

117TH CONGRESS
2D SESSION

H. R. 7620

To implement title IX of the Education Amendments of 1972 with respect to elementary and secondary schools, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2022

Mr. CASTEN (for himself and Ms. LOIS FRANKEL of Florida) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To implement title IX of the Education Amendments of 1972 with respect to elementary and secondary schools, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stop Sexual Harass-
5 ment in K–12 Act”.

6 **SEC. 2. TITLE IX COORDINATOR.**

7 (a) IN GENERAL.—For each local educational agency
8 (as defined in section 8101 of the Elementary and Sec-
9 ondary Education Act of 1965 (8 U.S.C. 7801)) that re-
10 ceives Federal financial assistance (as such term is defined

1 in section 7501(a)(5) of title 31, United States Code), the
2 following requirements shall apply as a condition on con-
3 tinued receipt of such assistance:

4 (1) The recipient shall increase the number of
5 full-time employees designated to serve as a Title IX
6 Coordinator by at least one per—

7 (A) 75,000 students in 7th grade or above
8 served by the recipient; and

9 (B) 150,000 students in 6th grade or
10 below served by the recipient.

11 (2) The recipient shall ensure students and
12 staff are made aware of these employees, their role,
13 and the times at which they are available to meet.

14 (3) A Title IX Coordinator should not have any
15 other school-related responsibilities that may create
16 a conflict of interest, including serving in the school
17 administrative leadership or local educational agency
18 administrative leadership (such as serving as a prin-
19 cipal, vice principal, headmaster, superintendent,
20 board member, general counsel, athletics director,
21 etc.).

22 (4) A Title IX Coordinator, along with a prin-
23 cipal, campus security, bus driver, teacher, counselor
24 or social worker, affirmative action officer, coach, or
25 any other staff member, shall be considered an “ap-

1 appropriate person” to whom to disclose sexual dis-
2 crimination for purposes of the legal standards that
3 enable private rights of action.

4 (b) DUTIES.—Each Title IX Coordinator for a local
5 educational agency shall ensure the local educational agen-
6 cy’s compliance under Federal policies against sex dis-
7 crimination, including title IX of the Education Amend-
8 ments of 1972 (20 U.S.C. 1681 et seq.), by doing the fol-
9 lowing:

10 (1) Ensuring that every individual affected by
11 the operations of the local educational agency, in-
12 cluding students, parents, guardians, employees, and
13 applicants for admission or employment, is aware of
14 their rights under Federal, State, and local laws and
15 policies against sex discrimination, including title IX
16 of the Education Amendments of 1972 (20 U.S.C.
17 1681 et seq.), and that the local educational agency
18 and its employees comply with those laws and poli-
19 cies, including receiving training on the laws and
20 policies.

21 (2) Ensuring that notices of nondiscrimination,
22 relevant policies and grievance procedures, and cur-
23 rent contact information of all Title IX Coordinators
24 are disseminated broadly and in an age-appropriate
25 manner accessible to all students, parents, guard-

1 ians, and employees and applicants for admission or
2 employment, including on school websites and in
3 school handbooks.

4 (3) Monitoring complaints alleging discrimina-
5 tion based on sex (including sexual orientation, gen-
6 der identity, sex characteristics (including intersex
7 traits), pregnancy, childbirth, a medical condition re-
8 lated to domestic violence, dating violence, sexual as-
9 sault, sexual violence, stalking, pregnancy or child-
10 birth, and a sex stereotype), domestic violence, dat-
11 ing violence, sexual assault, sexual violence, stalking,
12 and sexual harassment, including supportive meas-
13 ures offered to complainants and the outcomes of
14 complaints.

15 (4) Identifying patterns of sex discrimination
16 from complaints and addressing its impact on the
17 school community.

18 (5) Coordinating dissemination, collection, and
19 analysis of climate surveys, including the survey de-
20 scribed in section 4, and identifying and proactively
21 addressing sex discrimination in the local edu-
22 cational agency based on the results of climate sur-
23 veys.

24 (6) Overseeing age-appropriate annual sexual
25 harassment prevention education and trainings to

1 school employees and students and ensuring that
2 prevention education and training is inclusive of di-
3 verse communities and identities, informed by re-
4 search, and conducted in partnership with local rape
5 crisis centers, State sexual assault coalitions, or
6 community organizations that work on addressing
7 sex discrimination, including sexual harassment in
8 schools.

9 (c) WAIVER AUTHORIZED.—

10 (1) IN GENERAL.—A recipient described in sub-
11 section (a) may request a waiver from the Secretary
12 of Education of one or more of the requirements
13 under such subsection on the basis that the require-
14 ment poses an insurmountable financial burden to
15 the recipient and the recipient has been unable to se-
16 cure sufficient grants under subsection (d).

17 (2) ALTERNATIVE PLAN.—The waiver process
18 shall include requiring the recipient to submit an al-
19 ternative plan for ensuring students are aware of
20 their rights under title IX of the Education Amend-
21 ments of 1972 (20 U.S.C. 1681 et seq.) and have
22 access to a Title IX Coordinator. At the very min-
23 imum within their alternative plan, the recipient
24 shall establish a partnership, through a memo-
25 randum of understanding, with a local rape crisis

1 center or a national or community-based organiza-
2 tion that specializes in trauma or crisis management
3 and support. The memorandum of understanding
4 shall establish a clear delineation of the roles and re-
5 sponsibilities of the partners, which shall also in-
6 clude providing preventative training and supporting
7 measures when addressing reports about incidents of
8 campus sexual violence.

9 (3) FAILURE TO FOLLOW ALTERNATIVE
10 PLAN.—If a recipient has such a waiver approved
11 but does not follow their alternative plan, or the Sec-
12 retary of Education deems their plan was insuffi-
13 cient to prevent and respond to sexual harassment
14 and assault, the Secretary shall take such action as
15 may be appropriate to withhold Federal financial as-
16 sistance. A waiver granted under this subsection
17 shall be valid for 2 years.

18 (d) GRANTS.—To carry out this section, there are au-
19 thorized to be appropriated to the Secretary of Education
20 \$100,000,000 for grants to recipients described in sub-
21 section (a) to offset the financial burden of satisfying the
22 requirements of this section. In making grants under this
23 subsection, priority shall be given to local educational
24 agencies that otherwise would face a high financial burden
25 in fulfilling such requirements.

1 (e) DEFINITION.—In this section, the term “Title IX
2 Coordinator” means the employee of a recipient of Federal
3 financial assistance (as such term is defined in section
4 7501(a)(5) of title 31, United States Code) with major
5 responsibility for coordinating the recipient’s efforts to
6 comply with its obligations under title IX of the Education
7 Amendments of 1972 (20 U.S.C. 1681 et seq.).

8 **SEC. 3. GRANTS FOR TRAINING ON HOW TO RESPOND TO**
9 **SIGNS OF SEXUAL HARASSMENT AND AS-**
10 **SAULT OF STUDENTS.**

11 There are authorized to be appropriated to the Sec-
12 retary of Education \$50,000,000 for grants to local edu-
13 cational agencies (as defined in section 8101 of the Ele-
14 mentary and Secondary Education Act of 1965 (8 U.S.C.
15 7801)) to train elementary and secondary school teachers
16 and other school staff on how to prevent, recognize, and
17 respond to signs of sexual harassment and assault among
18 students or between students and adults, as well as sexual
19 grooming of students by adults at school.

20 **SEC. 4. CLIMATE SURVEYS.**

21 (a) SEXUAL VIOLENCE CLIMATE SURVEY.—

22 (1) IN GENERAL.—The Secretary of Education,
23 in consultation with the Attorney General and the
24 Director of the Centers for Disease Control of the
25 Department of Health and Human Services, shall

1 develop an empirically validated sexual violence cli-
2 mate survey to be conducted on an anonymous basis
3 of elementary and secondary school students and
4 staff not later than one year after the date of the
5 enactment of this Act. The survey shall assess the
6 occurrence on school property, during the preceding
7 calendar year for which data is available, of in-
8 stances of domestic violence, dating violence, sexual
9 assault, sexual violence, sexual harassment, and
10 stalking.

11 (2) REQUIREMENTS.—The survey tool devel-
12 oped pursuant to this section—

13 (A) shall be fair and unbiased, be scientif-
14 ically valid and reliable, meet the highest stand-
15 ards of survey research, and notify the partici-
16 pant that anonymized results of the survey may
17 be published;

18 (B) shall ensure that the survey tool is
19 readily accessible to, and usable by, individuals
20 with disabilities; and

21 (C) shall ensure that the responses to the
22 survey questions—

23 (i) are submitted confidentially;

24 (ii) are not included in crime statis-
25 tics; and

1 (iii) in a case in which such responses
2 are included in a report, do not include
3 personally identifiable information.

4 (b) STATISTICS.—Beginning 18 months after the
5 date of the enactment of this Act, such officials shall com-
6 pile statistics based upon their analysis of the results of
7 the survey. Such officials shall update, conduct, and com-
8 pile the results of, the survey every 2 years thereafter. The
9 compiled statistics should be disaggregated by local edu-
10 cational agency, except that such disaggregation shall not
11 be required in the case of a local educational agency of
12 a size such that the results would reveal personally identi-
13 fiable information about an individual student, in which
14 case, an alternate basis for disaggregation shall be se-
15 lected.

16 (c) PUBLIC AVAILABILITY.—The statistics compiled
17 under subsection (b) shall be made publicly available on
18 the website of the Department of Education and readily
19 accessible to and usable by individuals, including individ-
20 uals with disabilities.

21 (d) BIENNIAL REPORT.—Beginning not later than 2
22 years after the date of the enactment of this Act, the Sec-
23 retary of Education—

24 (1) shall prepare a biennial report on the infor-
25 mation gained from the standardized elements of the

1 survey under this section and publish such report in
2 an accessible format on the website of the Depart-
3 ment of Education, including as part of any online
4 consumer tool offered or supported by the Depart-
5 ment of Education that provides information to stu-
6 dents regarding specific postsecondary educational
7 institutions; and

8 (2) shall submit such report to the Congress.

9 (e) DEVELOPMENTALLY APPROPRIATE CONTENT.—

10 The Secretary shall ensure that the survey questions vary
11 between staff and students and for different age groups
12 in order to ensure that the questions are developmentally
13 appropriate.

14 (f) OPTION TO REPORT DEMOGRAPHIC INFORMA-
15 TION.—The survey shall give students the option to report
16 their demographic information.

17 (g) TOPICS.—Survey questions included in the survey
18 tool developed pursuant to this section—

19 (1) shall be designed to gather information on
20 student experiences with domestic violence, dating
21 violence, sexual assault, sexual harassment, and
22 stalking, including the experiences of victims of such
23 incidents;

24 (2) shall use trauma-informed language to pre-
25 vent re-traumatization; and

1 (3) subject to subsection (e), shall address—

2 (A) whether the instances domestic vio-
3 lence, dating violence, sexual assault, sexual vio-
4 lence, sexual harassment, and stalking de-
5 scribed were experienced in-person or through
6 electronic means;

7 (B) the effectiveness of school sexual vio-
8 lence awareness and prevention programs and
9 policies for the overall student body and dif-
10 ferent student populations, such as students of
11 color, students in the LGBTQ communities, im-
12 migrant students, pregnant and parenting stu-
13 dents, and students with disabilities;

14 (C) the effectiveness of current processes
15 for complaints on and investigations into sex-
16 based, race-based, national origin-based, sexual
17 orientation-based, gender identity-based, and
18 disability-based harassment, assault, discrimi-
19 nation, domestic violence, dating violence, and
20 stalking;

21 (D) students' awareness of school policies
22 and procedures, including—

23 (i) the location and process for access-
24 ing school resources, such as a Title IX
25 Coordinator designated by the school pur-

1 suant to title IX of the Education Amend-
2 ments of 1972 (20 U.S.C. 1681 et seq.);
3 and

4 (ii) processes for remote learning;

5 (E) whether individuals impacted by sexual
6 harassment, sexual violence, discrimination, do-
7 mestic violence, dating violence, and stalking
8 have experienced negative effects on their edu-
9 cation, including diminished grades, dropped
10 classes, or leaves of absence;

11 (F) what training is being provided to
12 teachers and staff on policies and procedures
13 pertaining to sexual harassment, sexual vio-
14 lence, discrimination, domestic violence, dating
15 violence, sexual grooming, and stalking, includ-
16 ing best practices in prevention;

17 (G) whether the perpetrator of sexual har-
18 assment, sexual violence, discrimination, domes-
19 tic violence, dating violence, and stalking was a
20 student, school employee, or volunteer and
21 other contextual factors;

22 (H) whether individuals impacted by sex-
23 ual harassment, sexual violence, discrimination,
24 domestic violence, dating violence, and stalking
25 reported or did not report such sexual harass-

1 ment, sexual violence, discrimination, domestic
2 violence, dating violence, and stalking;

3 (I) if such an individual did so report, to
4 whom they reported, and what response the
5 survivor received to include being informed of,
6 or referred to, national, State, local, tribal, or
7 resources;

8 (J) if such an individual reported to the
9 school—

10 (i) did the school conduct an inves-
11 tigation;

12 (ii) if an investigation was conducted,
13 how long did the investigation take; and

14 (iii) if an investigation was conducted,
15 what was the final resolution of the inves-
16 tigation;

17 (K) if such an individual did so report,
18 whether they experienced retaliation following
19 the reporting;

20 (L) school community members', such as
21 students, full-time and part-time staff and fac-
22 ulty, and administration officials, attitudes to-
23 ward sexual violence and harassment, including
24 individuals' willingness to intervene as a by-
25 stander of sex-based, race-based, national ori-

1 gin-based, sexual orientation-based, gender
2 identity-based, and disability-based discrimina-
3 tion, harassment, assault, domestic violence,
4 dating violence, and stalking;

5 (M) school community members', such as
6 students, full-time and part-time staff and fac-
7 ulty, and administration officials, perception of
8 school safety and confidence in the school's abil-
9 ity to appropriately address sex-based, race-
10 based, national origin-based, sexual orientation-
11 based, gender identity-based, and disability-
12 based discrimination, harassment, assault, do-
13 mestic violence, dating violence, and stalking;
14 and

15 (N) any other issues relating to sex-based,
16 race-based, national origin-based, sexual ori-
17 entation-based, gender identity-based, and dis-
18 ability-based discrimination, harassment, as-
19 sault, domestic violence, dating violence, and
20 stalking, as appropriate.

21 (h) ADDITIONAL TOPICS.—States and local edu-
22 cational agencies may add additional questions to the sur-
23 vey as they determine appropriate.

24 (i) FEDERAL ADMINISTRATION.—

1 (1) IN GENERAL.—The Secretary of Education,
2 in consultation with the Attorney General, the Direc-
3 tor of the Centers for Disease Control and Preven-
4 tion, and the Secretary of Health and Human Serv-
5 ices, shall develop a mechanism by which local edu-
6 cational agencies may, with respect to the survey
7 tool developed pursuant to this section—

8 (A) administer such survey tool; and
9 (B) modify such survey tool to include ad-
10 ditional elements or requirements, as deter-
11 mined by the agency, subject to the review and
12 approval of the Secretary of Education.

13 (2) ACCESSIBILITY.—The Secretary of Edu-
14 cation shall ensure that the survey tool is adminis-
15 tered in such a way as to be readily accessible to
16 and usable by individuals with disabilities.

17 (j) INSTITUTIONAL ADMINISTRATION.—Beginning
18 not later than 1 year after the date on which the Secretary
19 of Education makes available to local educational agencies
20 the mechanism described in subsection (i)(1), and every
21 2 years thereafter, each local educational agency (as de-
22 fined in section 8101 of the Elementary and Secondary
23 Education Act of 1965 (8 U.S.C. 7801)) that receives
24 Federal financial assistance (as such term is defined in
25 section 7501(a)(5) of title 31, United States Code) shall

1 administer the survey tool developed pursuant to this sec-
2 tion.

3 (k) COMPLETED SURVEYS.—The Secretary of Edu-
4 cation shall require each local educational agency that ad-
5 ministers the survey tool developed pursuant to this sec-
6 tion to ensure, to the maximum extent practicable, that
7 an adequate, random, and representative sample size of
8 students (as determined by the Secretary) enrolled at ele-
9 mentary and secondary schools under the jurisdiction of
10 the agency complete the survey tool developed pursuant
11 to this section.

12 (l) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated \$10,000,000 to carry
14 out this section.

15 **SEC. 5. RULE OF CONSTRUCTION.**

16 Nothing in this Act shall be construed to preempt,
17 invalidate, or limit rights, remedies, procedures, or legal
18 standards available to victims of discrimination or retalia-
19 tion under any other Federal law or law of a State or polit-
20 ical subdivision of a State, including title VI of the Civil
21 Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX
22 of the Education Amendments of 1972 (20 U.S.C. 1681
23 et seq.), section 504 of the Rehabilitation Act of 1973 (29
24 U.S.C. 794), the Americans with Disabilities Act of 1990
25 (42 U.S.C. 12101 et seq.), or section 1979 of the Revised

1 Statutes (42 U.S.C. 1983). The obligations imposed by
2 this Act are in addition to those imposed by title IX of
3 the Education Amendments of 1972 (20 U.S.C. 1681 et
4 seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C.
5 2000d et seq.), title VII of the Civil Rights Act of 1964
6 (42 U.S.C. 2000e et seq.), and the Americans with Dis-
7 abilities Act of 1990 (42 U.S.C. 12101 et seq.).

8 **SEC. 6. SENSE OF CONGRESS.**

9 It is the sense of the Congress that it is valuable for
10 students to have access to confidential reporting of sexual
11 harassment and abuse, and schools should attempt to pro-
12 vide that to the extent possible in accordance with State
13 and local laws.

14 **SEC. 7. EFFECTIVE DATE.**

15 Unless otherwise provided in this Act, this Act shall
16 take effect 1 year after the date of the enactment of this
17 Act.

○