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16 A BILL

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21 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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24
25 To establish a requirement that all schools in the District of Columbia shall adopt and implement
26 a policy to prevent and address sexual harassment, sexual assault, and dating violence
27 among student and to amend the Healthy Schools Act to require that local education
28 agencies shall provide age-appropriate instruction on consent.
29

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

32 Sec. 2. Definitions.

33 For the purposes of this title, the term:

34 (1) "Dating partner" means any person, regardless of sex or gender identity, involved in a
35 relationship with another person, where the relationship is primarily characterized by social
36 contact of a sexual or romantic nature, whether casual, serious, short-term, or long-term.

37 (2) "Dating violence" means a pattern of abusive or coercive behavior where a dating
38 partner exerts power and control over a current or former dating partner. The abuse or threats of
39 abuse can be physical, emotional, economic, technological, or sexual.

40 (3) "Sexual assault" means any sexual act, sexual contact, or sexually suggestive conduct
41 that is non-consensual, including §§ 22-3002 (first degree sexual abuse); 22-3003 (second degree
42 sexual abuse); 22-3004 (third degree sexual abuse); 22-3005 (fourth degree sexual abuse); 22-
43 3006 (misdemeanor sexual abuse); or 22-3018 (attempts to commit sexual offenses).

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

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

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

51 (iii) Substantially interfere with the victim's academic performance or attendance;
52 or

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

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

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

60 (1) A statement prohibiting sexual harassment, sexual assault, and dating
61 violence;

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

64 (A) Referral to services and advocacy organizations;

65 (B) Keeping student victims informed throughout the process;

66 (C) Disciplinary responses;

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

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

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

75 (4) Staff development training on:

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

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

81 (C) Receiving sexual harassment, sexual assault, or dating violence reports
82 and disclosures in a supportive, appropriate, trauma-informed manner;

83 (5) Age-appropriate, evidence-informed, and culturally responsive instruction for
84 students in each grade level served by the school on sexual harassment, sexual assault, or dating
85 violence and how to identify, report, and seek help in responding to such incidents;

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

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

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

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

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

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

104 (d) This section shall apply to all schools, public and private, in the District of Columbia.

105 Sec. 4. Section 402 of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C.
106 Law 18-209; D.C. Official Code § 38-824.02), is amended by adding a new subsection (b-2) to
107 read as follows:

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

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

119 Sec. 5. Fiscal impact statement.

120 The Council adopts the fiscal impact statement in the committee report as the fiscal
121 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
122 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

123 Sec. 6. Effective date.

124 This act shall take effect following approval by the Mayor (or in the event of veto by the
125 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
126 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

127 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(1)), and publication in the District of
128 Columbia Register.