

**Testimony of Delegate Jazz Lewis**  
**Regarding Title IX – Hear Our Voices Act of 2020 (HB1536)**  
**Before the House Ways and Means Committee**  
**On March 4, 2020 1:00 pm**

To Chairman Kaiser, Vice Chair Washington, and members of the Ways and Means Committee:

**I am in strong support of HB1536.** This bill would provide clarity on what procedures and policies K-12 schools must abide by in the state of Maryland. The act provides the following:

- (1) requires schools to collect data on sexual misconduct complaints and report them annually to the Department of Education;
- (2) requires that the Maryland State Department of Education creates a state-wide database to house the sexual misconduct complaints against faculty/staff ;
- (3) requires mandatory reporting to parents or guardians when a student reports a faculty/staff member for sexual misconduct; and
- (4) requires schools to educate students and staff on who the Title IX Coordinator is and how to report an incident of sexual harassment or sexual assault.

**Why do we need these procedures and policies?**

There are **56.6 million students** attending elementary, middle, and high schools across the United States for the 2019-2020 school year compared to the **19.9 million** students enrolled in college for the 2019-2020 school year.<sup>1</sup>

Despite there being 36.7 million more students in K12 schools, K12 schools are not held to the same standards as colleges and universities when it comes to responding to sexual misconduct complaints – they are held to *lesser* standards.<sup>2</sup>

As of January 31, 2020, **58.9%** of schools (elementary-secondary and post-secondary) under investigation by the Office for Civil Rights for Title IX **Sexual Harassment** violations are K-12 schools.<sup>3</sup> Additionally, **30.89%** of schools (elementary-secondary and post-secondary) under investigation by the Officer for Civil Rights for Title IX **Sexual Violence** violations are K-12 schools.<sup>4</sup>

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<sup>1</sup> Maya Riser-Kositsky, *Education Statistics: Facts About American Schools*, Educ. Week Jan. 3 2019 <https://www.edweek.org/ew/issues/education-statistics/index.html>; *Back to School Statistics*, National Center for Education Statistics, <https://nces.ed.gov/fastfacts/display.asp?id=372> .

<sup>2</sup> For example, unlike in K12 schools, colleges and universities must, in accordance with the Clery Act, provide yearly data on sexual misconduct in their school. 20 U.S.C. § 1092; <https://clerycenter.org/policy-resources/the-clery-act/>.

<sup>3</sup> Department of Education OCR Investigations <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/open-investigations/tix.html?perPage=1000&queries%5Bstate%5D=MD>

<sup>4</sup> *Id.*

Furthermore, **41.1%** of schools (elementary-secondary and post-secondary) under investigation by the Office of Civil Rights for Title IX **Procedural Requirements** violations are K-12 schools. However, Title IX in the K-12 context is often overlooked.<sup>5</sup>

Sexual harassment and sexual violence violations persist in the K-12 context because the procedures and policies currently implemented in schools are failing students. Currently, schools are given the discretion to establish their own policies and procedures for handling sexual misconduct complaints. As a result, there is no uniformity in how Title IX sexual misconduct complaints are handled which leaves students vulnerable to sexual abuse.

**For these reasons I urge a favorable vote on HB 1536.**

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<sup>5</sup> *Id.*