Curriculum to be Based Upon Sound Scientific Research in its Content, Structure, and Implementation

As described above, the power and control wheel is based on empirical data and describes the ways abusers maintain power and control in an abusive
The power and control wheel “constitute[s] a cohesive set of empirically interrelated actions” among abusers. The Virginia Standards of Learning do not address any of the eight forms of power and control even though there are significant correlations between these behaviors and abusive relationships. The curriculum does not include teachings on the cycle of abuse, nor the statistics on how children who are predisposed to violence can avoid being abused and/or becoming abusers.

Including teachings of the power and control wheel will ensure students learn the signs and patterns of behaviors that are used to gain and maintain power and control over an intimate partner. Including information on the power and control wheel will allow Virginia to meet the requirement that its curriculum be based upon sound scientific research in its content, structure, and implementation.

B. Amending the Virginia Code to Specify That Family Life Education be Taught Every Year After Kindergarten Would Allow Virginia to Carefully Attend to the Dosage As Well as Follow-Up, to Achieve and Sustain Outcomes

Virginia is lacking repetition of crucial curriculum in more ways than one. Section 2.1-207.1:1 of the Virginia Code only requires the Standards of Learning related to dating violence and abusive relationships be taught once in middle school and twice in high school. For the Standards of Learning to meet the characteristics of an effective primary prevention program, family life curriculum encompassing dating violence and abusive relationships needs to be repeated with far more frequency.

Prevention programming needs to be part of students’ subconsciousses for their attitudes to actually change and effectively shape relationship guidelines. Information cannot become part of the subconscious without repetitive instruction. Requiring students be taught about domestic and sexual violence every year from first grade to high school graduation will maximize learning through repetition.

---

128 Understanding the Power and Control Wheel, supra note 65.
129 See Dutton & Starzomski, supra note 68, at 75.
130 See generally FAMILY LIFE EDUCATION, supra note 60; see also VA. CODE § 22.1-207.1:1 (2022) (making no mention of the eight forms of power and control found in the power and control wheel discussed supra).
131 See generally FAMILY LIFE EDUCATION, supra note 60; see also VA. CODE § 22.1-207.1:1 (2022) (making no mention of the eight forms of power and control found in the power and control wheel discussed supra).
C. Amending the Virginia Code to Bar Gender-Segregated Lessons and Parental Opt-Outs Would Ensure Virginia Considers Existing Strengths, Competence, Wellness, and Protective Factors, as well as the Risks of Individuals and Systems.

Exposure to violence can have great impact on all genders. “Given the importance of physical aggression by both males and females, prevention and early intervention programs need to address relationship factors” equally.133 Studies show the effect of gender-segregated instruction is “not that students learn better but rather that they believe and act more stereotypically based on sex while also furthering existing sex hierarchies.”134 Sex-segregated education is arguably unconstitutional under the Equal Protection Clause and “exacerbates outdated stereotypes” while also “creat[ing] and perpetuat[ing] the . . . inferiority of women.”135 For those reasons, gender-segregated class lessons should be barred to protect the rights and desires of students.

Often in legislation, the rights and desires of children are not discussed. However, “[i]t is the future of the student . . . that is imperiled” when legislative decisions on schooling are made.136 Students want to participate in these programs; they want to learn about family life.137 Unfortunately, in vindicating their own rights, parents risk usurping the rights of their children by “compelling them to accept an education that precludes exposure to diverse ideas and ways of life.”138 We should not assume “that the interests of children are identical to those interests of their parents.”139

While the issue of barring parental opt-outs is surely the most controversial of the proposed legislation, it would allow Virginia to adequately consider the wellness, protective factors, and risks posed to students. Furthermore, this legislation, while controversial, would most likely be protected by the state and federal constitutions. Parents’ rights proponents argue that parents have a fundamental right to the care, custody, and control of their child.140 However, while parents do have the fundamental right to “bring up children as one sees fit” (both inside and outside of school), according to Virginia case

133 O’Leary & Slep, supra note 26, at 329.
135 Id. at 392 (internal citations omitted).
137 HESTER & WESTMARLAND, supra note 11, at 23.
138 Reich, supra note 136, at 455.
139 Id. at 454-455.
law, “this right is not unbounded.”

States “can legitimately impose restraints and requirements that touch the lives of children in direct conflict with the wishes of their parents.” The constitutional rights of parents protect “only against undue, adverse interference by the state.” Since the Commonwealth has a rational basis for abolishing gender-segregated sex education and parental “opt-outs,” a court would likely hold legislation imposing such changes does not violate parents’ rights. Further still, parents cannot direct their child’s learning in school and may not tell schools to not teach something just because the “subjects . . . are morally offensive” to the parent(s). Under Myers v. Loudon County School Board, “the fundamental right to raise one’s children as one sees fit is not broad enough to encompass the right to re-draft public school curriculum.”

Primary prevention programs are the Commonwealth’s best chance at reducing the frequency of domestic and sexual violence. Since intimate partner violence and dating violence can occur in adolescence, the state has a legitimate governmental interest in intervening and funding preventative measures. Focusing on youth is Virginia’s best chance at prevention and intervention because it is safer to intervene in an intimate partner situation when the partners are minors and in school.

Moreover, focusing on prevention early could lead to less work for the state in the future, which is a legitimate governmental interest in and of itself. States have an interest in ensuring that the education provided in their schools meets certain curriculum standards. Since the proposed legislation would directly support multiple legitimate state objectives, it is fully within the Virginia legislature’s scope of authority to implement these proposed changes to the curriculum. This legislation would directly support the Commonwealth’s objective of reducing and preventing intimate partner and domestic violence and would therefore survive scrutiny in court.

CONCLUSION
Primary prevention programs work better than interventions later in life. The more resources the Commonwealth dedicates to primary prevention now, the less it will be required to dedicate to intervention and recidivism later in citizens’ lives. As it stands, the Virginia Code does not fulfill the state’s legitimate interest in preventing domestic violence because the current curriculum does not meet the characteristics of an effective prevention program and leaves gaps in children’s preventative education.

The General Assembly should amend the Virginia Code to: (1) disallow parents from opting their child out of family life lessons in school; (2) require domestic violence prevention and warning signs, be taught every year after kindergarten; (3) and disallow gender-segregated domestic and sexual violence lessons. This legislation would directly support the Commonwealth’s objective of reducing and preventing intimate partner and domestic violence.