

AMENDMENT TO RULES COMMITTEE PRINT 117-3
OFFERED BY MS. MENG OF NEW YORK

At the end of title III, add the following:

1 **SEC. ____ . SUPPORT FOR TITLE IX COORDINATORS.**

2 (a) PURPOSES.—The purposes of this Act are to—

3 (1) support local educational agencies to ensure
4 that title IX coordinators at the local educational
5 agency level and at the school level have the support
6 to fully carry out their roles and responsibilities;

7 (2) identify that sexual harassment, including
8 stalking and dating violence, is a pervasive problem
9 in K–12 schools and requires increased attention;

10 (3) protect students, teachers, and administra-
11 tive staff from inconsistent policies and protocol;

12 (4) identify, implement, and disseminate best
13 practices for reducing and preventing sex discrimina-
14 tion in K–12 schools;

15 (5) increase safety standards in schools to en-
16 sure that sexual harassment does not compromise
17 students' access to education;

18 (6) collect data on prevalence, impact of, and
19 response to sexual harassment in education; and

1 (7) protect students who come forward to re-
2 port sexual harassment.

3 (b) SUPPORT FOR TITLE IX COORDINATORS; COL-
4 LECTION OF DATA.—

5 (1) ISSUANCE OF RULES.—The Secretary shall
6 issue rules necessary to ensure that there is not less
7 than one full time title IX coordinator for each local
8 educational agency that receives funds under title V
9 of the Elementary and Secondary Education Act of
10 1965 and that serves 10,000 or more students.

11 (2) CIVIL RIGHTS DATA COLLECTION.—The
12 Secretary shall collect and publish within the Civil
13 Rights Data Collection, in addition to data already
14 collected and in accordance to Family Educational
15 Rights and Privacy Act (FERPA)—

16 (A) the number and the full-time or part-
17 time status of the employment of title IX coor-
18 dinators for each local educational agency; and

19 (B) specific data under Offenses: Sexual
20 Violence, cross-tabulated and disaggregated by
21 sex (sexual orientation and gender identity),
22 disability, and race, color, or nationality—

23 (i) number of reported incidents of
24 sexual harassment, dating violence, stalk-
25 ing, rape, attempted rape, and sexual as-

1 sault (other than rape), that alleged to
2 have occurred at the school or school activ-
3 ity, committed by a student;

4 (ii) number of reported incidents of
5 sexual harassment, dating violence, stalk-
6 ing, rape, attempted rape, and sexual as-
7 sault (other than rape), that alleged to
8 have occurred at the school or school activ-
9 ity, committed by a school staff member;

10 (iii) number of reports of sexual har-
11 assment, dating violence, stalking, rape, at-
12 tempted rape, and sexual assault (other
13 than rape) committed by a student that re-
14 sulted in a finding that a student was re-
15 sponsible for the offense or not responsible
16 for the offense;

17 (iv) number of reports of sexual har-
18 assment, dating violence, stalking, rape, at-
19 tempted rape, and sexual assault (other
20 than rape), against a school staff member
21 that were followed by a resignation or re-
22 tirement prior to final discipline or termi-
23 nation;

24 (v) number of reports of sexual har-
25 assment, dating violence, stalking, rape, at-

1 tempted rape, and sexual assault (other
2 than rape), that occurred at the school or
3 school activity, against a school staff mem-
4 ber that were followed by a determination
5 that the school staff member was respon-
6 sible or not responsible for the offense;

7 (vi) number of reports of sexual har-
8 assment, dating violence, stalking, rape, at-
9 tempted rape, and sexual assault (other
10 than rape), that occurred at the school or
11 school activity, against a school staff mem-
12 ber that had a determination that re-
13 mained pending;

14 (vii) number of reports of sexual har-
15 assment, dating violence, stalking, rape, at-
16 tempted rape, and sexual assault (other
17 than rape), that occurred at the school or
18 school activity, against a school staff mem-
19 ber that were followed by a duty reassign-
20 ment prior to final discipline or termi-
21 nation;

22 (viii) the median length of the com-
23 plaint process from the filing of a report,
24 to the end of the appeals process; and

1 (ix) the number of students who took
2 leaves of absences, transferred schools, or
3 dropped out within a year after reporting
4 sexual harassment, dating violence, stalk-
5 ing, rape, attempted rape, and sexual as-
6 sult (other than rape) to the school.

7 (3) CLIMATE SURVEYS.—

8 (A) Beginning 18 months after the date of
9 enactment of the Supporting Survivors of Sex-
10 ual Harassment in Schools Act, the full-time
11 local educational agency title IX coordinator
12 shall develop and collect anonymous climate
13 survey data based on subparagraph (A), cross-
14 tabulated and disaggregated by sex (including
15 sexual orientation, gender identity, and preg-
16 nancy), disability, and race, color or national
17 origin, in accordance to Family Educational
18 Rights and Privacy Act (FERPA) and except in
19 circumstances where small population sizes
20 would mean collection of this data compromises
21 anonymity, from each school community, in-
22 cluding students, parents, and staff, and con-
23 ducted not later than one year after such date
24 of enactment, and conducted, reviewed, and up-
25 dated annually.

1 (B) The full-time local educational agency
2 title IX coordinator shall collect and submit to
3 the Department anonymous climate survey data
4 cross-tabulated and disaggregated by sex (in-
5 cluding sexual orientation, gender identity, and
6 pregnancy), disability, and race, color or na-
7 tional origin, in accordance to Family Edu-
8 cational Rights and Privacy Act (FERPA) and
9 except in circumstances where small population
10 sizes would mean collection of this data com-
11 promises anonymity, that includes—

12 (i) the reported incidence and preva-
13 lence of experiences of sexual harassment,
14 sexual violence, dating violence, domestic
15 violence, and stalking;

16 (ii) the rate in which the perpetrator
17 was a student, staff, or teacher and other
18 contextual factors;

19 (iii) whether students report that they
20 know about institutional policies and pro-
21 cedures, such as the identity of the title IX
22 coordinator, the location of title IX re-
23 sources, including resources on sexual har-
24 assment, gender-based harassment and vio-
25 lence, and definitions of sexual misconduct;

1 (iv) if students indicate they have re-
2 ported gender-based harassment and vio-
3 lence, the role of the people to whom they
4 reported;

5 (v) types of disciplinary action and
6 the rate of disciplinary action taken
7 against the complainant and/or the re-
8 spondent related to the report of gender-
9 based harassment;

10 (vi) the types of accommodations and
11 supports students who indicate they have
12 reported gender-based harassment report
13 having received, such as counseling, med-
14 ical services, or class scheduling changes;

15 (vii) any reported short-term or long-
16 term impacts on physical or mental health
17 from students who have experienced gen-
18 der-based violence or harassment;

19 (viii) the frequency at which complain-
20 ants request to drop classes, take a leave
21 of absence from school, or leave the insti-
22 tution permanently;

23 (ix) school community members' atti-
24 tudes toward gender-based violence and

1 harassment, including individuals' willing-
2 ness to intervene as a bystander; and

3 (x) school community members' per-
4 ception of campus safety and confidence in
5 the institution's ability to appropriately ad-
6 dress gender-based violence and harass-
7 ment.

8 (4) GUIDANCE.—The Secretary must provide
9 guidance to LEAs and full-time local educational
10 agency title IX coordinators on how to implement
11 the climate survey.

12 (5) REPORT.—The Department must publish
13 an annual report on climate survey data findings
14 from paragraph (3) on the Department website. The
15 annual report shall include national, State, and dis-
16 trict-level data, cross-tabulated and disaggregated by
17 sex (including sexual orientation, gender identity,
18 and pregnancy), disability, race, color, or national
19 origin in accordance to Family Educational Rights
20 and Privacy Act (FERPA), on the following:

21 (A) The incidence and prevalence of sexual
22 harassment, sexual violence, dating violence, do-
23 mestic violence, and stalking.

24 (B) The rate of incidences of when the
25 perpetrator was a student and other contextual

1 factors, such as whether force, incapacitation,
2 or coercion was involved.

3 (C) The percentage of students who know
4 about institutional policies and procedures, such
5 as the identity of the title IX coordinator, the
6 location of title IX resources, and definitions of
7 sexual misconduct.

8 (D) The type of roles of the people to
9 whom incidences of sexual harassment were
10 most commonly reported.

11 (E) The types and prevalence of accom-
12 modations and supports provided to survivors,
13 such as counseling, medical services, or class
14 scheduling changes.

15 (F) The estimated cost and/or impact of
16 violence on survivors, such as costs associated
17 with counseling, medical services, or class
18 scheduling changes.

19 (G) The frequency at which complainants
20 request to drop classes, take a leave of absence
21 from school, or leave the institution perma-
22 nently.

23 (H) Types of long-term impacts on the
24 survivor's health, such as disabilities that may

1 have resulted from experiencing gender-based
2 violence or harassment.

3 (I) School community attitudes toward
4 gender-based violence and harassment, includ-
5 ing individuals' willingness to intervene as a by-
6 stander.

7 (J) School community members' perception
8 of campus safety and confidence in the institu-
9 tion's ability to appropriately address gender-
10 based violence and harassment.

11 (6) BEST PRACTICES.—In addition to the data
12 listed in paragraph (5), the report shall include in-
13 formation on best practices.

14 (c) DISCLOSURES AND USE OF DATA.—The Sec-
15 retary shall make the data described in this section for
16 each year publicly available on the website of the Depart-
17 ment of Education and through any other appropriate
18 method, in a timely and user-friendly manner, and acces-
19 sible and usable by individuals with disabilities.

20 (d) SUPPORT FOR STUDENT SURVIVORS.—

21 (1) NOTIFICATION.—The Secretary shall re-
22 quire school-level title IX coordinators and school
23 administrators, upon becoming aware of sexual har-
24 assment, to notify the complainant in writing and
25 orally, about available assistance to support the com-

1 plainant of sexual harassment and ensure their con-
2 tinued and equal access to education, regardless of
3 the location of the harassment, including—

4 (A) academic adjustment or other accom-
5 modations, such as adapting course schedules,
6 assignments, or tests, issuing no-contact orders,
7 or taking other measures to separate the com-
8 plainant and the respondent that minimize the
9 burden on the complainant;

10 (B) information about and access to sup-
11 port services for the complainant, such as coun-
12 seling, mental health and other health services,
13 and disability accommodations;

14 (C) providing increased monitoring or su-
15 pervision at locations or activities where the
16 misconduct occurred or may have occurred; and

17 (D) reasonable accommodations for com-
18 plainants and respondents with disabilities, con-
19 sistent with laws that protect students with dis-
20 abilities, including Section 504 of the Rehabili-
21 tation Act of 1973 (Section 504), the Ameri-
22 cans with Disabilities Act (ADA), and the Indi-
23 viduals with Disabilities Education Act (IDEA).

24 (2) GUIDANCE.—Working in collaboration with
25 the full-time coordinator, the local educational agen-

1 cy title IX must issue guidance to schools, students,
2 and parents (including guardians) to explicitly pro-
3 tect students from punishment or retaliation when
4 making reports of sexual harassment. Such guidance
5 must apply to all reports of harassment, including in
6 the context of a same-sex relationship or encounter,
7 and ensure that for all reports of sexual harass-
8 ment—

9 (A) the school will not take disciplinary ac-
10 tion against individuals, including witnesses,
11 disclosing code-of-conduct offenses that are re-
12 lated to the assault, including, but not limited
13 to, the use of intoxicating substances occurring
14 at or around the time of a reported incident,
15 reasonable actions taken to defend against har-
16 assment, or actions taken to avoid seeing the
17 respondent at school;

18 (B) if a school's code-of-conduct prohibits
19 sexual activity (or certain forms of sexual activ-
20 ity), the school will not take disciplinary action
21 against individuals disclosing in good faith (in-
22 cluding witnesses) non-harassing sexual activity
23 related to the reported incident, or for other
24 non-harassing sexual activity discovered during
25 an investigation into the reported incident; and

1 (C) the full-time local educational agency
2 title IX coordinator shall review disciplinary ac-
3 tions related to a complaint of harassment to
4 ensure that disciplinary action was not taken
5 against a complainant for engaging in action
6 taken as a result of the sexual harassment.

