



Working to end sexual violence in Maryland

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Testimony Supporting House Bill 16 **Lisae C. Jordan, Executive Director & Counsel** January 24, 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 Ways and Means 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 accommodations, the ability to transfer schools within a district, and ensuring the perpetrator and

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

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 Ways and Means 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>.