



## ***School-Based Sexual Harassment, Assault, and Abuse***

Sexual harassment continues to be far too common in schools and is severely underreported. According to recent data, in just one school year, [school districts across the country reported 2,700 incidents of sexual assault, 350 incidents of rape or attempted rape, and 17,000 allegations of harassment on the basis of sex](#). This is unacceptable. California has laws in place to protect students and ensure their rights if they experience sexual harassment, assault, or abuse in connection with their school.

### **Every child has a right to a safe and secure learning environment, free of sexual harassment, assault, and abuse.**

If anyone reports that a child is sexually harassed, assaulted, or abused in connection with a public school, the school district has a legal responsibility to:

- Stop the sexual harassment, assault, or abuse;
- Remove any hostile environment for the child and any other impacted student;
- Address the harm that already happened; and
- Prevent any more harm from happening.

### **You and your child have a right to report inappropriate behavior to any school district employee.**

If the complaint involves child neglect or abuse in any way, the school district must report it to law enforcement or child welfare. Sexual abuse is child abuse and includes someone sexually touching a child on their groin or inner thigh over their clothes.

If the school district knows about sexual harassment, assault, or abuse, the school district must contact the child's parent or guardian immediately, with limited exceptions. When they contact the parent or guardian, the school district must:

- Explain the options for a formal complaint under federal law (also called Title IX) or state law (also called the Uniform Complaint Procedures or UCP).
- Offer and provide support that does not punish any student and helps keep students safe during the investigation. Schools can support students through counseling; a no-contact contract between students; class schedule changes; and/or deadline extensions for exams or assignments, among other actions.
- If the report states that sexual harassment, assault, or abuse occurred, the school district must stop and remedy any harm to the child and any others who were harmed.

### **The district must take immediate action and cannot ignore a report of sexual harassment, assault, or abuse because:**

- You or your child did not "use the right form."
- You or your child did not report to the "right school person."
- The school district reported to the police or child welfare, and the police or child welfare have not taken action.
- Your child has an Individualized Education Program (IEP) or 504 plan.



## **You and your child have a right to not be retaliated against.**

If you or your child experience retaliation, please report it to the school district immediately. The school district must investigate and stop any retaliation.

## **In most cases, you and your child have the right to choose between a thorough, formal investigation OR an informal process.**

### Formal Investigation

- Written, signed complaint (can be an email under state law)
- Written investigation report
- Thorough, unbiased investigation
- Appeal rights
- May take up to 60 days, unless you agree to give the school district more time (under state law)

### Informal Process

- No formal investigation
- No written report
- Must be voluntary for all parties
- Right to move to a formal investigation if the informal process is not working
- BUT! If an adult who works or volunteers for the school district is the person that you reported, then the school district cannot resolve the complaint informally and may need to continue to investigate.

This web page serves only as a general public resource by providing a broad overview of the law. It does not constitute legal advice.

## **Additional Resources**

[Uniform Complaint Procedures - Complaint Procedures \(CA Dept of Education\)](#)

[Submit a Complaint to the California Office of the Attorney General, Bureau of Children's Justice](#)

[The 2020 Title IX Regulations](#)

[File A Complaint | U.S. Department of Education](#)

[Child Abuse Mandated Reporter Training](#)

[Together For Wellness](#)

Together for Wellness connects California youth to mental health support from people who've been there, whether it's school, stress, or something deeper.

[Find Help for Child Abuse and Domestic Violence | First 5 California](#)

[Office of Child Abuse Prevention \(OCAP\)](#)

[Coalition for the Victims of Child Abuse | CVCA](#)

Statewide network of professionals serving victims of child abuse