



## U.S. Department of Education Press Release

# Secretary DeVos Announces New Civil Rights Initiative to Combat Sexual Assault in K-12 Public Schools

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WASHINGTON — U.S. Secretary of Education Betsy DeVos announced today a new Title IX enforcement initiative, led by the Department's Office for Civil Rights (OCR), to combat the troubling rise of sexual assault in K-12 public schools. This initiative will enhance OCR's enforcement of Title IX in both elementary and secondary public schools and strengthen the ability of schools to respond to all incidents of sexual harassment and assault. The new initiative also builds on the Department's work to implement the "Pass the Trash" provisions of the Every Student Succeeds Act (ESSA), which prohibits schools from simply moving employees who have committed acts of sexual misconduct.

"We hear all too often about innocent children being sexually assaulted by an adult at school. That should never happen. No parent should have to think twice about their child's safety while on school grounds," said Secretary DeVos. "That's why I've directed our OCR team to tackle the tragic rise of sexual misconduct complaints in our nation's K-12 campuses head on. Through compliance reviews and raising public awareness about what's actually happening in too many of our nation's schools, we can build on the good work we're already doing to enforce Title IX and protect students. We cannot rest until every student can learn in a safe, nurturing environment where their civil rights are protected."

Title IX requires that schools and districts take appropriate steps to address sex discrimination. The requirements of Title IX apply to incidents of sexual misconduct, including incidents that involve both student-on-student misconduct and staff-on-student misconduct

OCR's recent resolution of two sexual harassment complaints involving [Chicago Public Schools](#) illustrates the systemic and significant deficiencies that require OCR's intentional and focused examination.

In fact, according to the most recent available Civil Rights Data Collection (CRDC) for the 2015-2016 school year, there were approximately 9,700 incidents of sexual assault, rape or attempted rape reported in public elementary and secondary schools.

OCR's initiative to examine sexual assault will include the following activities:

- **Compliance Reviews:** OCR will conduct nationwide compliance reviews in schools and districts, examining how sexual assault cases are handled under Title IX, including sexual incidents involving teachers and school staff. OCR will work with school districts to identify and correct compliance concerns.
- **Public Awareness and Support:** OCR will focus on raising awareness of the issue of sexual assault in K-12 schools, including making information available to educators, school leaders, parents and families.
- **Data Quality Reviews:** OCR will conduct Data Quality Reviews (DQRs) of the sexual assault/offenses data submitted by school districts through the CRDC. As a part of conducting DQRs, OCR will partner with the National Center for Education Statistics (NCES) and will work with districts to ensure that incidents of sexual assault/sexual offenses are being accurately recorded and reported through the CRDC.
- **Proposed CRDC Data Collection:** OCR has proposed, for the 2019-2020 data collection, to collect more detailed data on sexual assault. The proposed data collection includes incidents perpetrated by school staff or school personnel. If adopted, the inclusion of this data would make the CRDC collection the first universal collection to gather such data systemically by school.

"The number of K-12 sexual harassment and violence complaints filed with OCR is nearly fifteen times greater than it was a decade ago. This disturbing change is a matter of serious concern and requires immediate attention," said Assistant Secretary for Civil Rights Kenneth L. Marcus. "Secretary DeVos has directed OCR to focus our enforcement, technical assistance, and data-gathering activities on this issue, and we are going to make it a priority going forward."

Today's actions follow the Department's Office of Elementary and Secondary Education's announcement that it will publish an extensive study of measures taken by states and school districts to prevent the phenomenon known as "Pass the Trash." The study examines best practices for prevention and raises awareness of the requirement under Section 8546 of ESSA, which prohibits state education agencies, school districts, schools and school employees from assisting an individual in obtaining new employment if the individual has engaged in sexual misconduct with a student or minor. For too long, and too often, teachers who have engaged in sexual misconduct with a student or other minor have appallingly managed to find employment at another school.

"Outlawing the despicable act of 'passing the trash' was a major step toward keeping our children safe from predators while they're at school," said U.S. Senator Pat Toomey. "But it will only work if each state and school district is in compliance with the law. I applaud Secretary DeVos and her department for undertaking new efforts to better protect

schoolchildren. Parents deserve to know that when their kids go to school each day, they are going to be in a safe environment where they will not be preyed upon."

This new Title IX enforcement initiative to combat sexual violence in K-12 schools is the second nationwide initiative launched in OCR in the last 13 months. On Jan. 17, 2019, Secretary DeVos announced an initiative to address the possible inappropriate use of restraint and seclusion on children with disabilities. OCR is actively investigating compliance reviews in all 12 of OCR's regional offices and is continuing to provide technical assistance to stakeholders and other groups. OCR has engaged with more than 350 school districts to ensure that restraint and seclusion data are accurate and correctly reported to OCR. Dozens of school districts have submitted corrected data to OCR as a result of OCR's Data Quality Reviews.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C §§ 1681 *et seq.*, which prohibits discrimination on the basis of sex in education programs and activities operated by recipients of federal financial assistance. Title IX's prohibition of discrimination includes sexual harassment and assault, which interferes with students' rights to receive an education free from discrimination on the basis of sex.