

Toolkit

Sexual Harassment and Assault of **Students with Disabilities**



www.ssais.org

What's Ahead

- The impact of sexual harassment and assault on students with disabilities
- Examples of sexual harassment and assault in schools
- Why is it difficult for students with disabilities to get help?
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This toolkit is for both public and private school students, parents, guardians, and others to create safe schools and learning environments free from sexual harassment and assault for students with disabilities.



The impact of sexual harassment and assault on students with disabilities

- Title IX is a federal civil rights law that prohibits sex discrimination in any education program, including private schools that receive federal funding (e.g. for reduced cost meals and loans). Sexual harassment and assault are forms of discrimination based on sex. Thus, students of all genders must have equal access to education free from sex discrimination. Frequent or severe sexual harassment and assault create a hostile or unsafe environment for students that can limit or prevent a student from participating in and benefiting from an educational program.
- Title IX also applies to education programs outside of schools if they receive federal funding, for example education programs at museums.

The impact of sexual harassment and assault on students with disabilities

- Sexual harassment and sexual assault are intersectional! K-12 students can be targeted because of their disabilities and a combination of other characteristics such as race, gender identity, etc.
- Youth with disabilities are almost **three times** more likely to be sexually abused than their peers without disabilities.
- 23% of LGBTQ+ K-12 students reported being bullied on school property during the past year compared to 12% of non-LGBTQ+ students.



Girls with disabilities are at even greater risk of sexual harassment or assault because of their disability and their gender.

Examples of sexual harassment and assault in schools

The following scenarios are for illustrative purposes. Sexual harassment and sexual assault take many forms.



Definition:

“Ableism” is discrimination and social prejudice against people with disabilities based on the belief that typical abilities are superior. “Ableist” describes a belief system that supports negative attitudes and stereotypes towards people with disabilities. Ableist also describes people without disabilities who hold prejudiced beliefs towards people with disabilities.



Scenario 1

Jordan is a middle school student with Down Syndrome. Mr. Smith, Jordan's teacher, has been paying inappropriate attention to Jordan for the last few weeks. One day, after class, Mr. Smith tells Jordan that he is his "favorite student" and puts his hand on Jordan's shoulder without his consent. Jordan feels uncomfortable but is afraid to say something. One day, Mr. Smith asks Jordan if he wants to "see something cool" and suggests that they should meet in the bathroom that is located in a remote part of the school. Jordan enters the bathroom where only he and Mr. Smith are present. Mr. Smith grabs Jordan and forces him into the furthest stall where he puts his hand down his pants.



Scenario 2

Olivia is a high school student with a hearing impairment and wears hearing aids. Olivia is transgender and identifies as female. She is subjected to constant transphobic and ableist harassment from male students in her school. They frequently make jokes about her hearing impairment and feminine gender expression. One day, while walking in a hallway, two male students approach Olivia. One of the male students grabs both of her arms and holds them behind her back while the other male student lifts up her shirt because he “wanted to see if she had breasts.”



Scenario 3

Tara is a middle school student who is on the autism spectrum. A male student in Tara's algebra class is constantly touching her in a sexual manner without her consent. Tara has told her teacher about the harassment on four occasions but was told "boys will be boys" and her report has been ignored.

Why is it difficult for students with disabilities to get help?

- Why do many schools fail to help students with disabilities who report sexual harassment and sexual assault?
- Ableist beliefs prevent school staff from taking appropriate action.
 - Ableism is discrimination and social prejudice against people with disabilities based on the belief that typical abilities are superior.
 - Ableism includes, but is not limited to:
 - » “Jokes” about people with disabilities
 - » Phrases and “sayings,” e.g., “That’s so lame!”
 - » Questioning if someone has a disability
 - » Assuming people must have a visible disability to be considered “disabled”

Why is it difficult for students with disabilities to get help?

- Students with disabilities are especially likely to be ignored or punished. Their school may also retaliate against them for reporting sexual harassment and assault. This is due to ableist stereotypes held by school administrators who think that the harassment was “minor” and that it “doesn’t matter” or that students with disabilities are not “worth protecting.”
- Students with disabilities are often labeled as “not to be believed” or are viewed as “asexual.”
- Some students, particularly with intellectual and cognitive disabilities, may have difficulties communicating what happened to them or understand how damaging it is.
- Cultural stigmas surrounding sexual harassment and sexual assault discourage or prevent survivors from reporting their experiences.



Does Title IX protect students with disabilities?

- Yes! Students with disabilities have the right to supportive measures and accommodations under both Title IX and Section 504 (of the Rehabilitation Act of 1973).
- Title IX does not require schools to take any actions inconsistent with laws that protect students with disabilities, including Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act (ADA), and the Individuals with Disabilities Education Act (IDEA).

Does Title IX **protect** **students with disabilities?**

- Under Section 504 and the ADA, **all** students with disabilities in a school disciplinary proceeding have a right to reasonable accommodations.
 - A student with a disability who is found to have harassed or assaulted another student (disabled or non-disabled) can request reasonable disability accommodations during the Title IX proceedings.
 - » For example, they can request a sign language interpreter, large print documents, or plain language documents.
 - » Schools should administer proportionate discipline and rehabilitative measures appropriate to their disability.
- Students who report being sexually harassed or assaulted have a right to request reasonable disability accommodations, including accommodations for new disabilities caused by the harassment.
 - For example, the victim can request the school to move their harasser to a different class, reschedule their course exams, or provide a tutor if they are struggling academically. These are a few of many potential accommodations that can be requested!

What can I do if my child was sexually harassed or assaulted?

Q1:

“My child was sexually assaulted in a public school. I spoke to their school about what happened, but they haven’t begun a Title IX investigation. Where else can I go to seek help?”

- **A1:** Parents and guardians can escalate their complaint if the public school refuses to investigate a Title IX violation and can go directly to their **state** or **federal civil rights agencies**. They can also file a complaint with their state’s child welfare department under the child abuse department or the state’s **department of education**.
- Parents and guardians can also file a complaint under Title VI of the Civil Rights Act of 1964 which prohibits discrimination based on race, color, or national origin in programs or activities that receive federal financial assistance. This includes K-12 schools and some private schools that receive federal funding!
- If the harasser is a teacher, parents can file with their state’s professional practices division or teacher credentialing office.

What can I do if my child was sexually harassed or assaulted?

Q2:

“My child was sexually harassed at a public school and is struggling with their school work. What can be done to help them?”

- **A2:** You can request accommodations and a safety plan under Title IX! During the Title IX investigation, and after if a violation was found, a student who reports sexual harassment has the right to request reasonable disability accommodations, including accommodations for new disabilities caused by the harassment!
- For example, the victim can request the school to move their harasser to a different class, reschedule their course exams, or provide a tutor if they are struggling academically. Therapy for the victim and perpetrator can also be requested.

What can I do if my child was sexually harassed or assaulted?

Q3: “My child attends a private school and was sexually harassed. What can be done to address this?”

- **A3:** Private schools that receive federal funding must comply with Title IX unless they have received an exemption. Many private schools receive federal funding through programs such as the US. Department of Agriculture’s free and reduced cost meals, loans, and other programs even if that money is distributed through the state.
- Private schools should always have an anti-harassment policy, even if not federally funded. If your child attends a Catholic school, a complaint can be filed with the archdiocese.
- If the private school receives federal funding, parents (like public school parents) can file a complaint with [the Office for Civil Rights](#).
- Parents and guardians can also use the [1967 Freedom of Information Act](#) to find out if a private school receives federal grants or check with the U.S. Department of Education Office for Civil Rights to learn if the school receives federal funding or has received an exemption. Visit the Private Schools Stop Sexual Assault in Schools [webpage](#) to learn how to determine if a private school receives federal funding.
- For more information on your child’s Title IX rights and how to start a formal procedure, visit the [SSAIS website](#).

How to take action

- Support survivors. Let them know you believe them and are there to help at any time.
- Advocate for comprehensive sex education. Comprehensive sex education is essential to preventing sexual harassment and sexual assault against all students. Teaching students with disabilities about self-advocacy, bodily autonomy, and enthusiastic consent helps them to understand and identify harassing behavior. It should include information about how to report sexual harassment and assault.
- If your child's school has a sex education curriculum, request that it includes the topic of sexual harassment of students with disabilities. Request that the school adapt this curriculum to be age and developmentally appropriate so it can be taught specifically to students with disabilities.
- Confront ableism! Call out ableist and sexist jokes and speech. Talk to youth about these topics. Share our teen-friendly presentation [Sexual Harassment and Assault of Students with Disabilities](#) on the SASH Club (Students Against Sexual Harassment) [website](#). Bring this presentation to your school and community organizations.

Resources

- [Ableism 101 - What is Ableism? What Does it Look Like?](#)
Access Living
- [Comprehensive Sex Education for Youth with Disabilities](#) SIECUS
- [FAQs on Title IX and Supportive Measures for Students in K-12 and Higher Education](#) National Women's Law Center
- [What is an Ableist Person?](#) Hand Talk
- [Know Your Rights](#) Stop Sexual Assault in Schools
- [Parent Gets Help from a Title IX Coordinator](#) SSAIS video
- [Policy on ableism and discrimination based on disability](#)
Ontario Human Rights Commission
- [Survivor Justice is Disability Justice](#) National Women's Law Center
- [Title IX at 50](#) National Coalition of Women and Girls in Education
- [Youth Risk Behavior Survey Data Summary & Trends Report: 2011-2021](#) Centers for Disease Control and Prevention

Acknowledgments

- Stop Sexual Assault in Schools (SSAIS) thanks Dr. William A. Howe, Connecticut State Title IX Coordinator (retired), whose knowledge on Title IX informed the creation of this toolkit.
- We also thank SSAIS volunteer, Victoria Scalo, for creating this toolkit

Stop Sexual Assault in Schools

- [Stop Sexual Assault in Schools Website](#)
- [SSAIS YouTube](#)
- [Instagram](#)
- Email info@stopsexualassaultinschools.org

