

## **The Civil Rights Lawsuit Against Betsy DeVos's High School Alma Mater: What it Means for All Students**

The national nonprofit Stop Sexual Assault in Schools announced the filing of a lawsuit against Holland Christian Schools in Michigan for violating Title IX, the civil rights law that protects students from sex discrimination in federally funded education programs.

One of Holland Christian Schools' most famous graduates is Education Secretary Betsy DeVos. Between 1999 and 2014, the Dick and Betsy DeVos Family Foundation reportedly donated \$458,000 to Holland Christian Schools.

This lawsuit is the result of Stop Sexual Assault in Schools' work with a family at Holland Christian School. In May 2017, the family contacted SSAIS to learn how they could hold the school accountable after their daughter was sexual assaulted by a fellow student in 2016. They explained that the way Holland Christian School mishandled the reported assault severely compromised their daughter's personal safety, education, and emotional well-being.

But the family did not realize that Title IX could apply to Holland Christian Schools—a private school system with five campuses ranging from preschool through 12<sup>th</sup> grade.

SSAIS research revealed that since 2012 Holland Christian Schools received over \$660,000 in U.S. Department of Agriculture funds through the State of Michigan's School Food Program. All K-12 schools that receive federal money must comply with Title IX.

According to the lawsuit, Holland Christian Schools denied the survivor her Title IX rights and protections. It did not have a Title IX Coordinator or a Title IX-compliant plan for responding to sexual assault. It did not conduct its own independent investigation once it was aware of the sexual assault, nor provide sufficient accommodations to the survivor. The survivor had to face her attacker in choir, even though he was charged with third degree criminal conduct.

The U.S. Department of Education Office for Civil Rights (OCR) declined to review the case because it lacked jurisdiction over a school that did not receive funds from the Department of Education.

But OCR should have instructed the family to determine whether the school received federal funds from another federal agency and to submit a complaint to that agency--in this case, to the Department of Agriculture.

This lack of clear guidance from OCR prompted SSAIS to contact all regional OCR offices to determine if they knew how to respond factually to private school families.

We asked the OCR offices one question: If a private school receives funding from the Department of Agriculture, does Title IX apply?

Their answers were vague, evasive, or flat-out wrong. For example, one regional OCR office told us, “Title IX applies only to institutions that receive funding from the Department of Education.” Wrong!

OCR’s confusion under DeVos deprives private school families of information needed to hold their schools accountable under Title IX. The Holland Christian School family should have been informed if their school received federal money, from which federal agency, and how to file a complaint with that agency. Both OCR and the school should have provided that information to the family.

In the absence of clear information from federal agencies, SSAIS created the guide *Title IX and Private Schools*.

At a time when schools and families need clearer guidance on Title IX enforcement, Secretary DeVos’s initiatives to change OCR’s guidance impact students in both public schools and many private schools. When the US Secretary of Education’s own alma mater flouts its responsibilities under Title IX we begin to understand the pervasive disregard for Title IX compliance that includes the majority of public schools nationwide.

Instead of attempting to weaken Title IX through various tactics, Secretary DeVos should be providing schools with real incentives to uphold this critical civil rights law. Until schools actively work to comply with Title IX, and until OCR provides clear and fair guidance, millions of students will continue to endure the negative impact of sexual harassment and assault every day.

For more information about the lawsuit contact [info@stopsexualassaultinschools.org](mailto:info@stopsexualassaultinschools.org).

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