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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

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

Mr. CASTEN introduced the following bill; which was referred to the Committee on _____

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”.

1 **SEC. 2. TITLE IX COORDINATOR.**

2 (a) IN GENERAL.—For each local educational agency
3 that receives Federal financial assistance, the following re-
4 quirements shall apply:

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

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

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

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

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

24 (4) A Title IX Coordinator, along with a prin-
25 cipal, campus security, bus driver, teacher, counselor
26 or social worker, equity officer, coach, or any other

1 staff member, shall be considered an appropriate
2 person to whom to disclose discrimination on the
3 basis of sex for purposes of the legal standards
4 under title IX of the Education Amendments of
5 1972 (20 U.S.C. 1681 et seq.).

6 (b) DUTIES.—Each Title IX Coordinator for a local
7 educational agency shall ensure the local educational agen-
8 cy's compliance under Federal policies against discrimina-
9 tion on the basis of sex, including title IX of the Education
10 Amendments of 1972 (20 U.S.C. 1681 et seq.), by doing
11 the following:

12 (1) Providing information and outreach so that
13 every individual receives sufficient and accessible in-
14 formation designed to make them aware of their
15 rights under Federal, State, and local laws and poli-
16 cies against discrimination on the basis of sex, in-
17 cluding title IX of the Education Amendments of
18 1972 (20 U.S.C. 1681 et seq.) and the regulations
19 promulgated to carry out such title, and that the
20 local educational agency and its employees comply
21 with those laws and policies, including receiving
22 training on the laws and policies.

23 (2) Ensuring that notices of nondiscrimination,
24 relevant policies and grievance procedures, and cur-
25 rent contact information of all Title IX Coordinators

1 are disseminated broadly and in an age-appropriate
2 manner accessible to all students, parents, guard-
3 ians, and employees and applicants for admission or
4 employment, including prominently on school
5 websites and in school handbooks.

6 (3) Monitoring complaints alleging discrimina-
7 tion based on sex (including sexual orientation, gen-
8 der identity, sex characteristics (including intersex
9 traits), pregnancy or related conditions, a medical
10 condition related to domestic violence, dating vio-
11 lence, sexual assault, stalking, pregnancy or related
12 conditions, and a sex stereotype), domestic violence,
13 dating violence, sexual assault, sexual violence, stalk-
14 ing, and sex-based harassment, including supportive
15 measures offered to complainants, reasonable accom-
16 modations for complainants and respondents with
17 disabilities, and the outcomes of complaints.

18 (4) Identifying patterns of discrimination on
19 the basis of sex from complaints and addressing its
20 impact on the school community.

21 (5) Monitoring the education program or activ-
22 ity for barriers to reporting information about con-
23 duct that may constitute discrimination on the basis
24 of sex and taking steps reasonably calculated to ad-
25 dress such barriers.

1 (6) Coordinating dissemination, collection, and
2 analysis of climate surveys, including the survey de-
3 scribed in section 4, and identifying and proactively
4 addressing discrimination on the basis of sex in the
5 local educational agency based on the results of cli-
6 mate surveys.

7 (7) Overseeing age-appropriate, accessible, and
8 trauma-informed annual sex-based harassment pre-
9 vention education and training for students, employ-
10 ees, volunteers, contractors, and other government
11 employees who work in or with the local educational
12 agency.

13 (8) Ensuring that prevention education and
14 training is inclusive of diverse communities and
15 identities, informed by research, and conducted in
16 partnership with local rape crisis centers, State sex-
17 ual assault coalitions or domestic violence coalitions,
18 or community organizations that work on addressing
19 discrimination on the basis of sex, including sex-
20 based harassment in schools.

21 (c) WAIVER AUTHORIZED.—

22 (1) IN GENERAL.—A local educational agency
23 that receives Federal financial assistance may re-
24 quest a waiver from the Secretary of one or more of
25 the requirements under this section on the basis

1 that the requirement poses an insurmountable finan-
2 cial burden to the recipient and the recipient has
3 been unable to secure sufficient grants under sub-
4 section (d).

5 (2) ALTERNATIVE PLAN.—The waiver process
6 shall include requiring the recipient to submit an al-
7 ternative plan for ensuring students are aware of
8 their rights under title IX of the Education Amend-
9 ments of 1972 (20 U.S.C. 1681 et seq.) and have
10 access to a Title IX Coordinator. At the very min-
11 imum within their alternative plan, the recipient
12 shall establish a partnership, through a memo-
13 randum of understanding, with a local rape crisis
14 center or a national or community-based organiza-
15 tion that specializes in trauma or crisis management
16 and support. The memorandum of understanding
17 shall establish a clear delineation of the roles and re-
18 sponsibilities of the partners, which shall also in-
19 clude providing prevention training and supporting
20 measures when addressing reports about incidents of
21 sex-based harassment.

22 (3) FAILURE TO FOLLOW ALTERNATIVE
23 PLAN.—If the Secretary determines (based on a sub-
24 mitted complaint or otherwise) that a recipient has
25 such a waiver approved but has not followed their al-

1 ternative plan, or if the Secretary determines that
2 their plan was insufficient to prevent and respond to
3 sex-based harassment and assault, the Secretary
4 shall attempt a voluntary resolution. If a voluntary
5 resolution is not possible during a reasonable period
6 of time, the Secretary shall take such action as may
7 be appropriate to withhold Federal financial assist-
8 ance. A waiver granted under this subsection shall
9 be valid for 2 years.

10 (d) GRANTS.—To carry out this section, there are au-
11 thorized to be appropriated such sums as may be nec-
12 essary for each of the first five fiscal years that begin after
13 the effective date in subsection (e) for grants to local edu-
14 cational agencies to offset the financial burden of satis-
15 fying the requirements of this section. In making grants
16 under this subsection, the Secretary shall give priority to
17 local educational agencies that otherwise would face a high
18 financial burden in fulfilling such requirements.

19 (e) EFFECTIVE DATE.—This section shall take effect
20 1 year after the date of the enactment of this Act.

21 **SEC. 3. GRANTS FOR TRAINING ON HOW TO RESPOND TO**
22 **SIGNS OF SEX-BASED HARASSMENT AND AS-**
23 **SAULT OF STUDENTS.**

24 (a) IN GENERAL.—The Secretary is authorized to
25 make grants to local educational agencies to train elemen-

1 tary school and secondary school teachers and other school
2 staff on how to prevent, recognize, and respond to signs
3 of sex-based harassment and assault among students or
4 between students and adults.

5 (b) APPLICATIONS.—

6 (1) IN GENERAL.—Any local educational agency
7 desiring to receive a grant under this section for any
8 fiscal year shall submit an application to the Sec-
9 retary at such time and in such manner as the Sec-
10 retary may require. Each such application shall—

11 (A) include a plan to provide the training
12 described in subsection (a); and

13 (B) demonstrate how the grant funds will
14 be used to meet the needs for such training.

15 (2) DEADLINE.—The Secretary shall award
16 grants under this section not later than 6 months
17 after the deadline for grant application submission
18 established under paragraph (1).

19 (c) EQUITABLE DISTRIBUTION.—To the extent prac-
20 ticable, in awarding grants under this section, the Sec-
21 retary shall—

22 (1) ensure an equitable geographic distribution
23 of grants under this section, including the distribu-
24 tion of such grants between rural and urban areas;
25 and

1 (2) give priority to local educational agencies
2 that have jurisdiction over an underserved area or
3 areas.

4 (d) **PRIORITIES.**—In allocating funds to local edu-
5 cational agencies under this section, the Secretary shall
6 consider the quality of the applications submitted, but the
7 Secretary shall give priority to local educational agencies
8 whose applications include any of the following:

9 (1) A demonstration that the applicant does not
10 receive other Federal, State, or local funds to carry
11 out the activities described in this section.

12 (2) Statements of support from students or stu-
13 dent groups.

14 (e) **SUPPLEMENT, NOT SUPPLANT.**—Grant funds
15 provided under this section shall be used to supplement,
16 not supplant, other Federal or State funds available to
17 carry out the activities described in this section.

18 (f) **AUTHORIZATION OF APPROPRIATIONS.**—To carry
19 out this section, there are authorized to be appropriated
20 to the Secretary of Education \$50,000,000 for each of the
21 first five fiscal years that begin after the date of the enact-
22 ment of this Act.

23 **SEC. 4. SEX-BASED HARASSMENT SURVEYS.**

24 (a) **SEX-BASED HARASSMENT SURVEY.**—

1 (1) IN GENERAL.—The Secretary of Education,
2 in consultation with the Attorney General and the
3 Director of the Centers for Disease Control of the
4 Department of Health and Human Services, shall
5 develop an empirically validated sex-based harass-
6 ment survey to be conducted on an anonymous basis
7 of elementary school and secondary school students
8 and staff. The survey shall assess, for the preceding
9 calendar year for which data is available, instances
10 of sex-based harassment carried out by students or
11 staff, including instances of sex-based harassment
12 that occur off school property and that involve online
13 conduct. The Secretary shall ensure that the survey
14 questions vary between staff and students and for
15 different age groups in order to ensure that the
16 questions are developmentally appropriate.

17 (2) DEVELOPMENT OF ADMINISTRATION MECH-
18 ANISM.—The Secretary of Education, in consultation
19 with the Attorney General and the Director of the
20 Centers for Disease Control of the Department of
21 Health and Human Services, shall develop a mecha-
22 nism by which local educational agencies may, with
23 respect to the survey developed pursuant to this sec-
24 tion—

25 (A) administer such survey; and

1 (B) modify such survey to include addi-
2 tional elements or requirements, as determined
3 by the agency.

4 (3) LOCAL ADMINISTRATION.—

5 (A) IN GENERAL.—Beginning not later
6 than 2 years after the date on which the Sec-
7 retary of Education makes available to local
8 educational agencies the mechanism described
9 in paragraph (2), and every year thereafter,
10 each local educational agency that receives Fed-
11 eral financial assistance shall administer the
12 survey developed pursuant to this section to ele-
13 mentary school and secondary school students
14 and staff.

15 (B) ACCESSIBILITY.—Local educational
16 agencies shall ensure that the survey is admin-
17 istered in such a way as to be readily accessible
18 to, and usable by, individuals with disabilities.

19 (b) REQUIREMENTS.—The survey developed pursu-
20 ant to this section—

21 (1) shall be fair and unbiased, be reliable, be
22 trauma-informed, meet the highest standards of sur-
23 vey research, and notify the participant using age-
24 appropriate language that anonymized results of the
25 survey may be published; and

1 (2) shall ensure that the responses to the sur-
2 vey questions—

3 (A) are collected by individuals who are
4 not in daily or close contact with the students;
5 and

6 (B) in a case in which such responses are
7 included in a report, do not include personally
8 identifiable information.

9 (c) STATISTICS.—Beginning 6 months after the re-
10 sults of the first survey developed pursuant to this section
11 are available, the Secretary of Education, in consultation
12 with the Attorney General and the Director of the Centers
13 for Disease Control of the Department of Health and
14 Human Services, shall compile statistics based upon their
15 analysis of the results of such survey. Such officials shall
16 update, conduct, and compile the results of, the survey
17 every 2 years thereafter. The compiled statistics should
18 be disaggregated by local educational agency, except that
19 such disaggregation shall not be required in the case of
20 a local educational agency of a size such that the results
21 would reveal personally identifiable information about an
22 individual student, in which case, an alternate basis for
23 disaggregation shall be selected.

24 (d) PUBLIC AVAILABILITY.—The statistics compiled
25 under subsection (c) shall be made publicly available on

1 the website of the Department of Education and readily
2 accessible to and usable by individuals, including individ-
3 uals with disabilities.

4 (e) OPTIONS.—The survey shall give—

5 (1) students the option to report their demo-
6 graphic information; and

7 (2) parents and guardians of students the op-
8 tion to opt their student out of the survey.

9 (f) TOPICS.—Survey questions included in the survey
10 tool developed pursuant to this section—

11 (1) shall be designed to gather information on
12 student experiences with sex-based harassment;

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

15 (3) subject to subsection (a), shall address—

16 (A) whether the instances of sex-based
17 harassment described were experienced in-per-
18 son or through electronic means;

19 (B) the effectiveness of school sexual vio-
20 lence awareness and prevention programs and
21 policies for the overall student body and dif-
22 ferent student populations, such as students of
23 color, students in the LGBTQ communities, im-
24 migrant students, pregnant and parenting stu-
25 dents, and students with disabilities;

1 (C) students' awareness of school policies
2 and procedures, including the location and proce-
3 ess for accessing school resources, such as a
4 Title IX Coordinator designated by the school
5 pursuant to title IX of the Education Amend-
6 ments of 1972 (20 U.S.C. 1681 et seq.) and the
7 regulations promulgated to carry out such title;

8 (D) whether individuals impacted by sex-
9 based harassment have experienced negative ef-
10 fects on their education, including diminished
11 grades, dropped classes, or leaves of absence;

12 (E) whether the alleged discrimination on
13 the basis of sex or sex-based harassment was
14 allegedly committed by a student, school em-
15 ployee, or volunteer and other contextual fac-
16 tors;

17 (F) whether individuals impacted by sex-
18 based harassment reported or did not report the
19 incident to the school;

20 (G) if such an individual did so report to
21 the school, to whom they reported, and what re-
22 sponse the survivor received to include being in-
23 formed of, or referred to, national, State, local,
24 tribal, or resources;

1 (H) if such an individual reported to the
2 school—

3 (i) did the school conduct an inves-
4 tigation;

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

7 (iii) if an investigation was conducted,
8 what was the final resolution of the inves-
9 tigation;

10 (I) if such an individual did so report,
11 whether they experienced retaliation following
12 the reporting;

13 (J) attitudes toward sexual violence and
14 harassment, including individuals' willingness to
15 intervene as a bystander of sex-based, race-
16 based, national-origin-based, sexual-orientation-
17 based, gender-identity-based, and disability-
18 based discrimination, harassment, assault, do-
19 mestic violence, dating violence, and stalking;

20 (K) perception of school safety and con-
21 fidence in the school's ability to appropriately
22 address sex-based, race-based, national-origin-
23 based, sexual-orientation-based, gender-identity-
24 based, and disability-based discrimination, har-

1 assessment, assault, domestic violence, dating vio-
2 lence, and stalking; and

3 (L) any other issues relating to sex-based,
4 race-based, national-origin-based, sexual-ori-
5 entation-based, gender-identity-based, and dis-
6 ability-based discrimination, harassment, as-
7 sault, domestic violence, dating violence, and
8 stalking, as appropriate.

9 (g) COMPLETED SURVEYS.—The Secretary of Edu-
10 cation shall require each local educational agency that ad-
11 ministers the survey tool developed pursuant to this sec-
12 tion to ensure, to the maximum extent practicable, that
13 an adequate, random, and representative sample size of
14 students (as determined by the Secretary) enrolled at ele-
15 mentary schools and secondary schools under the jurisdic-
16 tion of the agency complete the survey tool developed pur-
17 suant to this section.

18 (h) REPORTS.—Beginning not later than 5 years
19 after the date of the enactment of this Act, the Secretary
20 of Education—

21 (1) shall prepare an annual report on the infor-
22 mation gained from the standardized elements of the
23 survey under this section and publish such report in
24 an accessible format on the website of the Depart-
25 ment of Education, including as part of any online

1 consumer tool offered or supported by the Depart-
2 ment of Education that provides information to stu-
3 dents regarding specific educational institutions; and

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

5 (i) **AUTHORIZATION OF APPROPRIATIONS.**—There
6 are authorized to be appropriated \$10,000,000 to carry
7 out this section for each of the first five fiscal years that
8 begin after the date of the enactment of this Act.

9 **SEC. 5. RULE OF CONSTRUCTION.**

10 Nothing in this Act shall be construed to preempt,
11 invalidate, or limit rights, remedies, procedures, or legal
12 standards available to victims of discrimination or retalia-
13 tion under any other Federal law or law of a State or polit-
14 ical subdivision of a State, including titles VI and VII of
15 the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.),
16 title IX of the Education Amendments of 1972 (20 U.S.C.
17 1681 et seq.), section 504 of the Rehabilitation Act of
18 1973 (29 U.S.C. 794), the Americans with Disabilities Act
19 of 1990 (42 U.S.C. 12101 et seq.), or section 1979 of the
20 Revised Statutes (42 U.S.C. 1983). The obligations im-
21 posed by this Act are in addition to those imposed by those
22 Acts.

23 **SEC. 6. SENSE OF CONGRESS.**

24 It is the sense of the Congress that it is valuable for
25 students to have access to confidential reporting of sex-

1 based harassment and abuse, and schools should attempt
2 to provide that to the extent possible in accordance with
3 State and local laws.

4 **SEC. 7. DEFINITIONS.**

5 In this Act:

6 (1) The term “dating violence” has the mean-
7 ing given the term in section 40002(a) of the Vio-
8 lence Against Women Act of 1994 (34 U.S.C.
9 12291(a)).

10 (2) The term “discrimination on the basis of
11 sex” includes discrimination on the basis of sex
12 stereotypes, sex characteristics, pregnancy or related
13 conditions, sexual orientation, and gender identity.

14 (3) The term “domestic violence” has the
15 meaning given the term in section 40002(a) of the
16 Violence Against Women Act of 1994 (34 U.S.C.
17 12291(a)).

18 (4) The term “elementary school” means—

19 (A) an elementary school as defined by sec-
20 tion 8101 of the Elementary and Secondary
21 Education Act of 1965 (20 U.S.C. 7801); and

22 (B) a public or private preschool.

23 (5) The term “Federal financial assistance”
24 means any of the following, when authorized or ex-
25 tended under a law administered by the Secretary:

1 (A) A grant or loan of Federal financial
2 assistance, including funds made available for—

3 (i) the acquisition, construction, ren-
4 ovation, restoration, or repair of a building
5 or facility or any portion thereof; and

6 (ii) scholarships, loans, grants, wages
7 or other funds extended to any entity for
8 payment to or on behalf of students admit-
9 ted to that entity, or extended directly to
10 such students for payment to that entity.

11 (B) A grant of Federal real or personal
12 property or any interest therein, including sur-
13 plus property, and the proceeds of the sale or
14 transfer of such property, if the Federal share
15 of the fair market value of the property is not,
16 upon such sale or transfer, properly accounted
17 for to the Federal Government.

18 (C) Provision of the services of Federal
19 personnel.

20 (D) Sale or lease of Federal property or
21 any interest therein at nominal consideration,
22 or at consideration reduced for the purpose of
23 assisting the recipient or in recognition of pub-
24 lic interest to be served thereby, or permission

1 to use Federal property or any interest therein
2 without consideration.

3 (E) Any other contract, agreement, or ar-
4 rangement which has as one of its purposes the
5 provision of assistance to any education pro-
6 gram or activity, except a contract of insurance
7 or guaranty.

8 (6) The term “institution of vocational edu-
9 cation” means a school or institution (except an in-
10 stitution of professional or graduate or under-
11 graduate higher education) which has as its primary
12 purpose preparation of students to pursue a tech-
13 nical, skilled, or semiskilled occupation or trade, or
14 to pursue study in a technical field, whether or not
15 the school or institution offers certificates, diplomas,
16 or degrees and whether or not it offers full-time
17 study.

18 (7) The term “local educational agency” has
19 the meaning given such term in section 8101 of the
20 Elementary and Secondary Education Act of 1965
21 (8 U.S.C. 7801).

22 (8) The term “pregnancy or related conditions”
23 includes pregnancy, childbirth, termination of preg-
24 nancy, lactation, miscarriage, fertility care, contra-

1 ceptive care, and related medical care and condi-
2 tions, including recovery from such conditions.

3 (9) The term “recipient” means any State or
4 political subdivision thereof, or any instrumentality
5 of a State or political subdivision thereof, any public
6 or private agency, institution, or organization, or
7 other entity, or any person, to whom Federal finan-
8 cial assistance is extended directly or through an-
9 other recipient and which operates an education pro-
10 gram or activity which receives such assistance, in-
11 cluding any subunit, successor, assignee, or trans-
12 feree thereof.

13 (10) The term “secondary school” means—

14 (A) a secondary school as defined by sec-
15 tion 8101 of the Elementary and Secondary
16 Education Act of 1965 (20 U.S.C. 7801); and

17 (B) an institution of vocational education
18 that serves secondary school students.

19 (11) The term “Secretary” means the Secretary
20 of Education.

21 (12) The term “sex-based harassment” includes
22 the following:

23 (A) Sexual assault, domestic violence, dat-
24 ing violence, or stalking.

1 (B) Unwelcome conduct, including indirect
2 or nonverbal conduct, of a sexual nature, in-
3 cluding conduct undertaken in whole or in part
4 through the use of electronic messaging serv-
5 ices, commercial mobile services, electronic com-
6 munications, or other technology.

7 (C) Other conduct on the basis of sex that
8 is one of the following:

9 (i) Conduct that negatively alters a
10 person's ability to participate in or receive
11 any aid, benefit, service, or opportunity
12 from an education program or activity that
13 receives Federal financial assistance, in-
14 cluding by creating an intimidating, hos-
15 tile, or offensive environment.

16 (ii) Conduct carried out by an em-
17 ployee, agent, or other person authorized
18 by the recipient to provide any aid, benefit,
19 service, or opportunity under the recipi-
20 ent's education program or activity that in-
21 volves such employee, agent, or other per-
22 son explicitly or impliedly conditioning the
23 provision of such an aid, benefit, service,
24 or opportunity on a person's participation
25 in sexual conduct, regardless of whether

1 the person submits to or rejects such con-
2 duct.

3 (13) The term “sexual assault” means an of-
4 fense classified as a forcible or nonforcible sex of-
5 fense under the uniform crime reporting system of
6 the Federal Bureau of Investigation.

7 (14) The term “stalking” means engaging in a
8 course of conduct directed at a specific person that
9 would cause a reasonable person to—

10 (A) fear for the person’s safety or the safe-
11 ty of others; or

12 (B) suffer substantial emotional distress.

13 (15) The term “Title IX Coordinator” means—

14 (A) the employee of a recipient designated
15 or authorized to coordinate the recipient’s ef-
16 forts to comply with its responsibilities under
17 title IX of the Education Amendments of 1972
18 (20 U.S.C. 1681 et seq.) and the regulations
19 promulgated to carry out such title; or

20 (B) one or more designees selected to carry
21 out some of the recipient’s responsibilities for
22 compliance with title IX of the Education
23 Amendments of 1972 (20 U.S.C. 1681 et seq.),
24 and the regulations promulgated to carry out
25 such title, under the condition that one Title IX

- 1 Coordinator must retain ultimate oversight over
- 2 those responsibilities.