

# **SB 887 - Primary and Secondary Education – Title I**

Uploaded by: Michelle Siri

Position: FAV

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BILL NO: Senate Bill 887  
TITLE: Primary and Secondary Education – Title IX – Policies and Procedures  
(Hear Our Voices Act of 2022)  
COMMITTEE: Education, Health, and Environmental Affairs  
HEARING DATE: March 2, 2022  
POSITION: **SUPPORT**

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Senate Bill 887 requires the State Board of Education to develop a uniform policy for schools to follow when investigating and resolving Title IX complaints related to incidents of sexual misconduct. The policy would include a statewide database of complaints and would require schools to notify faculty and students of who their Title IX coordinator is and how to file a misconduct complaint. As a leading advocate for the physical safety, economic security, and bodily autonomy for women – as well as a legal services provider for victims of intimate partner violence – the Women’s Law Center of Maryland supports this legislation.

Unlike colleges, primary and secondary schools are not required to report sexual assault statistics, but available data show that sexual assault is a serious issue faced by middle and high school students, and the rate of incidents has been increasing dramatically in recent years. According to U.S. Department of Justice statistics, nearly 20% of girls ages 14 to 17 were sexually victimized.<sup>1</sup> In 2012, the Centers for Disease Control and Prevention (CDC) found that nearly 30 percent of female rape victims were first raped between the ages of 11 and 17.<sup>2</sup> And the U.S. Department of Education found a fifty percent increase in the number of reports of sexual violence at schools in the 2017-2018 school year compared to the two years prior<sup>3</sup>.

SB 887 would provide clarity for students and school administrators in sexual misconduct cases. Confusion over Title IX procedures jeopardizes students’ future and wellbeing. Schools have obligations under Title IX to stop sex discrimination, including sexual harassment and sexual violence, and to have grievance procedures that provide for a prompt and equitable resolution when incidents occur. However, without clear guidance in place, schools often treat serious sexual assaults as mere “bullying” incidents, abrogate their responsibility to investigate to local law enforcement, or implement disciplinary action against survivors for engaging in sexual conduct on campus. Without Title IX protections, student survivors are more likely to suffer mental harm, be truant, or fail classes.

Enacting these policies will help keep schools in compliance with the law and help improve the response to survivors. The WLC recognizes that there are friendly amendments proposed regarding notification requirements and the WLC would support those as well. As such, the WLC urges a favorable report on SB 887.

*The Women’s Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change, working to ensure physical safety, economic security, and bodily autonomy for women in Maryland.*

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<sup>1</sup> See U.S. News & World Report, “High Schools and Middle Schools Are Failing Victims of Sexual Assault,” March 5, 2015, <http://www.usnews.com/news/articles/2015/03/05/high-schools-and-middle-schools-are-failing-victims-of-sexual-assault>

<sup>2</sup> “Sexual Violence,” Facts at a Glance, Centers for Disease Control and Prevention, 2012, <http://www.cdc.gov/violenceprevention/pdf/sv-datasheet-a.pdf>.

<sup>3</sup> Washington Post, “Sexual assault reports sharply increased at K-12 schools, numbering nearly 15,000, Education Department data shows”, October 15, 2020, <https://www.washingtonpost.com/education/2020/10/15/sexual-assault-k-12-schools/>

**SB887\_FAV\_Lee\_2022.pdf**

Uploaded by: Susan Lee

Position: FAV

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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

March 2, 2022

Senate Education, Health and Environmental Affairs Committee

**SB887 - Favorable – Primary and Secondary Education – Title IX – Policies  
and Procedures (Hear Our Voices Act)**

Senate Bill 887 is an update of the Title IX policy to provide students the tools to have their voices heard. There is a shocking number of sexual assault victims across the state in grades K through 12. We are open to suggestions to improve the bill but unfortunately the need for an updated policy in this space is self-evident based on the cases and circumstances we are seeing. Children should feel confident to report their abuse to not only get services themselves but prevent the abuser from moving onto the next target, and the next and next.

This legislation helps combat sexual misconduct in our schools with a proactive approach. Too often coercive relationships are developed in school settings and go unreported because there is fear of reprisal, embarrassment or just misunderstanding of what reasonable conduct may be. The bill simply requires the Maryland State Department of Education to develop a database for administrators to upload sexual misconduct complaints. Then a public school must notify the parent or guardian of a student who files a complaint, collect data on sexual misconduct complaints and reports the data to MSDE, and finally informs students, faculty and staff regarding who serves as the Title IX coordinator for the school and how to file a sexual misconduct complaint. There is civil liability attached if a local school system fails to comply.

We are open to a friendly amendment to confront some concerns raised during the House Bill hearing. If a student has an unsupportive parent and there is a “significant risk of harm” to the student from notifying a parent of a complaint related to sexual misconduct, the school may provide notification to another responsible professional or adult to facilitate parental involvement.

For these reasons, I respectfully request a favorable committee report on SB 887, with a friendly amendment as discussed above and elaborated upon during our discussions today.

# **Schools - Title IX Policy k-12 - testimony - Senat**

Uploaded by: Lisae C Jordan

Position: FWA



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## Working to end sexual violence in Maryland

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### **Testimony Supporting Senate Bill 887 with Amendments** **Lisae C. Jordan, Executive Director & Counsel** March 2, 2022

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence in the State of Maryland. We urge the Education, Health & Environmental Affairs Committee to report favorably on Senate Bill 887 with Sponsor Amendments.

#### **Senate Bill 887 – K-12 Education – Title IX – Policies and Procedures**

SB887 requires the State Board of Education to develop a uniform policy for schools to follow when investigating and resolving Title IX complaints related to incidents of sexual misconduct. The policy would include a state wide database of complaints and would require schools to notify faculty and students of who their Title IX coordinator is and how to file a misconduct complaint. A uniform Title IX procedure would ensure that student survivors receive the protections they are entitled to. Provisions creating a cause of action would assist with enforcement.

**Sexual Assault in K-12 Schools.** Unlike colleges, K-12 schools are not required to report sexual assault statistics, but available data show that sexual assault is a serious issue faced by middle and high school students. According to U.S. Department of Justice statistics, nearly 20% of girls ages 14 to 17 were sexually victimized. See U.S. News & World Report, "High Schools and Middle Schools Are Failing Victims of Sexual Assault," March 5, 2015, <http://www.usnews.com/news/articles/2015/03/05/high-schools-and-middle-schools-are-failing-victims-of-sexual-assault>. In 2012, the Centers for Disease Control and Prevention (CDC) found that nearly 30 percent of female rape victims were first raped between the ages of 11 and 17.6. "Sexual Violence," Facts at a Glance, Centers for Disease Control and Prevention, 2012, <http://www.cdc.gov/violenceprevention/pdf/sv-datasheet-a.pdf>.

**Senate Bill 887 would provide clarity for students and school administrators in sexual misconduct cases.** Title IX is a federal civil rights law which requires all schools that receive federal financial assistance to investigate and resolve sexual misconduct complaints in a prompt and equitable manner.<sup>1</sup> Although K-12 schools are bound by Title IX, primary and secondary

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<sup>1</sup> 20 U.S.C. § 1681; 34 C.F.R. Part 106.8

institutions frequently fail to implement and follow the procedures required by the law, leaving sexually assaulted or harassed students without the remedies they are entitled to.

**Confusion over Title IX procedures jeopardizes students' future and wellbeing.** Title IX affords student survivors protections so that they can continue to access their education following an assault or harassment incident. Necessary protections include academic accommodations, the ability to transfer schools within a district, and ensuring the perpetrator and survivor attend different classes. However, without clear guidance in place, schools often treat serious sexual assaults as mere “bullying” incidents, abrogate their responsibility to investigate to local law enforcement, or implement disciplinary action against survivors for engaging in sexual conduct on campus. Without Title IX protections, student survivors are more likely to suffer mental harm, be truant, or fail classes.

**Schools are vulnerable to lawsuits and US Department of Education Complaints when they fail to respond to sexual assault and fail to comply with Title IX.**<sup>2</sup> Most public school districts, regardless of size, have only one Title IX coordinator for the entire district. Other individual school administrators often lack training and knowledge regarding their obligations under Title IX. Students and parents have no direct contact with their district's Title IX Coordinators and may not know how to file a complaint or who to contact regarding their rights. This means students do not have access to the protections they need and schools are exposed to liability. SB887 will help keep schools in compliance with the law and help improve the response to survivors.

**Amendments.** SB 887 requires schools to notify parents when a student makes a sexual misconduct complaint, with no exceptions. While students usually choose to involve their parents in their Title IX case, having an inflexible requirement may prevent some students from reporting serious sexual misconduct, particularly students who come from religious or cultural backgrounds that place blame on sexual assault victims, or in cases that involve drug or alcohol use. We note that complaints against teachers, coaches, or other persons in authority at the school are covered by Family Law §5-704, Maryland's mandatory reporting law regarding child sex abuse, and by Criminal Law §3-308 prohibiting certain professionals from sexual activities with students; providing an exception to the parental reporting requirement would not change that.

MCASA respectfully suggests that SB887 be amended as follows: on page 2, in line 9, following “SEXUAL MISCONDUCT” insert “**IF THERE IS SIGNIFICANT RISK OF HARM TO THE STUDENT FROM NOTIFYING A PARENT OF A COMPLAINT RELATED TO SEXUAL MISCONDUCT, THE SCHOOL MAY PROVIDE NOTIFICATION TO ANOTHER RESPONSIBLE PROFESSIONAL OR ADULT TO FACILITATE PARENTAL INVOLVEMENT;**”

**The Maryland Coalition Against Sexual Assault  
urges the Education, Health & Environmental Affairs Committee to  
report favorably on Senate Bill 887 with Amendments**

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<sup>2</sup> See generally, A.Kimmel, *Title IX Litigation and Enforcement for K-12 Sexual Assault Survivors*, <https://www.publicjustice.net/wp-content/uploads/2016/05/Title-IX-and-K-12-Sexual-Assault.pdf>.



**SB887 Title IX 3.2.22.pdf**

Uploaded by: Jeanette Ortiz

Position: INFO



**SB887 PRIMARY AND SECONDARY EDUCATION - TITLE IX - POLICIES AND PROCEDURES (HEAR OUR VOICES ACT OF 2022)**

March 2, 2022

EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE

**LETTER OF INFORMATION**

Jeanette Ortiz, Esq., Legislative & Policy Counsel (410.703.5352)

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Anne Arundel County Public Schools (AACPS) is submitting a letter of information on **SB887 Primary and Secondary Education - Title IX - Policies and Procedures (Hear Our Voices Act of 2022)**. This bill requires the State Board of Education, by March 31, 2023, to develop policies and procedures for reporting, administering, investigating, and resolving complaints related to incidents of sexual misconduct and violations of Title IX of the Education Amendments of 1972. It also authorizes a person to bring a civil action against a local system that fails to comply with certain policies and procedures and to recover damages, reasonable costs, and attorney's fees.

The proposed legislation is unnecessary as it seeks to duplicate much of what is already required by the federal Title IX law. The bill also includes a reporting mandate as well as a provision that permits an individual to bring a civil action against a local school system for “failure to comply with the policies and procedures developed under this section.” The U.S. Department of Education, in its review of cases filed pursuant to the Title IX law, already has the authority enter a finding against a local school system for failure to comply with regulations. Families/individuals are not prohibited from filing lawsuits pursuant to the federal law and many have done so as there is a plethora of case law forming the basis of the definitions of sexual harassment, sexual discrimination and sexual violence in education. It is unnecessary for the law to specifically state that civil actions can be brought for violations of the law, as this already widely understood and covered by the existing Title IX law.

Thank you for consideration of this information regarding SB887.