

116TH CONGRESS
2D SESSION

H. R. 8290

To implement title IX of the Education Amendments of 1972 with respect to elementary and secondary schools, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 2020

Mr. CASTEN of Illinois (for himself, Ms. FRANKEL, Mrs. LAWRENCE, and Ms. MENG) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To implement title IX of the Education Amendments of 1972 with respect to elementary and secondary schools, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stop Sexual Harass-
5 ment in K–12 Act”.

6 **SEC. 2. TITLE IX COORDINATOR.**

7 (a) IN GENERAL.—For each local educational agency
8 (as defined in section 8101 of the Elementary and Sec-
9 ondary Education Act of 1965 (8 U.S.C. 7801)) that re-

1 ceives Federal financial assistance (as such term is defined
2 in section 7501(a)(5) of title 31, United States Code), the
3 following requirements shall apply as a condition on con-
4 tinued receipt of such assistance:

5 (1) The recipient shall designate at least one
6 full-time equivalent employee to serve as a Title IX
7 Coordinator per 75,000 students in 7th grade or
8 above served by the recipient and one per 150,000
9 students in 6th grade or below.

10 (2) The recipient shall ensure students and
11 staff are made aware of these employees, their role,
12 and the times at which they are available to meet.

13 (3) A Title IX Coordinator should not have any
14 other school-related responsibility that may create a
15 conflict of interest, including serving in the school
16 administrative leadership or local educational agency
17 administrative leadership (such as serving as a prin-
18 cipal, vice principal, headmaster, superintendent,
19 board member, general counsel, athletics director,
20 etc.).

21 (4) A Title IX Coordinator, along with a prin-
22 cipal, campus security, bus driver, teacher, counselor
23 or social worker, affirmative action officer, or any
24 other staff member, shall be considered an “appro-
25 priate person” to whom to disclose sexual assaults

1 for purposes of the legal standards that enable pri-
2 vate rights of action.

3 (b) DUTIES.—Each Title IX Coordinator for a local
4 educational agency shall ensure the local educational agen-
5 cy’s compliance under Federal, State, and local laws and
6 policies against sex discrimination, including title IX of
7 the Education Amendments of 1972 (20 U.S.C. 1681 et
8 seq.), by doing the following:

9 (1) Ensuring that every individual affected by
10 the operations of the local educational agency, in-
11 cluding students, parents, guardians, employees, and
12 applicants for admission or employment, is aware of
13 their rights under Federal, State, and local laws and
14 polices against sex discrimination, including title IX,
15 and that the local educational agency and its em-
16 ployees comply with those laws and policies, includ-
17 ing receiving training on the laws and policies.

18 (2) Ensuring that notices of nondiscrimination,
19 relevant policies and grievance procedures, and cur-
20 rent contact information of all Title IX Coordinators
21 are disseminated broadly and in an age-appropriate
22 manner accessible to all students, parents, guard-
23 ians, and employees and applicants for admission or
24 employment, including on school websites and in
25 school handbooks.

1 (3) Monitoring complaints alleging discrimina-
2 tion based on sex (including sexual orientation, gen-
3 der identity, pregnancy, childbirth, a medical condi-
4 tion related to pregnancy or childbirth, and a sex
5 stereotype) and sexual harassment, including sup-
6 portive measures offered to complainants and the
7 outcomes of complaints.

8 (4) Identifying patterns of sex discrimination
9 from complaints and addressing its impact on the
10 school community.

11 (5) Coordinating dissemination, collection, and
12 analysis of climate surveys, including the survey de-
13 scribed in section 4, and identifying and proactively
14 addressing sex discrimination in the local edu-
15 cational agency based on the results of climate sur-
16 veys.

17 (6) Overseeing age-appropriate sexual harass-
18 ment prevention education and trainings to school
19 employees and students and ensuring that preven-
20 tion education and training is inclusive of diverse
21 communities and identities, informed by research,
22 and conducted in partnership with local rape crisis
23 centers, State sexual assault coalitions, or commu-
24 nity organizations that work on addressing sex dis-
25 crimination, including sexual harassment in schools.

1 (c) WAIVER AUTHORIZED.—A recipient described in
2 subsection (a) may request a waiver from the Secretary
3 of Education of one or more of the requirements under
4 such subsection on the basis that the requirement poses
5 an insurmountable financial burden to the recipient and
6 the recipient has been unable to secure sufficient grants
7 under subsection (d). The waiver process shall include re-
8 quiring the recipient to submit an alternative plan for en-
9 suring students are aware of their rights under title IX
10 of the Education Amendments of 1972 (20 U.S.C. 1681
11 et seq.) and have access to a Title IX Coordinator. If a
12 recipient has such a waiver approved but does not follow
13 their alternative plan, or the Secretary deems their plan
14 was insufficient to prevent and respond to sexual harass-
15 ment and assault, the Secretary of Education shall take
16 such action as may be appropriate to withhold Federal fi-
17 nancial assistance. A waiver granted under this subsection
18 shall be valid for 2 years.

19 (d) GRANTS.—To carry out this section, there are au-
20 thorized to be appropriated to the Secretary of Education
21 \$100,000,000 for grants to recipients described in sub-
22 section (a) to offset the financial burden of satisfying the
23 requirements of this section. In making grants under this
24 subsection, priority shall be given to local educational

1 agencies that otherwise would face a high financial burden
2 in fulfilling such requirements.

3 (e) DEFINITION.—In this section, the term “Title IX
4 Coordinator” means the employee of a recipient of Federal
5 financial assistance (as such term is defined in section
6 7501(a)(5) of title 31, United States Code) with major
7 responsibility for coordinating the recipient’s efforts to
8 comply with its obligations under title IX of the Education
9 Amendments of 1972 (20 U.S.C. 1681 et seq.).

10 **SEC. 3. GRANTS FOR TRAINING ON HOW TO RESPOND TO**
11 **SIGNS OF SEXUAL HARASSMENT AND AS-**
12 **SAULT OF STUDENTS.**

13 There are authorized to be appropriated to the Sec-
14 retary of Education \$50,000,000 for grants to local edu-
15 cational agencies (as defined in section 8101 of the Ele-
16 mentary and Secondary Education Act of 1965 (8 U.S.C.
17 7801)) to train elementary and secondary school teachers
18 and other school staff on how to prevent, recognize, and
19 respond to signs of sexual harassment and assault among
20 students or between students and adults, as well as groom-
21 ing of students by adults at school.

22 **SEC. 4. CLIMATE SURVEYS.**

23 (a) IN GENERAL.—The Secretary of Education, in
24 consultation with the Attorney General and the Director
25 of the Centers for Disease Control of the Department of

1 Health and Human Services, shall develop an empirically
2 validated sexual violence climate survey to be conducted
3 on an anonymous basis of elementary and secondary
4 school students and staff not later than one year after the
5 date of the enactment of this Act. The survey shall assess
6 the occurrence on school property during the preceding
7 calendar year for which data is available of instances of
8 domestic violence, dating violence, sexual assault, sexual
9 violence, sexual harassment, and stalking.

10 (b) STATISTICS.—Beginning 18 months after the
11 date of the enactment of this Act, such officials shall com-
12 pile statistics based upon their analysis of the results of
13 the survey. Such officials shall update, conduct, and com-
14 pile the results of, the survey every 2 years thereafter. The
15 compiled statistics should be disaggregated by local edu-
16 cational agency, except that such disaggregation shall not
17 be required in the case of a local educational agency of
18 a size such that the results would reveal personally identi-
19 fiable information about an individual student, in which
20 case, an alternate basis for disaggregation shall be se-
21 lected.

22 (c) DEVELOPMENTALLY APPROPRIATE CONTENT.—
23 The Secretary shall ensure that the survey questions vary
24 between staff and students and for different age groups

1 in order to ensure that the questions are developmentally
2 appropriate.

3 (d) PUBLIC AVAILABILITY.—The statistics compiled
4 under subsection (b) shall be made publicly available on
5 the website of the Department of Education and readily
6 accessible to and usable by individuals, including individ-
7 uals with disabilities.

8 (e) TOPICS.—Subject to subsection (c), the survey
9 shall address—

10 (1) whether the instances domestic violence,
11 dating violence, sexual assault, sexual violence, sex-
12 ual harassment, and stalking described were experi-
13 enced in-person or through electronic means;

14 (2) the effectiveness of school sexual violence
15 awareness and prevention programs and policies for
16 the overall student body and different student popu-
17 lations, such as students of color, students in the
18 LGBTQ communities, immigrant students, pregnant
19 and parenting students, and students with disabili-
20 ties;

21 (3) the effectiveness of current processes for
22 complaints on and investigations into sex-based,
23 race-based, national origin-based, sexual orientation-
24 based, gender identity-based, and disability-based

1 harassment, assault, discrimination, domestic vio-
2 lence, dating violence, and stalking;

3 (4) students' awareness of school policies and
4 procedures, including the location and process for
5 accessing school resources such as the title IX coor-
6 dinator designated by the school pursuant to title IX
7 of the Education Amendments of 1972 (20 U.S.C.
8 1681 et seq.);

9 (5) whether individuals impacted by sexual har-
10 assment, sexual violence, discrimination, domestic vi-
11 olence, dating violence, and stalking have experi-
12 enced negative effects on their education, including
13 diminished grades, dropped classes, or leaves of ab-
14 sence;

15 (6) what training is being provided to teachers
16 and staff on policies and procedures pertaining to
17 sexual harassment, sexual violence, discrimination,
18 domestic violence, dating violence, and stalking, in-
19 cluding best practices in prevention;

20 (7) whether the perpetrator of sexual harass-
21 ment, sexual violence, discrimination, domestic vio-
22 lence, dating violence, and stalking was a student
23 and other contextual factors;

24 (8) whether individuals impacted by sexual har-
25 assment, sexual violence, discrimination, domestic vi-

1 olence, dating violence, and stalking reported such
2 sexual harassment, sexual violence, discrimination,
3 domestic violence, dating violence, and stalking;

4 (9) if such an individual did so report, to whom
5 they reported, and what response the survivor re-
6 ceived;

7 (10) if such an individual reported to the
8 school, did the school conduct an investigation and
9 how long did the investigation take;

10 (11) school community members', such as stu-
11 dents, full-time and part-time staff and faculty, and
12 administration officials, attitudes toward sexual vio-
13 lence and harassment, including individuals' willing-
14 ness to intervene as a bystander of sex-based, race-
15 based, national origin-based, sexual orientation-
16 based, gender identity-based, and disability-based
17 discrimination, harassment, assault, domestic vio-
18 lence, dating violence, and stalking;

19 (12) school community members', such as stu-
20 dents, full-time and part-time staff and faculty, and
21 administration officials, perception of school safety
22 and confidence in the school's ability to appro-
23 priately address sex-based, race-based, national ori-
24 gin-based, sexual orientation-based, gender identity-
25 based, and disability-based discrimination, harass-

1 ment, assault, domestic violence, dating violence, and
2 stalking;

3 (13) any other issues relating to sex-based,
4 race-based, national origin-based, sexual orientation-
5 based, gender identity-based, and disability-based
6 discrimination, harassment, assault, domestic vio-
7 lence, dating violence, and stalking, as appropriate;
8 and

9 (f) **ADDITIONAL TOPICS.**—States and local edu-
10 cational agencies may add additional questions to the sur-
11 vey as they determine appropriate.

12 (g) **AUTHORIZATION OF APPROPRIATIONS.**—There
13 are authorized to be appropriated \$10,000,000 to carry
14 out this section.

15 **SEC. 5. RULE OF CONSTRUCTION.**

16 Nothing in this Act shall be construed to preempt,
17 invalidate, or limit rights, remedies, procedures, or legal
18 standards available to victims of discrimination or retalia-
19 tion under any other Federal law or law of a State or polit-
20 ical subdivision of a State, including title VI of the Civil
21 Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX
22 of the Education Amendments of 1972 (20 U.S.C. 1681
23 et seq.), section 504 of the Rehabilitation Act of 1973 (29
24 U.S.C. 794), the Americans with Disabilities Act of 1990
25 (42 U.S.C. 12101 et seq.), or section 1979 of the Revised

1 Statutes (42 U.S.C. 1983). The obligations imposed by
2 this Act are in addition to those imposed by title IX of
3 the Education Amendments of 1972 (20 U.S.C. 1681 et
4 seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C.
5 2000d et seq.), and the Americans with Disabilities Act
6 of 1990 (42 U.S.C. 12101 et seq.).

7 **SEC. 6. SENSE OF CONGRESS.**

8 It is the sense of the Congress that it is valuable for
9 students to have access to confidential reporting of sexual
10 harassment and abuse, and schools should attempt to pro-
11 vide that to the extent possible in accordance with State
12 and local laws.

13 **SEC. 7. EFFECTIVE DATE.**

14 Unless otherwise provided in this Act, this Act shall
15 take effect 120 days after the date of the enactment of
16 this Act.

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