



2017-18 CIVIL RIGHTS DATA COLLECTION SEXUAL VIOLENCE IN K-12 SCHOOLS

WHAT IS THE 2017-18 CIVIL RIGHTS DATA COLLECTION?

The 2017-18 Civil Rights Data Collection (CRDC) is a survey of nearly¹ all public schools and school districts in the United States. The CRDC has long provided important information used by the U.S. Department of Education's Office for Civil Rights in its enforcement and monitoring activities. As a collection, the CRDC is an aggregate of self-collected and self-reported data. Almost all reporting entities are school districts, and the district superintendent or an authorized designee certifies that the data they submit are "true and correct."

In addition, the CRDC is also a resource for other Federal agencies, policymakers, researchers, educators, school officials, parents, students, and other members of the public. To further explore the CRDC data through the use of data tools, please visit the CRDC Reporting Website at ocrdata.ed.gov. To download the CRDC data, visit crdc.ed.gov.

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¹ The CRDC includes LEAs in all 50 states, the District of Columbia, and the Commonwealth of Puerto Rico. Other U.S. territories, including tribal schools operated by the U.S. Department of the Interior's Bureau of Indian Education, or schools operated by the U.S. Department of Defense Education Activity, are not currently required to participate in the CRDC. In addition, if a public school's enrollment for a school year was less than five students for fewer than 60 days, the Office for Civil Rights may exempt that school from CRDC reporting. This report uses data received as of December 15, 2019.

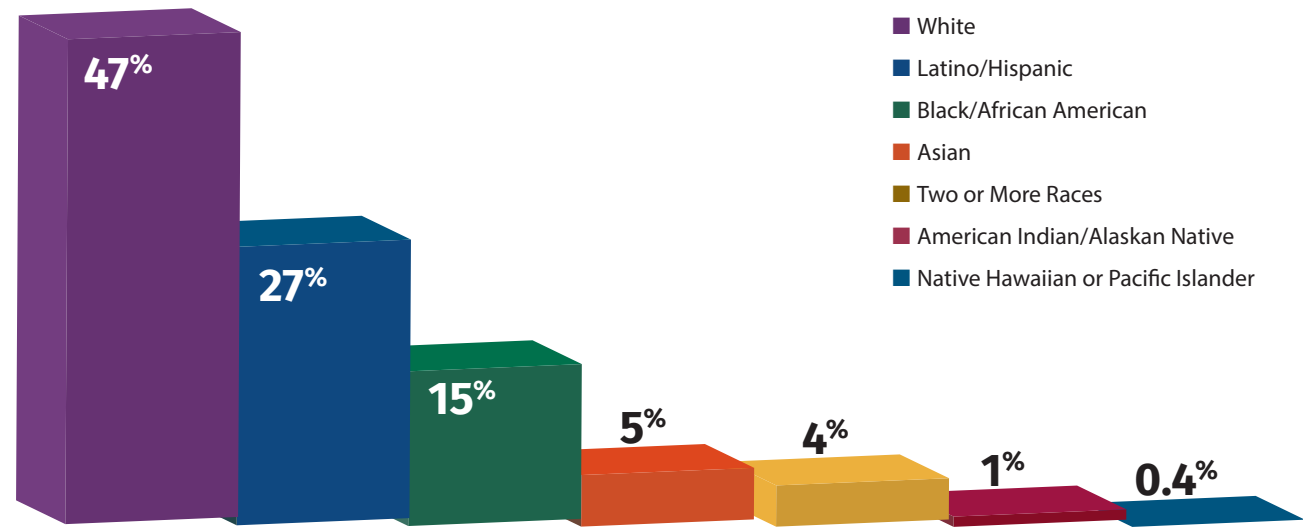
WHO IS IN THE 2017-18 CRDC?

Number of school districts:
17,604

Number of schools:
97,632

Total number of students:
50.9 million

Nationwide Student Demographics



Boys:
51%

Girls:
49%

English Learners:
10%

Students with Disabilities:

Students with disabilities served under the Individuals with Disabilities Education Act (IDEA):
13%

Students with disabilities served under Section 504 of the Rehabilitation Act (Section 504):
3%

INITIATIVE TO COMBAT SEXUAL ASSAULT IN K-12 PUBLIC SCHOOLS

In February 2020, U.S. Secretary of Education Betsy DeVos announced a new Title IX of the Education Amendments of 1972 (Title IX) enforcement initiative², led by the Office for Civil Rights (OCR), to combat the troubling rise of sexual assault in K-12 public schools. “We hear all too often about innocent children being sexually assaulted by an adult at school. That should never happen. No parent should have to think twice about their child’s safety while on school grounds,” said Secretary DeVos. “That’s why I’ve directed our OCR team to tackle the tragic rise of sexual misconduct complaints in our nation’s K-12 campuses head on. Through compliance reviews and raising public awareness about what’s actually happening in too many of our nation’s schools, we can build on the good work we’re already doing to enforce Title IX and protect students. We cannot rest until every student can learn in a safe, nurturing environment where their civil rights are protected.”

In 2019, OCR’s receipt of K-12 sexual harassment complaints—which includes complaints involving sexual violence—was nearly fifteen times greater than it was in 2009. OCR’s initiative provides focused support in the ways schools respond to complaints arising from sexual assault. OCR’s multi-faceted initiative includes different components that seek to strengthen OCR’s Title IX enforcement in elementary and secondary public schools in the area of sexual assault and sexual violence. As a part of this effort, OCR will focus on ensuring that school districts understand under Title IX how to effectively respond to complaints of sexual harassment and assault, including sexual acts perpetrated upon students by school staff.

To bring public attention to the rise of sexual assault in K-12 public schools, OCR is releasing this Issue Brief, which includes information regarding data available to educators, school leaders, parents, and families. In addition to working to make the public aware of this priority, OCR’s initiative to combat sexual assault in K-12 public schools also includes the following activities:

DATA QUALITY REVIEWS

Through OCR’s initiative to improve civil rights data quality on sexual violence, OCR reached out to 50 school districts that had reported seemingly anomalous data to the CRDC. This review process involved OCR examining districts’ data submission for a particular set of data, in this case the offenses data module and the harassment and bullying data module, which includes sexual violence and sexual harassment, and determining if anomalous data were submitted. As a result of this outreach, many school districts sent corrected data, and others have certified that their data, although they appeared anomalous, were in fact correct.

COMPLIANCE REVIEWS

OCR is conducting nationwide compliance reviews in schools and districts, examining how sexual assault cases are handled under Title IX, including incidents of sexual misconduct involving teachers and school staff. OCR will work with school districts to identify and correct compliance concerns.

PROPOSED CRDC DATA COLLECTION

Finally, OCR has proposed, for the next CRDC data collection³, to collect more detailed data on sexual offenses. The proposed data collection would include incidents perpetrated by and allegations made against school staff. If adopted, the inclusion of this data would make the CRDC collection the first universal collection to gather such data systemically by school and school district.

²“Secretary DeVos Announces New Civil Rights Initiative to Combat Sexual Assault in K-12 Public Schools,” press release, February 26, 2020, <https://www.ed.gov/news/press-releases/secretary-devos-announces-new-civil-rights-initiative-combat-sexual-assault-k-12-public-schools>.

³“Mandatory Civil Rights Data Collection” information collection request package, published in the Federal Register on July 7, 2020, OCR proposes to shift the 2019-20 CRDC to the 2020-21 school year. See <https://www.federalregister.gov/documents/2020/07/07/2020-14486/agency-information-collection-activities-submission-to-the-office-of-management-and-budget-for>.

THE NEW TITLE IX RULE STRENGTHENS PROTECTIONS AGAINST SEXUAL VIOLENCE IN K-12 SCHOOLS

Consistent with the Department’s efforts to combat sexual violence in our schools, on May 6, 2020, the Department took historic action to strengthen Title IX protections against sexual misconduct when it announced a new Final Rule, which became effective on August 14, 2020. Prior to the Final Rule, OCR addressed sexual harassment only through non-binding guidance documents. Now, the Department’s Title IX Final Rule makes clear the important legal obligations on school districts which give greater protections to our nation’s students than ever before. Among other things, the Final Rule:

- Requires elementary and secondary schools to properly respond whenever any employee has notice of sexual harassment, which makes it easier than ever for a student or parent to report sexual harassment.
- Requires schools to notify parents or legal guardians of elementary and secondary school students of the name or title, office address, e-mail address, and telephone number of the designated Title IX Coordinator and prominently display that contact information on their websites, which facilitates effective communication between parents and schools more than before.
- Allows any person to report sex discrimination, including sexual harassment, verbally or in writing—whether or not the person reporting is the person alleged to be the victim, which empowers even bystanders to challenge improper sexual conduct.
- Requires that the Title IX Coordinators be properly trained, which will help them protect affected students more effectively.
- Requires schools to offer supportive measures to the person alleged to be the victim of sexual harassment, free of charge.
- Requires schools to promptly investigate every formal complaint.
- The Final Rule can be accessed [here](#).



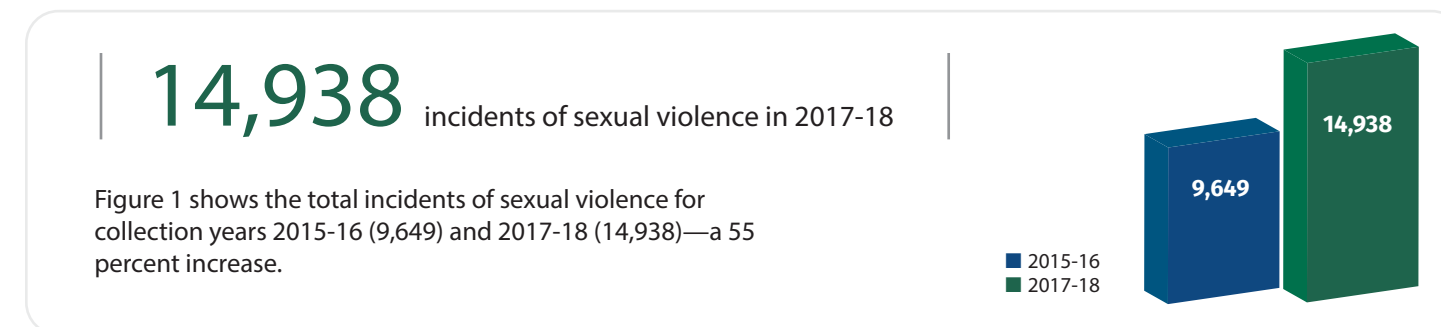
SEXUAL VIOLENCE IN OUR NATION’S PUBLIC SCHOOLS

Much attention has been given to the issue of sexual violence in postsecondary education. However, CRDC data demonstrates an increase in the reported number of incidents in elementary and secondary education as well. The data reflects the number of documented sexual violence allegations, not necessarily the number of confirmed incidents. The increase in reported allegations may reflect under-reporting in 2015-16, an increased sensitivity to this issue in 2017-18, or an actual increase in incidents of sexual violence from 2015-16 to 2017-18. This report presents data in both whole numbers and rates per 1,000 students. While the rates per 1,000 students may suggest that sexual violence is not a major concern compared to other issues, the seriousness of this violence merits attention. The state educational agencies (SEAs), local educational agencies (LEAs), and concerned stakeholders may wish to conduct further local investigations to ascertain the causes of the increased reported alleged instances. Where appropriate, OCR will look to the data presented in this report to inform its enforcement efforts regarding possible violations of Title IX.

The 2015-16 CRDC does not include the Commonwealth of Puerto Rico because data for this U.S. territory was collected for the first time as part of the 2017-18 CRDC.

SEXUAL VIOLENCE⁴

Figure 1. 2015-16 and 2017-18 Total Incidents of Rape or Attempted Rape and Sexual Assault



SEXUAL ASSAULT (OTHER THAN RAPE OR ATTEMPTED RAPE)

The CRDC school form defines sexual assault as involving threatened rape, fondling, indecent liberties, or child molestation. Both male and female students can be victims of sexual assault. CRDC instructions indicate that classification of these incidents should take into consideration the age and developmentally appropriate behavior of the offender(s) so as to avoid, for example, misclassification of actions of young children as sexual harassment when the student is not cognizant of the potential sexual connotations.

Figure 2. 2015-16 and 2017-18 Incidents of Sexual Assault



⁴Sexual violence comprises sexual assault and rape or attempted rape.

Figures 3 and 4 display the lowest-ranking and highest-ranking states of sexual assault incidents for collection year 2015-16. States such as Florida, Vermont, and South Dakota were the lowest-ranking states with 0.01 incidents of sexual assaults occurring per 1,000 students. In comparison, the highest-ranking states, Hawaii, Georgia, and Missouri had 0.92, 0.87, and 0.53, respectively, incidents of sexual assaults occurring per 1,000 students.

Figure 3. 2015-16 Lowest-Ranking States for Sexual Assaults (Rate per 1,000 students)

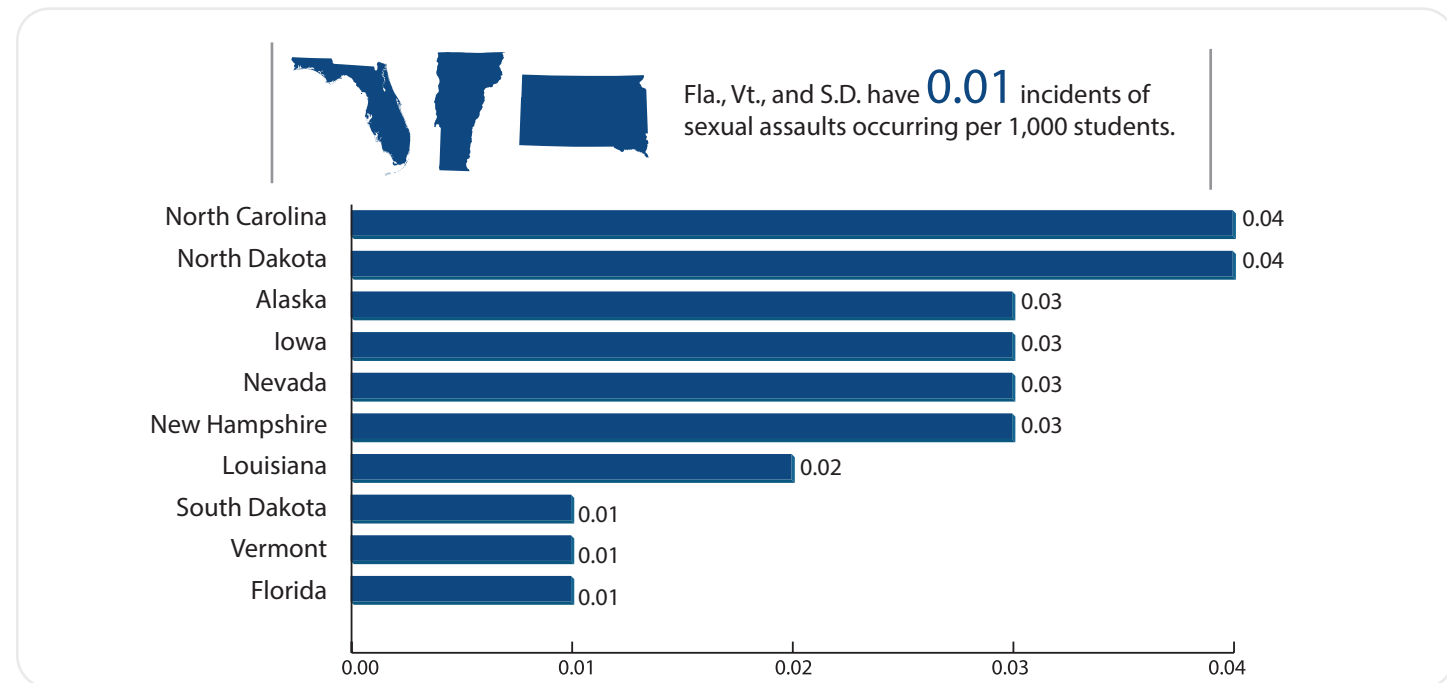
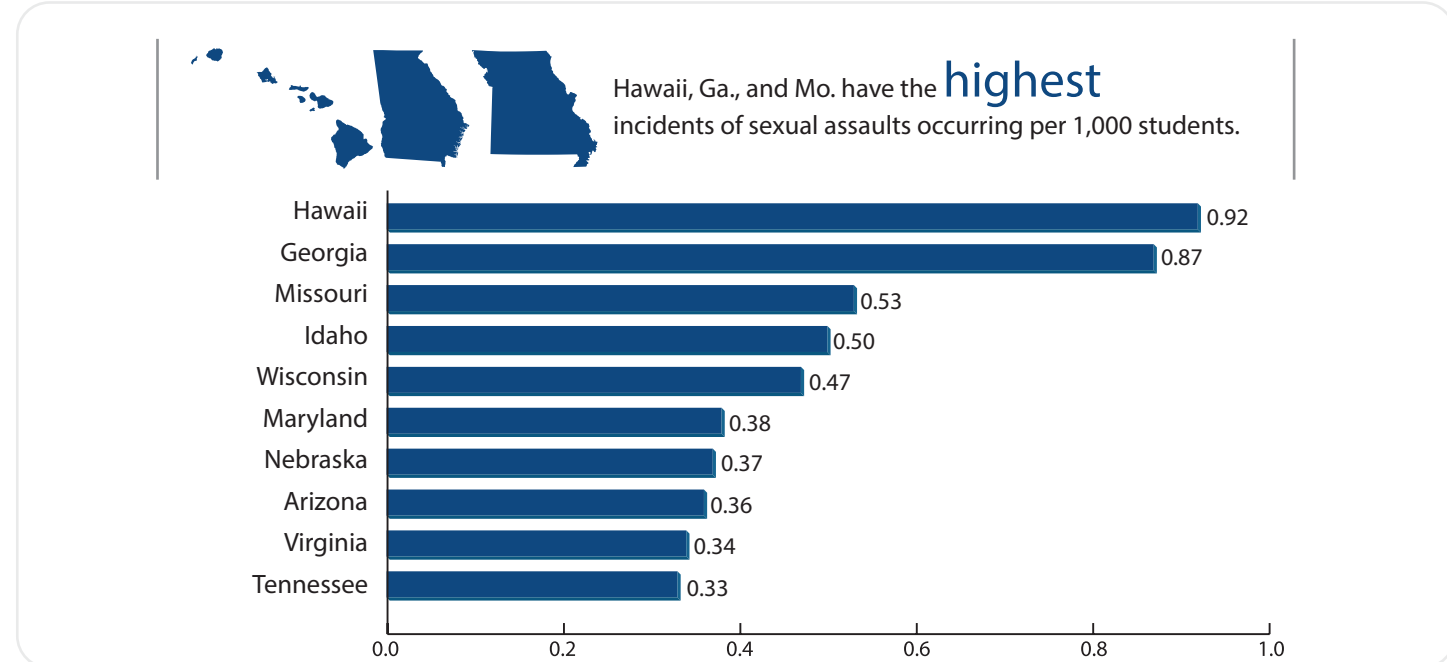


Figure 4. 2015-16 Highest-Ranking States for Sexual Assaults (Rate per 1,000 students)



Figures 5 and 6 display the lowest-ranking and highest-ranking states/territories of sexual assault incidents for collection year 2017-18. States/territories such as South Dakota, Florida, and Puerto Rico were the lowest-ranking states/territories with 0.01, 0.02, and 0.03, respectively, incidents of sexual assaults occurring per 1,000 students. In comparison, the highest-ranking states, Nevada and Georgia, had 2.25 and 1.09, respectively, incidents of sexual assaults occurring per 1,000 students.

Figure 5. 2017-18 Lowest-Ranking States/Territories for Sexual Assaults (Rate per 1,000 students)

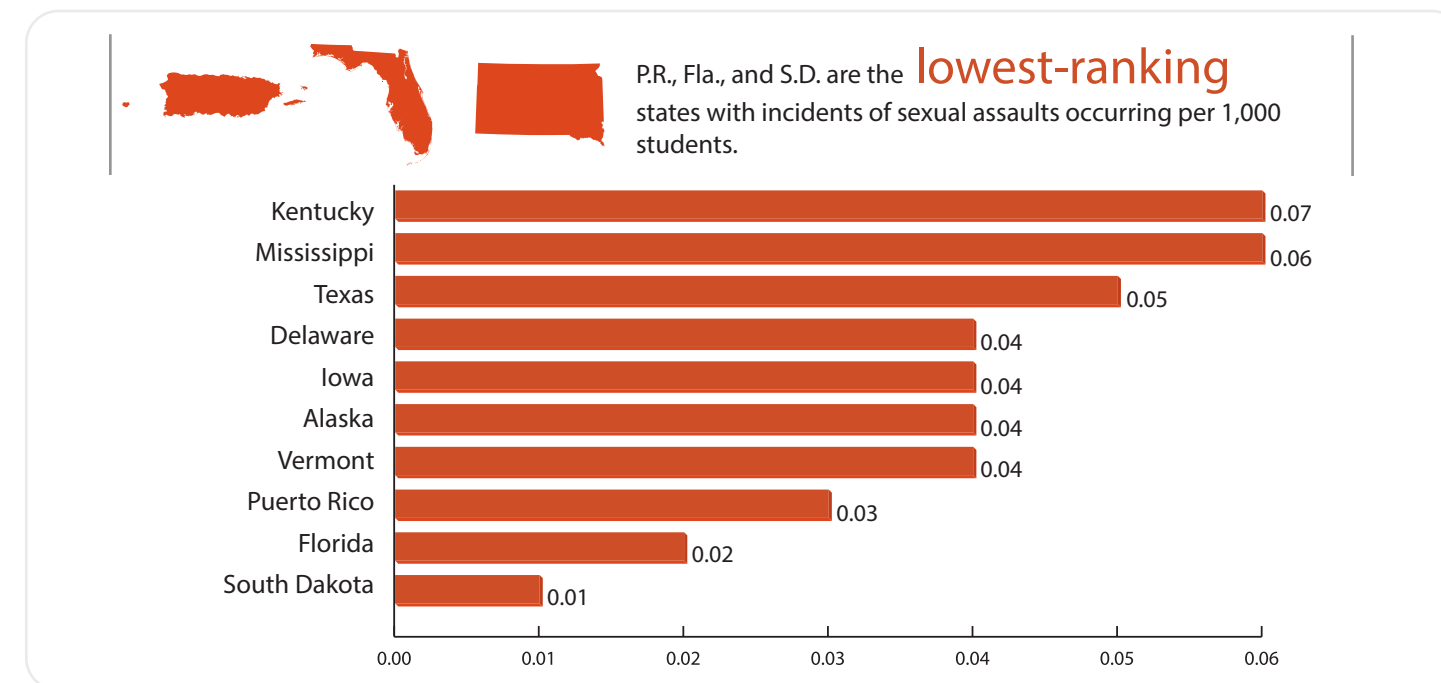
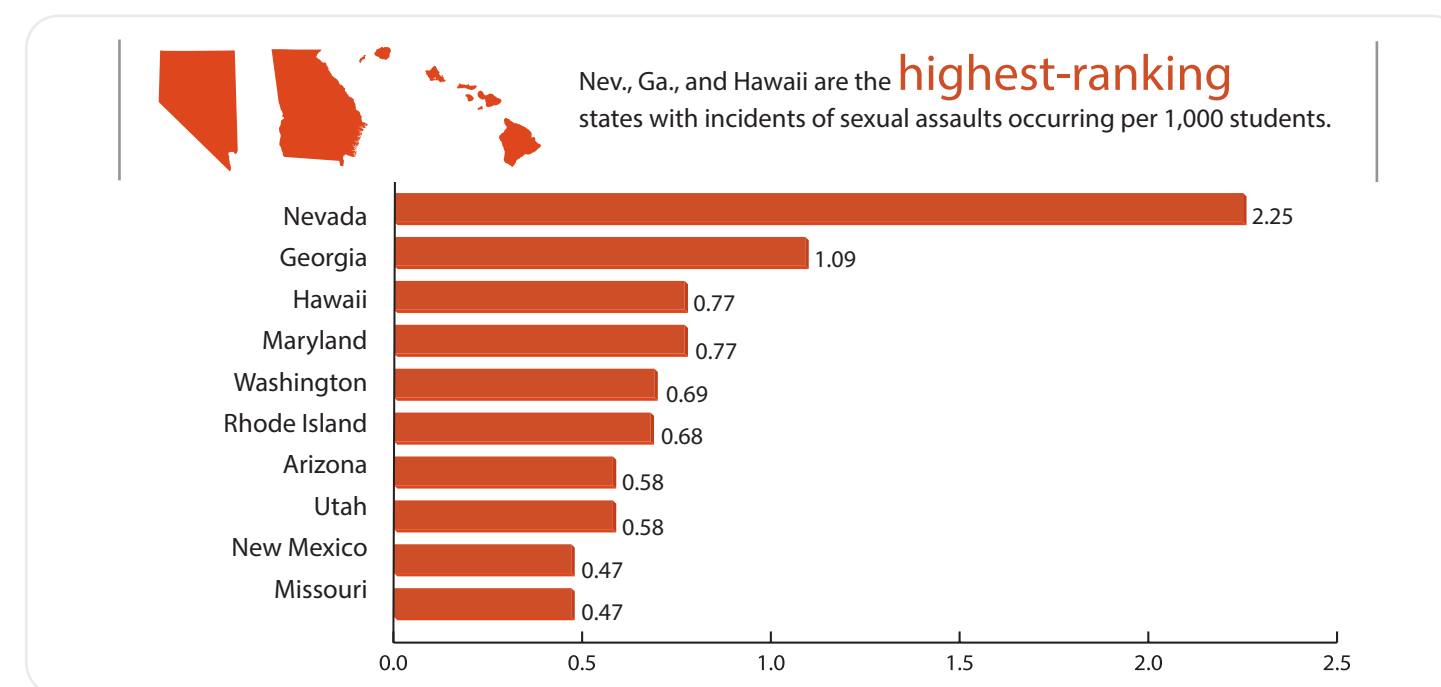


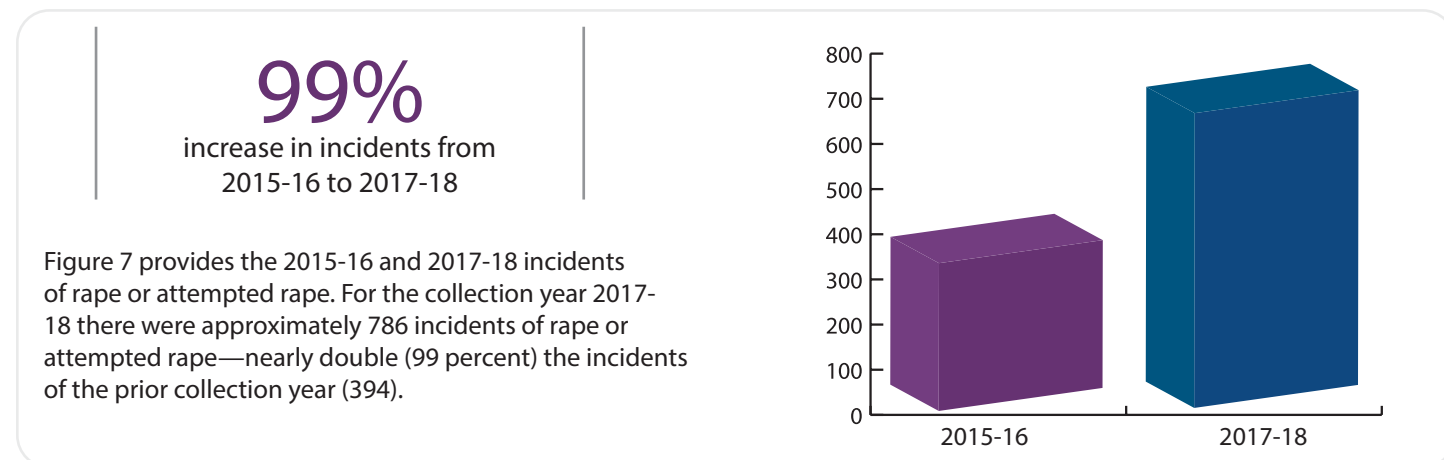
Figure 6. 2017-18 Highest-Ranking States for Sexual Assaults (Rate per 1,000 students)



RAPE OR ATTEMPTED RAPE

The CRDC form defines rape as forced sexual intercourse (vaginal, anal, or oral penetration). This includes sodomy and penetration with a foreign object. Both male and female students can be victims of rape.

Figure 7. 2015-16 and 2017-18 Incidents of Rape or Attempted Rape



Figures 8 and 9 display the lowest-ranking and highest-ranking states of rape or attempted rape for collection year 2015-16. Fourteen states (i.e., Alaska, Ark., D.C., Hawaii, Idaho, Maine, Mo., Nev., N.D., Pa., S.D., Wash., W. Va., and Wyo.) reported zero incidents of rape or attempted rape. For states reporting at least one incident of rape or attempted rape, Ohio, New York, Iowa, and Texas were the lowest-ranking states. Ohio had 0.001 incidents of rape or attempted rape occurring per 1,000 students, while New York, Iowa, and Texas had 0.002 incidents of rape or attempted rape occurring per 1,000 students. In comparison, the highest-ranking states, Vermont, Minnesota, and Arizona had 0.036, 0.034, and 0.028, respectively, incidents of rape or attempted rape occurring per 1,000 students.

Figure 8. 2015-16 Lowest-Ranking States for Rape or Attempted Rape Rate (per 1,000 students)

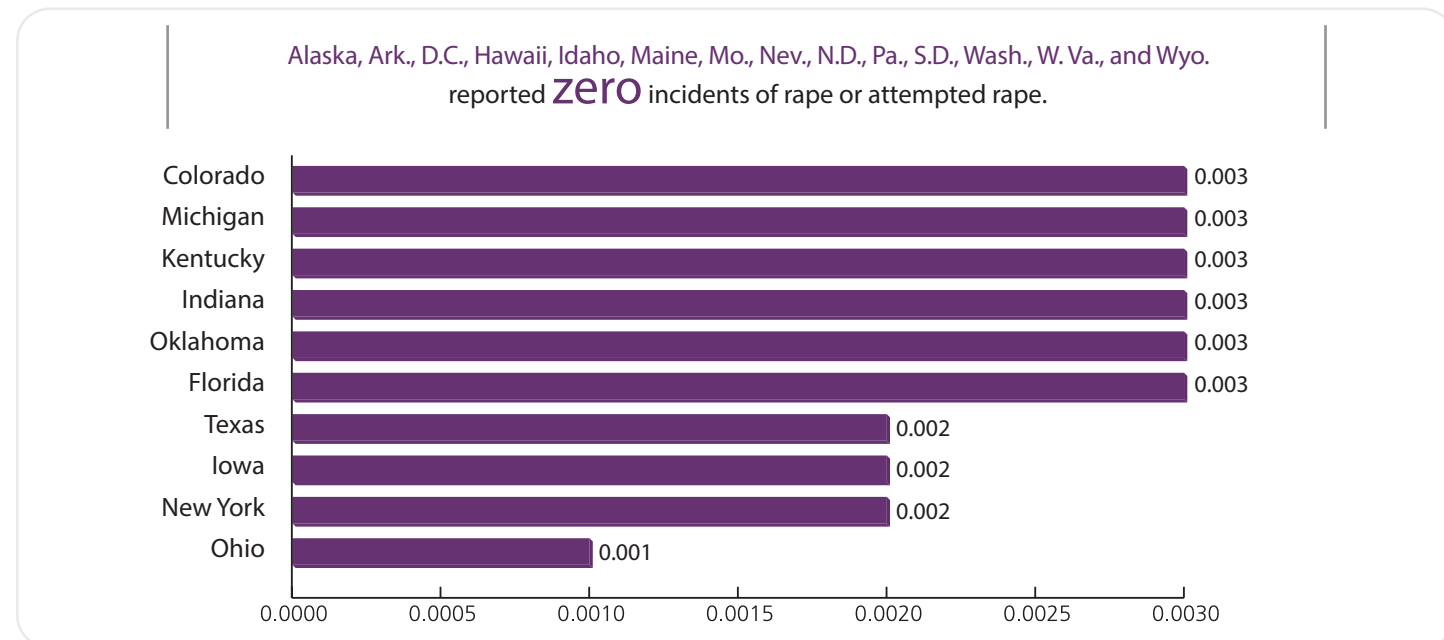
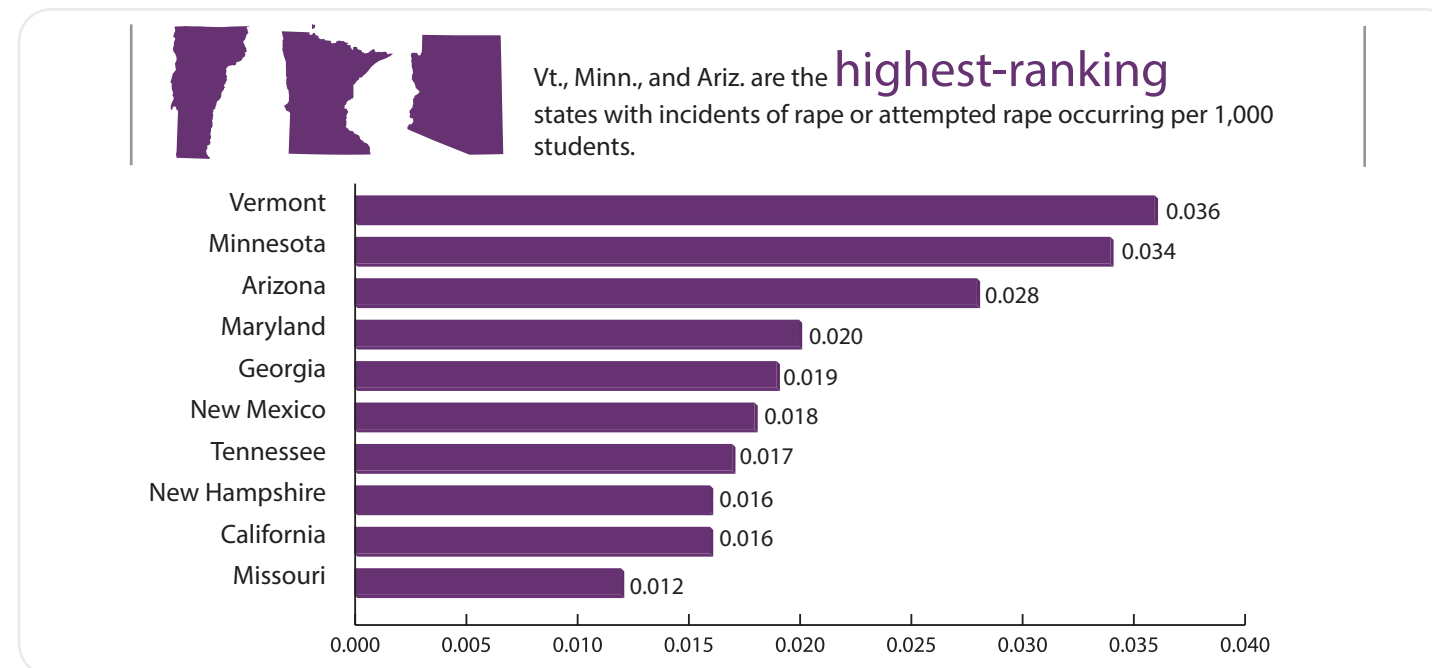


Figure 9. 2015-16 Highest-Ranking States for Rape or Attempted Rape Rate (per 1,000 students)



Figures 10 and 11 display the lowest-ranking and highest-ranking states/territories of rape or attempted rape for collection year 2017-18. Twelve states (i.e., Ala., Alaska, Del., D.C., La., Maine, Nev., N.D., S.D., Vt., W. Va., and Wyo.) reported zero incidents of rape or attempted rape. For states/territories reporting at least one incident of rape or attempted rape, New Jersey and Kentucky (both 0.001) as well as Iowa and Mississippi (both 0.002) were the lowest-ranking states for incidents of rape or attempted rape occurring per 1,000 students. Comparatively, the highest-ranking states, Maryland, Missouri, and Kansas had 0.071, 0.065, and 0.054, respectively, incidents of rape or attempted rape occurring per 1,000 students.

Figure 10. 2017-18 Lowest-Ranking States/Territories for Rape or Attempted Rape Rate (per 1,000 students)

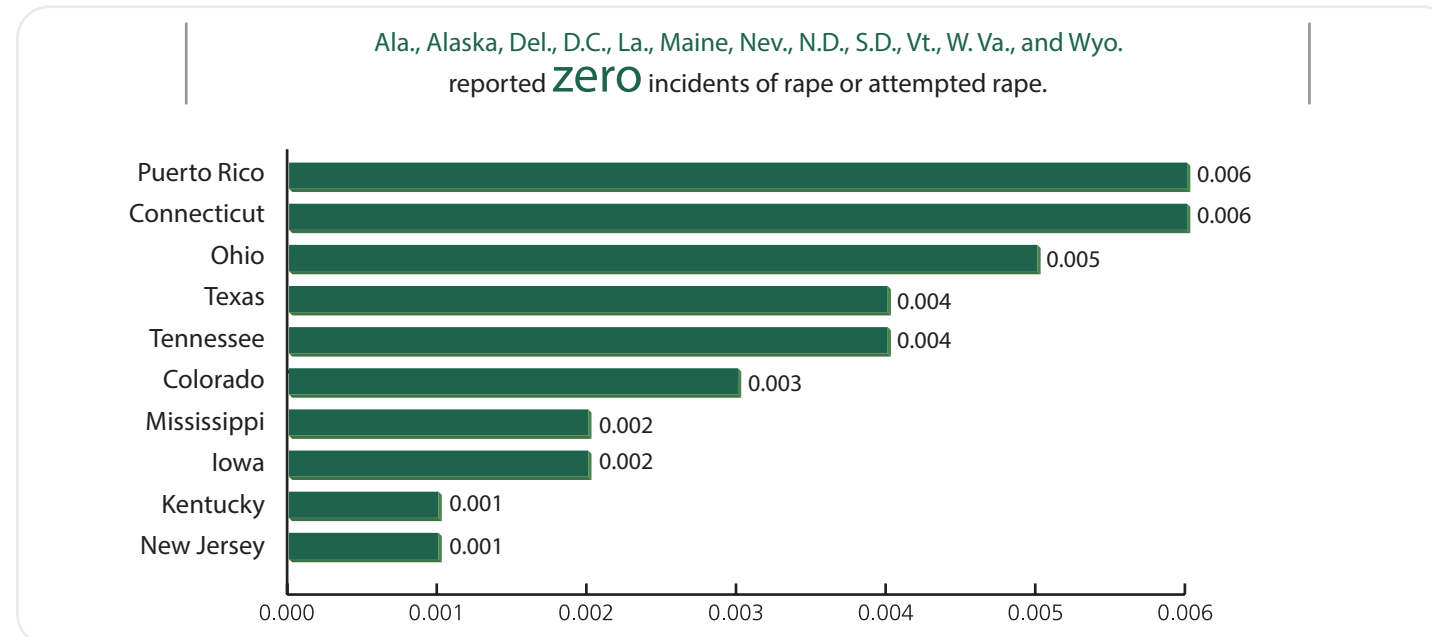
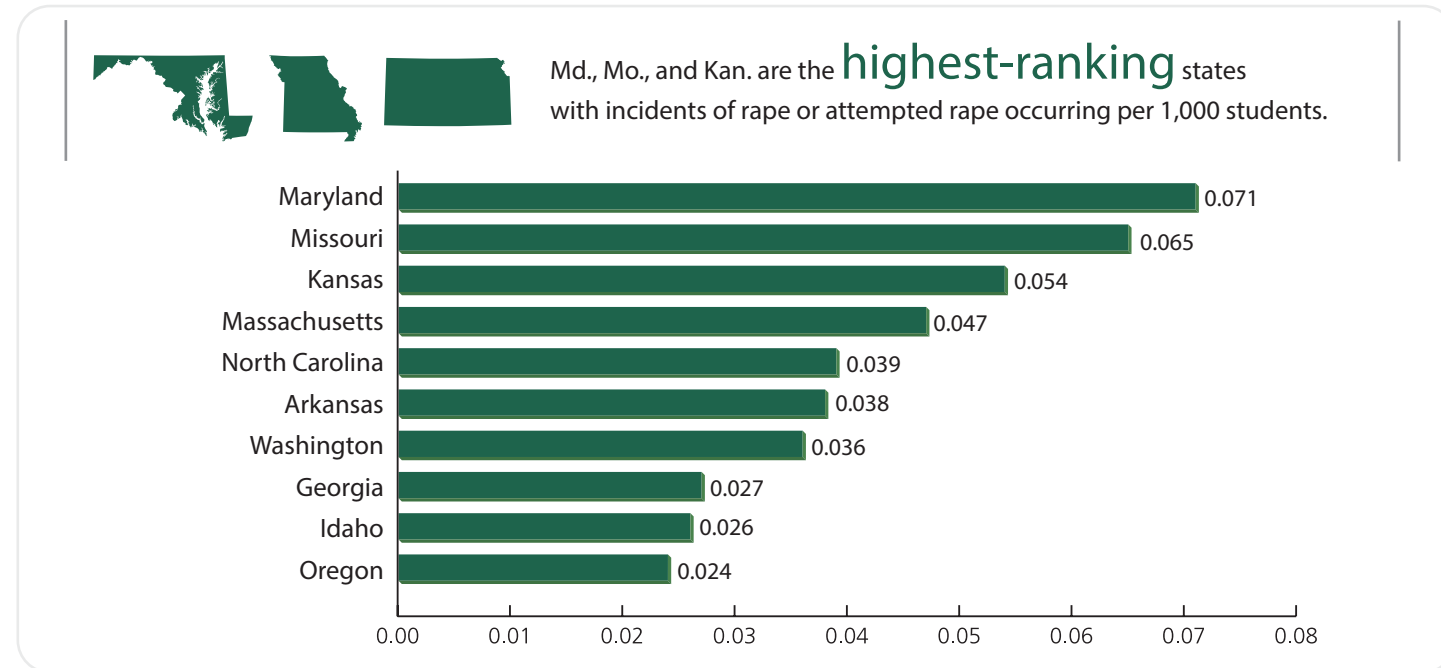


Figure 11. 2017-18 Highest-Ranking States for Rape or Attempted Rape Rate (per 1,000 students)



DATA HIGHLIGHTS

NOTE: For the survey form and full definitions of all terms mentioned in the report, visit ocrdata.ed.gov/SurveyDocuments.

MORE ABOUT THE CRDC

What is the purpose of the CRDC?

Since 1968, the U.S. Department of Education’s (Department) Office for Civil Rights (OCR), or its predecessor agency, has conducted the Civil Rights Data Collection (CRDC) to collect data on key education and civil rights issues in our nation’s public schools.

The CRDC collects a variety of information, including student enrollment and educational programs and services, most of which is disaggregated by race, sex, English learners, and disability.

The CRDC is a longstanding and important aspect of the overall enforcement and monitoring strategy used by OCR to ensure that recipients of the Department’s Federal financial assistance do not discriminate on the basis of race, color, national origin, sex, and disability.

OCR has access to CRDC data from public school districts as it investigates complaints alleging discrimination, initiates proactive compliance reviews to focus on particularly acute or nationwide civil rights compliance problems, and provides policy guidance and technical assistance to educational institutions, parents, students, and others.

In addition, the CRDC is a resource for other Department offices and Federal agencies, policymakers and researchers, educators and school officials, parents and students, and other members of the public who seek data on student equity and opportunity.

Under what authority does OCR conduct the CRDC?

Section 203(c)(1) of the 1979 Department of Education Organization Act conveys to the Assistant Secretary for Civil Rights the authority to “collect or coordinate the collection of data necessary to ensure compliance with civil rights laws within the jurisdiction of the Office for Civil Rights.” The civil rights laws enforced by OCR include:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, and national origin;
- Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex; and
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability.

OCR’s implementing regulations for each of these statutes require recipients of the Department’s Federal financial assistance to submit to OCR “complete and accurate compliance reports at such times, and in such form and containing such information” as OCR “may determine to be necessary to enable [OCR] to ascertain whether the recipient has complied or is complying” with these laws and implementing regulations (34 CFR § 100.6(b), 34 CFR § 106.81, and 34 CFR § 104.61).

For further general information about the CRDC, visit the CRDC FAQ page, <https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/crdc.html>.

Availability of Alternate Format

Requests for documents in alternate formats such as braille or large print should be submitted to the Alternate Format Center by calling 202.260.0852 or emailing the Section 508 Coordinator at om_eeos@ed.gov.

Notice to Persons with Limited English Proficiency

If you have difficulty understanding English, you can request free interpretation or translation assistance for Department information that is available to the public. To find out more about these services, please call 1-800-USA-LEARN (1.800.872.5327) (TTY: 1.800.877.8339) or email us at ED.Language.Assistance@ed.gov. You also can write to U.S. Department of Education, Information Resource Center, LBJ Education Building, 400 Maryland Avenue SW, Washington, DC, 20202.



How to Contact the United States
Department of Education and the Office for Civil Rights

Betsy DeVos, Secretary
Kimberly M. Richey, Acting Assistant Secretary for Civil Rights

Lyndon Baines Johnson Building
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100

Telephone: 800-421-3481
FAX: 202-453-6012
TDD: 877-521-2172
Email: OCR@ed.gov

www.ed.gov/ocr