A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To establish a requirement that all schools in the District of Columbia shall adopt and implement a policy to prevent and address sexual harassment, sexual assault, and dating violence among student and to amend the Healthy Schools Act to require that local education agencies shall provide age-appropriate instruction on consent.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Student Safety and Consent Education Act of 2018”.

Sec. 2. Definitions.

For the purposes of this title, the term:

(1) “Dating partner” means any person, regardless of sex or gender identity, involved in a relationship with another person, where the relationship is primarily characterized by social contact of a sexual or romantic nature, whether casual, serious, short-term, or long-term.
(2) “Dating violence” means a pattern of abusive or coercive behavior where a dating partner exerts power and control over a current or former dating partner. The abuse or threats of abuse can be physical, emotional, economic, technological, or sexual.

(3) “Sexual assault” means any sexual act, sexual contact, or sexually suggestive conduct that is non-consensual, including §§ 22-3002 (first degree sexual abuse); 22-3003 (second degree sexual abuse); 22-3004 (third degree sexual abuse); 22-3005 (fourth degree sexual abuse); 22-3006 (misdemeanor sexual abuse); or 22-3018 (attempts to commit sexual offenses).

(4) “Sexual harassment” means any unwelcome and uninvited sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct related to the victim’s sex or gender identity, that can be reasonably predicted to:

  (i) Place the victim in reasonable fear of physical harm to his or her person or property;

  (ii) Cause a substantial detrimental effect on the victim’s physical or mental health;

  (iii) Substantially interfere with the victim’s academic performance or attendance;

  or

  (iv) Substantially interfere with the victim’s ability to participate in or benefit from the services, activities, or privileges provided by a school.

Sec. 3. Policy to prevent and address peer-to-peer sexual harassment, sexual assault, and dating violence among students.

(a) Beginning the 2019-2020 school year, schools shall adopt and implement a policy to prevent and address peer-to-peer sexual harassment, sexual assault, and dating violence among students. The policy shall include:
(1) A statement prohibiting sexual harassment, sexual assault, and dating violence;

(2) Protocol for how the school will respond to allegations of peer-to-peer sexual harassment, sexual assault, or dating violence among students, including:

   (A) Referral to services and advocacy organizations;

   (B) Keeping student victims informed throughout the process;

   (C) Disciplinary responses;

   (D) Accommodations for student victims, including compliance with protection orders and with student rights under Title IX of the Education Amendments of 1972, approved June 23, 1972 (86 Stat. 373; 20 U.S.C. §§ 1681-1688); and

   (E) Confidentiality and maintaining student privacy to the extent allowed by law;

(3) The applicability of the policy to peer-to-peer sexual harassment, sexual assault, and dating violence that occurs at school, at school events and activities, over social media, and during travel to and from school, school events and activities;

(4) Staff development training on:

   (A) Identifying, responding to, and reporting sexual harassment, sexual assault, or dating violence;

   (B) Communicating prevention techniques to students that increase students’ ability to set and communicate about appropriate boundaries, respect boundaries set by others, and build safe and positive relationships;

   (C) Receiving sexual harassment, sexual assault, or dating violence reports and disclosures in a supportive, appropriate, trauma-informed manner;
(5) Age-appropriate, evidence-informed, and culturally responsive instruction for students in each grade level served by the school on sexual harassment, sexual assault, or dating violence and how to identify, report, and seek help in responding to such incidents;

(6) Information and training for parents on recognizing warning signs of sexual harassment, sexual assault, or dating violence and effective, age-appropriate methods for discussing the topic with a child or youth; and

(7) A list of appropriate resources, services, and information for students and families affected by sexual harassment, sexual assault, or dating violence, including school-based supports.

(b) Schools shall provide the policy to staff, parents, and students and shall make the policy publicly available.

(c) Prior to the beginning of the 2019-2020 school year, the Office of the State Superintendent for Education shall:

(1) Develop a model policy on preventing and addressing peer-to-peer sexual harassment, sexual assault, and dating violence that schools may adopt and consult with schools, direct service providers, mental health professionals, community partners, parents, and youth in developing this model policy; and

(2) Develop, maintain, and make available to schools a list of training resources, including community organizations, to assist in fulfilling the requirements of this act, drawing on the expertise of governmental and community-based sexual harassment, sexual assault, and dating violence experts.

(d) This section shall apply to all schools, public and private, in the District of Columbia.
Sec. 4. Section 402 of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-824.02), is amended by adding a new subsection (b-2) to read as follows:

“(b-2) (1) Beginning in the 2019-2020 school year, each public school and each public charter school shall provide age- and developmentally-appropriate, evidence-informed instruction on the meaning of consent, setting one’s own and respecting others’ personal boundaries, and healthy relationships, as part of the health curriculum in every grade. The Office of the State Superintendent for Education shall update the state Health Education Standards to reflect this requirement.

“(2) For the purposes of this subsection, the term “consent” means words or actions indicating a freely given agreement to the act or contact in question, particularly with regards to acts between parties within the course of interpersonal relationships. Lack of verbal or physical resistance or submission by the victim, resulting from the use of force, threats, coercion, or mental or physical incapacitation or impairment shall not constitute consent.”

Sec. 5. Fiscal impact statement.


Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 2000.
24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(1)), and publication in the District of Columbia Register.