

Op-Ed: We Must Deal With K-12 Sexual Assault

The attention to crimes at the college level is laudable, but more should be done earlier.
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VENICE HIGH SCHOOL: Twelve students were arrested earlier this month in California on charges of sexually assaulting their schoolmates. Authorities said male teenagers coerced female students into sex acts.

Earlier this month, 12 Venice High School students in California were arrested and charged with sex crimes, including the sexual assault of their schoolmates. Reports suggest that two girls were sexually assaulted, including on school grounds, sometimes in the presence of multiple boys.

At the college and university level, the failure to adequately address sexual assault on their campuses has finally gotten the attention it desperately needs. More than 100 sexual-assault complaints are now pending against colleges under Title IX, the law that prohibits sex discrimination in education and that addresses sexual harassment and assault, and students are pressing their schools to properly address the issue. These students have prompted an important public debate about combatting sexual assault on their campuses. One in eight girls report being raped by a peer, with 40 percent of the assaults taking place at school, according to a 2008 study.

But what's missing in the wave of attention on college campuses is that Title IX's long-standing mandate applies equally to K-to-12 schools. The events at Venice High School

are sure to raise questions about the school's compliance with Title IX, which requires schools to investigate promptly and thoroughly any harassment, to make a finding (typically within 60 days) and take disciplinary action as needed.

Title IX also requires schools to provide the complaining student with any accommodations that she or he might need, such as changing classes, providing an escort to and from classes and providing counseling or other services. Schools must make sure that there is no retaliation or further harassment and that everyone at school understands that sexual harassment and assault will not be tolerated and that there are clear procedures for reporting and handling such incidents. The U.S. Department of Education has long required that schools take these steps — but many districts have yet to even identify the person in charge of Title IX compliance, let alone act to prevent harassment from occurring.

The need is great. In a case that's become known as the "rape-bait" case, the National Women's Law Center represents a former student at Sparkman Middle School in Toney, Alabama, where, at 14 years old, she was repeatedly harassed by an older male student in 2010. She complained to school officials, telling them that the boy wanted to have sex with her in the bathroom. Their response, according to the complaint, was to try to "catch him in the act," using her as bait, in a bathroom sting operation. Before any staff arrived, he raped her, her lawsuit alleges.

Her life will never be the same. Before the rape, she played basketball and her grades were As, Bs and Cs. After the rape, she transferred to another school, stopped playing basketball, her grades dropped to Fs and she's been battling depression. The Title IX case against the school, alleging that it failed to properly address her reports of harassment, is winding its way through the courts.

A school's failure to adequately respond to reports of assault can be deeply wounding to sexual-assault survivors, and it can create a chilling effect that discourages the next girl or boy from speaking up. It also tells perpetrators that there will be no accountability for their conduct, creating a culture of impunity that enables such crimes to flourish.

Imagine instead if schools were places where students were supported, where harassment was not tolerated and where effective measures were implemented to stop this crisis. Secondary schools should emulate a practice in higher education now required by the federal Clery Act — a law that provides information on crimes that occur on college campuses. Colleges must offer sexual-assault prevention programming and training, including on bystander intervention, to students and faculty, steps that assist colleges in meeting their obligations under Title IX.

Title IX's promise will never be realized if the school community does not know it exists. All school staff should be trained to address attacks against younger students, including how to recognize signs of abuse and trauma. This is also the perfect time to educate students about what constitutes sexual harassment and abuse and their own rights under the law.

Secondary school officials should be transparent about the rate of sexual assault in their schools. The federal requirement to report sexual-assault rates on college campuses has gone a long way toward raising awareness and advocacy about the sexual-assault crisis on campus.

There is no question that the work to reform the handling of sexual assault at college is far from finished. But colleges will never be safe spaces for students if we do not also place our attention on children who experience sexual assault. Nor will the college students of the future be prepared for healthy sexual encounters if we do not help them redefine what it means to be in a healthy relationship and re-examine the notions of masculinity that drive predatory behavior far earlier in their schooling. As we work to make our college campuses safer there is room for equally deep conversations about enforcement and prevention efforts for our youngest students.

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Read more: <http://www.nationallawjournal.com/id=1202721906366/OpEd-We-Must-Deal-With-K12-Sexual-Assault#ixzz3kn2NVqQb>