

HB0016 Hear Our Voices Act FAV.pdf

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR HB0016

Primary and Secondary Education – Title IX – Notice (Hear Our Voices Act)

Bill Sponsor: Delegate Jazz Lewis

Committee: Education, Energy, and the Environment

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of HB0016 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

College campuses are difficult to navigate for most students. They are generally alone for the first time and have so many things they have to assimilate in order to succeed. Very few students bother to learn about administrative policies and where to go to get help. In the case of sexual assault, this lack of knowledge is devastating. Parents are likewise confused, often not close by, and don't have the wherewithal to support their child in these kinds of situations.

Although it is clear that this legislation would require the schools to be more proactive, which is costly and time-consuming, the outcome is worth the expense. Giving students and parents the information up front about who to contact after a sexual assault and what procedures they should expect, and what support they are entitled to, is priceless.

We support this bill and recommend a **FAVORABLE** report in committee.

HB16--Senate Oral Testimony.pdf

Uploaded by: Delegate Jazz Lewis

Position: FAV

JAZZ LEWIS
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MAJORITY WHIP

Appropriations Committee



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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Oral Testimony of Delegate Jazz Lewis
HB16 Primary and Secondary Education – IX – Policies and Procedures
(Hear Our Voices Act of 2023)
Before the Education, Energy, and the Environment Committee

Chair Feldman and Vice-Chair Kagan,

I am here today in strong support of House Bill 16 The Hear Our Voices Act, which requires that Title IX resources and procedures be readily available and provided to students and parents for their awareness. This includes providing the necessary information to students and parents on who serves as the school's Title IX coordinator, what the procedures are for filing a complaint, and what support resources are available to students who are in crisis.

Title IX of the Education Amendments of 1972 is a federal civil rights statute that prohibits discrimination on the basis of sex in any federally funded education program or activity. The foundational objective of Title IX is to avoid the use of federal spending to support sex discrimination in education programs and provide individual citizens effective protection against those practices. However, Title IX also protects students against sex-based discrimination in admissions, counseling, athletics, as well as sex-based harassment and sexual harassment.

This bill is necessary in Maryland schools at this moment to protect children. Shocking statistics display a disturbing trend for our schools. Between the 2015-2016 school year, we rose from the 6th highest-ranking state for sexual assault to the 4th. Then, in the 2017-2018 school year from the 4th highest-ranking state for rape or attempted rape to the 3rd.

The lack of information about Title IX resources and procedures puts children in danger, and as they are often unaware of these measures, it is likely that the number of sexual assaults in schools is higher due to cases that go unreported.

This bill passed unanimously in the House, both this year and last. This bill is necessary as many students have reported not knowing of the Title IX resources that are available to them at some of their worst moments, this is unacceptable. Although this bill on its own will not curb this disturbing trend, it is a major step in the right direction in giving our students and families the information they need to protect themselves and seek needed accountability in our education system.

For these reasons I urge a favorable report.

FSPTA HB0016.pdf

Uploaded by: Laura Stewart

Position: FAV

**Written Testimony Submitted for the Record to the Maryland Senate
Education, Education and the Environment Committee
For the Hearing on Primary and Secondary Education – Title IX – Notice (Hear Our Voices Act) - HB0016
March 22, 2023**

SUPPORT

Free State PTA represents over 50,000 volunteer members and families in over 500 public schools. Free State PTA is composed of families, students, teachers, administrators, and business as well as community leaders devoted to the educational success of children and family engagement in Maryland. As the state's premier and largest child advocacy organization, Free State PTA is a powerful voice for all children, a relevant resource for families, schools and communities and a strong advocate for public education.

HB0016 would require each public school to provide information to students, faculty, staff, and parents regarding who serves as the Title IX coordinator for the school, the process for filing a sexual misconduct complaint, and the support measures that are in place for filing a sexual misconduct complaint and how to access the support measures. HB0016 aligns with Free State PTA's principle for legislative action which states that schools must provide a safe environment where all students, teachers and staff can thrive.

In a 2021 report¹, the U.S. Government Accountability Office reported over 1,000 cases of rape or reported rape and over 7,000 cases of sexual assault not including rape annually among middle and high school students. With Maryland experiencing ongoing legal questions² surrounding sexting and online sexual harassment, these numbers may continue to grow, affecting students' personal and academic trajectories. All students, regardless of their gender or sexual orientation, deserve to feel safe and supported in school.

This legislation will ensure that any elementary or secondary student who may have experienced tragic sexual harassment, assault, or other forms of sex-based discrimination understands what their options are for formal or informal reporting, what supportive services may help them continue and succeed in their educational journey and how to access those supportive measures, encouraging them to persist in school. The bill does not impose any additional data collection or reporting requirements on schools, but simply asks them to live up to the spirit of the law so that student survivors of sexual harassment, assault, and discrimination can better understand and access the supportive measures they are federally obligated to receive. **Therefore, the Free State PTA urges the passage of HB0016.**

Testimony is presented on the behalf of

Marla Posey-Moss, President

Free State Parent Teacher Association
mposey-moss@fspta.org

¹ <https://www.gao.gov/assets/gao-22-104341.pdf>

² <https://mcasa.org/newsletters/article/safety-sync-fixing-the-sexting-laws-in-maryland>

Schools - Title IX Policy k-12 - testimony - House

Uploaded by: Lisae C Jordan

Position: FAV



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Testimony Supporting House Bill 16 **Lisae C. Jordan, Executive Director & Counsel** March 22, 2023

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, Energy, and Environment Committee to report favorably on House Bill 16.

House Bill 16 – K-12 Education – Title IX – Notice (Hear Our Voices Act)

House Bill 16 would help ensure that students, faculty, staff, and parents have basic information about federal Title IX and responses to sexual misconduct in schools.

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.¹ Although K-12 schools are bound by Title IX, primary and secondary 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.

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>.

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

¹ 20 U.S.C. § 1681; 34 C.F.R. Part 106.8

accommodations, the ability to transfer schools within a district, and ensuring the perpetrator and survivor attend different classes. However, 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. HB16 requires that students, faculty, staff, and parents receive information about support measures available.

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.² 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. HB16 will help keep schools in compliance with the law and help improve the response to survivors.

**The Maryland Coalition Against Sexual Assault
urges the Education, Energy, and Environment Committee to
report favorably on House Bill 16**

² 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>.

Cross Over HB 16 - WLCMD - FAV.pdf

Uploaded by: Michelle Siri

Position: FAV

BILL NO: House Bill 16 (Crossover)
TITLE: Primary and Secondary Education – Title IX – Policies and Procedures (Hear Our Voices Act of 2023)
COMMITTEE: Education, Energy, and the Environment Committee
HEARING DATE: March 22, 2023
POSITION: **SUPPORT**

House Bill 16 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.¹ 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 17.² 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 prior³.

HB 16 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. As such, the WLC urges a favorable report on HB 16.

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.

¹ 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>

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

³ Washington Post, “Sexual assault reports sharply increased at K-12 schools, numbering nearly 15,000, Education Department data shows”, October 15, 2020

HB16 Written Testimony.pdf

Uploaded by: Deborah Brocato

Position: UNF



Opposition Statement HB16

Primary and Secondary Education - Title IX - Notice (Hear Our Voices Act)

Deborah Brocato, Legislative Consultant

Maryland Right to Life

We Strongly Oppose HB16

On behalf of our 200,000 followers across the state, we respectfully yet strongly object to HB16. Federal Title IX already requires all of the provisions stated in HB16. In addition to the provisions stated, the cost of implementing and enforcing Federal Title IX is covered by federal funding given to the school. Codifying Federal Title IX into Maryland law is redundant and superfluous. Further, the bill requires information regarding support measures which are not delineated. This bill would trigger a request for appropriations for implementing a state law that is covered by Federal Title IX and creates a conduit to use taxpayer funds for the unspecified "support measures" which could include Planned Parenthood or other agencies that promote and provide abortion services.

Pregnancy is not a Disease

Abortion is not healthcare. It is violence and brutality that ends the lives of unborn children through suction, dismemberment or chemical poisoning. The fact that 85% of OB-GYNs in a representative national survey do not perform abortions on their patients is glaring evidence that abortion is not an essential part of women's healthcare. Women have better options for comprehensive health care. There are 14 federally qualifying health care centers for every Planned Parenthood in Maryland. Abortion has a disproportionate impact on Black Americans who have long been targeted by the abortion industry for eugenics purposes. As a result abortion is the leading cause of death of Black Americans, more than gun violence and all other causes combined.

No public funding for abortions

Taxpayers should not be forced to fund elective abortions, which make up the vast majority of abortions committed in Maryland. State funding for abortion on demand with taxpayer funds is in direct conflict with the will of the people. A 2022 Marist poll showed that 54% of Americans, both "pro-life" and "pro-choice" oppose the use of tax dollars to pay for a woman's abortion.

Love them both

This bill stands in conflict with the fact that 81% of Americans polled favor laws that protect both the lives of women and unborn children. Public funds instead should be prioritized to fund health and family planning services which have the objective of saving the lives of both mother and children, including programs for improving maternal health and birth and delivery outcomes, well baby care, parenting classes, foster care reform and affordable adoption programs.



Opposition Statement HB16, page 2 of 2

Primary and Secondary Education - Title IX - Notice (Hear Our Voices Act)

Deborah Brocato, Legislative Consultant

Maryland Right to Life

Funding restrictions are constitutional

The Supreme Court of the United States, in *Dobbs v. Jackson Women's Health* (2022), overturned *Roe v. Wade* (1973) and held that there is no right to abortion found in the Constitution of the United States. As early as 1980 the Supreme Court affirmed in *Harris v. McRae*, that *Roe* had created a limitation on government, not a government funding entitlement. The Court ruled that the government may distinguish between abortion and other procedures in funding decisions -- noting that "*no other procedure involves the purposeful termination of a potential life*", and held that there is "*no limitation on the authority of a State to make a value judgment favoring childbirth over abortion, and to implement that judgment by the allocation of public funds.*"

HB16 is a restatement of Federal Title IX as a state law and could result in taxpayer funding of abortion services. We ask for an unfavorable report for HB16.

Heritage Title IX.pdf

Uploaded by: Deborah Brocato

Position: UNF

COMMENTARY **Life**

Jul 7, 2022

3 min read



COMMENTARY BY

Emma Waters

Research Associate, Richard and Helen DeVos Center

Emma is a research associate in the Richard and Helen DeVos Center for Life, Religion, and Family at The Heritage Foundation.



Pro-abortion protesters rally at the Tucson Federal Courthouse in Tucson, Arizona on Monday, July 4, 2022.

SANDY HUFFAKER / AFP / Getty Images

KEY TAKEAWAYS

- 1** DOE released Title IX language that would enshrine at least some abortions in federal regulation.
- 2** This federal workaround will surely lead to legal fights between federal regulators and state governments.
- 3** Conservatives should call out the left's vile efforts to smuggle abortion into Title IX.

With its ruling in *Dobbs* overturning *Roe v. Wade*, the Supreme Court has returned abortion to the people and their elected leaders. For the first time in 49 years, states can craft pro-life laws that truly protect unborn human life. Another law, Title IX, has just marked its 50th anniversary—and it's not going anywhere. Title IX ensures that schools receiving federal funds do not bar women from school, sports or related work.

Title IX became law in 1972, a year before the court's ruling in *Roe v. Wade*, and is far less controversial than the abortion ruling. So it's no surprise that in the *Dobbs* case, a group of over 500 female athletes submitted an amicus brief that tied *Roe* to Title IX. They claimed that, without access to abortion, they could not have succeeded in their sports.

Recently, on Title IX's 50th birthday, the Department of Education released its proposed revisions to the regulations' meaning. DOE includes "pregnancy or related conditions" under "discrimination based on sex." What related conditions? Childbirth, lactation and ... termination of pregnancy.

So, one day before the *Dobbs* decision returned abortion law to the states, DOE released Title IX language that would enshrine at least some abortions in federal regulation.

>>> [Fox in the Henhouse: Biden's New Title IX Rule Puts Women in Danger](#)

Because Title IX is neutral on abortion, it cannot "require or prohibit" abortion. Under *Roe*, a woman having an abortion would not be penalized by her school, sport, or job. By neither "requiring nor prohibiting" abortion access in schools, though, Title IX's language creates a

“gray zone.” If a court deems failure to provide access to abortion as discriminatory, then colleges receiving federal funding could do so for students—despite a pro-life law in that state.

In Alabama, for example, state law now protects the pre-born child from conception. But the University of Alabama—which receives federal funds—could still give students chemical abortion pills through its campus health clinic.

Title IX funding, then, could enable colleges to be “abortion sanctuaries” for students and faculty. This could take the form of campus health clinics distributing chemical abortion pills or abortion referrals.

In short, the argument goes, Title IX could ensure surgical abortion access and dispense chemical abortion pills to students. Like “condom and candy” handouts, this shift would enable colleges to pass out abortion poison pills to young students.

This federal workaround will surely lead to legal fights between federal regulators and state governments. Will the gimmick hold up in court? It’s hard to say. But the left, and President Biden, seek—by hook or by crook—to overrule state laws to provide abortion access with federal funds.

All of this is based on the myth that women need abortion to be equal with men. But men and women, though equal in value, are different. Sane laws should reflect that fact. And no sane law includes abortion on demand.

Of course, when abortion is an option for unexpected pregnancies, it becomes the “cheap and easy” method. But how many innovations have we foregone because abortion was the easy way out?

>>> [After Supreme Court's Abortion Decision Conservatives Face a New and Even Greater Challenge](#)

Pro-life laws will help us find out since they will change the incentives on many college campuses. Incentives matter. Schools, for their part, could offer more resources for pregnant students. And post-Roe, pro-life groups can help colleges provide women the help they need in pregnancy and parenting.

Like the Hyde Amendment, we need to ensure that their college funds go towards supporting students, not killing babies. Along these lines, members of Congress introduced the Protecting Life on College Campus Act (2021). The bill would block federal funds from going to colleges whose health clinics provided abortion access. That money could go, instead, to supporting mothers and families. Rather than asking pregnant women to bear the burden of extra medical bills and a higher cost of living, anti-discrimination measures could ensure that Title IX helps them.

In the meantime, conservatives should call out the left's vile efforts to smuggle abortion into Title IX. This will not be the only approach they try. Expect such tricks so long as the pro-abortion party occupies the White House and both chambers of Congress.

This piece originally appeared in The Washington Times

HB0016.pdf

Uploaded by: Karen Merwin

Position: UNF

Dear Senate Education, Energy and the Environment committee,

I am unable to attend the upcoming March 22 hearing on HB16, so I am emailing you directly.

HB16, Hear Our Voices Act, has recently been referred to the Senate Education, Energy, and the Environment committee. This bill has a critical flaw and we ask that you either amend the language of the bill, or reject the current version.

HB16 mandates each Maryland public school, "shall provide information to students, faculty, staff and parents regarding (3) the support measures that are in place **for an individual who files a sexual misconduct complaint** and how to access the support measures."

The requirement to only provide information regarding support measures to an individual who files a sexual misconduct complaint is a problem since it is a failure of the Title IX regulations which state that BOTH the accuser (complainant) and alleged accused student (respondent) must be given supportive measures.

- 34 CFR 106.30(a) "Supportive measures": Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge **to the complainant or the respondent** before or after the filing of a formal complaint or where no formal complaint has been filed.

Until there has been an adjudication, both the individual who filed the sexual misconduct complaint and the student alleged to have conducted the sexual misconduct are students at the school. To only give information to the individual who files the sexual misconduct complaint denies the respondent student his/her due process and equal protection rights, and puts the school out of compliance with the federal Title IX regulations.

Please amend the language of the bill, or reject the current version of HB16.

Respectfully submitted,

Susan Horning
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Stop Abuse For Everyone (SAFE) is a Section 501(c)(3) nonprofit organization. We develop programs and disseminate educational materials, provide access to resources and best practices, foster public awareness, and promote an inclusive process to recognize all forms of abuse and all victims of abuse, including under-served victim populations.