



House of Representatives

File No. 763

General Assembly

January Session, 2023

(Reprint of File No. 89)

Substitute House Bill No. 6642
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 11, 2023

AN ACT CONCERNING A TITLE IX COMPLIANCE TOOLKIT FOR SCHOOL DISTRICTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2023*) (a) The Commission on
2 Women, Children, Seniors, Equity and Opportunity shall convene and
3 lead a working group to identify or develop a Title IX compliance toolkit
4 for use by local and regional boards of education, students and parents
5 and guardians of students. For purposes of this section and sections 2 to
6 4, inclusive, of this act, "Title IX" means the provisions of Title IX of the
7 Elementary and Secondary Education Act of 1972, 20 USC 1681 et seq.,
8 as amended from time to time.

9 (b) The Title IX compliance toolkit shall include:

10 (1) Training for school administrators, Title IX coordinators, school
11 personnel, students and parents and guardians of students that includes
12 (A) information regarding the prevention, identification and response

13 to adult sexual misconduct in schools, as described in the United States
14 Department of Education's "Training Guide for Administrators and
15 Educators on Addressing Adult Sexual Misconduct in the School
16 Setting", and (B) research and data regarding the prevalence of child
17 sexual abuse, adult sexual misconduct and the unique risk to sexual
18 abuse for students with disabilities or who are lesbian, gay, bisexual,
19 transgender, queer or another sexual orientation or gender identity;

20 (2) A model antidiscrimination and abuse prevention policy and
21 procedures that include but are not limited to, policies addressing the
22 needs of students with disabilities or who are lesbian, gay, bisexual,
23 transgender, queer or another sexual orientation or gender identity;

24 (3) A summary of applicable state and federal statutory and
25 regulatory requirements and how such requirements affect the rights of
26 students, including students with disabilities or who are lesbian, gay,
27 bisexual, transgender, queer or another sexual orientation or gender
28 identity, to be free from discrimination, harassment and abuse;

29 (4) Provisions relating to the process for reporting an incident of adult
30 sexual misconduct, including documents accessible to parents and
31 guardians of students, students, school personnel and administrators;

32 (5) Requirements for investigating reports of adult sexual
33 misconduct, including information regarding the need to offer safety
34 planning and services to the complainant or victim;

35 (6) An explanation of the Title IX complaint procedures, including,
36 but not limited to, the various methods accessible to parents and
37 guardians of students, students, school personnel and administrators of
38 submitting complaints;

39 (7) Information explaining the right of an individual to seek redress
40 from the Commission on Human Rights and Opportunities and the
41 United States Department of Health and Human Services' Office for
42 Civil Rights that is accessible to parents and guardians of students,
43 students, school personnel and administrators;

44 (8) Procedures for publishing and disseminating information to
45 parents and guardians of students, students, school personnel and
46 administrators from the Connecticut School Health Survey,
47 administered pursuant to section 10-217h of the general statutes, and
48 school climate assessment instruments, completed pursuant to section
49 10-222d of the general statutes;

50 (9) Information relating to personnel and resources at the state and
51 federal level that are available to provide ongoing technical assistance
52 and support to local and regional boards of education with regard to
53 such boards' compliance with Title IX requirements; and

54 (10) Information relating to resources that are available to provide
55 support to students, educators and parents and guardians regarding
56 prevention, identification and response to child sexual harassment,
57 discrimination and abuse.

58 (c) The working group shall consist of: (1) The executive director of
59 the Commission on Women, Children, Seniors, Equity and
60 Opportunity, or the executive director's designee, (2) the Commissioner
61 of Education, or the commissioner's designee, (3) the Commissioner of
62 Children and Families, or the commissioner's designee, (4) the
63 Commissioner of Public Health, or the commissioner's designee, (5) the
64 executive director of the Commission on Human Rights and
65 Opportunities, or the executive director's designee, (6) the Child
66 Advocate, or the Child Advocate's designee, (7) a representative from
67 each of the following organizations, designated by each such
68 organization: (A) The Connecticut Alliance to End Sexual Violence, (B)
69 the Connecticut Children's Alliance, (C) Disability Rights of
70 Connecticut, (D) the Connecticut Association of Public School
71 Superintendents, and (E) the Connecticut Association of Boards of
72 Education, and (8) any additional members who have expertise in
73 human resources and Internet technology, designated by the executive
74 director of the Commission on Women, Children, Seniors, Equity and
75 Opportunity.

76 (d) Not later than July 1, 2024, the working group shall submit the
77 Title IX compliance toolkit to the joint standing committee of the
78 General Assembly having cognizance of matters relating to children, in
79 accordance with the provisions of section 11-4a of the general statutes.
80 The working group shall terminate on the date that it submits such
81 toolkit or July 1, 2024, whichever is later.

82 Sec. 2. (NEW) (*Effective July 1, 2023*) (a) Not later than October 1, 2024,
83 the Department of Education shall distribute the Title IX compliance
84 toolkit, identified or developed pursuant to section 1 of this act, to local
85 and regional boards of education and provide technical assistance to
86 such boards in the implementation of such toolkit.

87 (b) The department shall post the Title IX compliance toolkit on the
88 department's Internet web site.

89 Sec. 3. (NEW) (*Effective July 1, 2023*) For the school year commencing
90 July 1, 2025, and each school year thereafter, each local and regional
91 board of education shall implement the Title IX compliance toolkit,
92 identified or developed pursuant to section 1 of this act, in such board's
93 efforts to prevent, identify and respond to reports of child sexual abuse,
94 harassment and discrimination.

95 Sec. 4. (NEW) (*Effective July 1, 2023*) (a) For the school year
96 commencing July 1, 2026, and each school year thereafter, each local and
97 regional board of education shall submit a Title IX compliance report to
98 the Department of Education, in such form and manner as prescribed
99 by the department. Such report shall include (1) the name and contact
100 information of the individual, if any, designated by the board to serve
101 as the Title IX coordinator for the school district, including the dates on
102 which such individual has served as the Title IX coordinator, (2) the
103 training, if any, offered or provided by the board to school personnel
104 regarding the laws and implementation of Title IX, including the content
105 and frequency of such training, (3) the Title IX policy and any
106 supplemental misconduct policy, if any, for the school district, including
107 a description of where such policies are available to students, parents

108 and guardians and school personnel, and (4) guidelines or resources, if
109 any, used or provided by the board in the implementation to any
110 student, parent or guardian who makes a complaint concerning a
111 violation of Title IX.

112 (b) The department shall annually review the Title IX compliance
113 reports submitted pursuant to subsection (a) of this section and develop
114 a report based on its findings of such review. The department shall make
115 such report available on its Internet web site and submit such report to
116 the joint standing committee of the General Assembly having
117 cognizance of matters relating to children, in accordance with the
118 provisions of section 11-4a of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	New section
Sec. 2	<i>July 1, 2023</i>	New section
Sec. 3	<i>July 1, 2023</i>	New section
Sec. 4	<i>July 1, 2023</i>	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: See Below

Explanation

The bill has no fiscal impact to the Commission on Women, Children, Seniors, Equity and Opportunity, and a potential annual cost to local and regional school districts beginning in FY 25.

It requires (1) the Commission to convene a working group to develop a Title IX compliance toolkit; (2) local and regional school districts to implement the toolkit starting in FY 26 and report certain information to SDE; and (3) SDE to issue a report concerning local and regional school district compliance with the toolkit.

Any impact to local and regional school districts will depend on the recommendations of the working group established by the bill. It is anticipated that SDE can fulfill the bill's requirements with existing resources.

House "A" has the Commission on Women, Children, Seniors, Equity and Opportunity lead the working group, makes various changes to members of the working, and changes the reporting dates which doesn't alter the fiscal impact in the underlying bill.

The Out Years

State Impact: None

Municipal Impact: See Above

OLR Bill Analysis**sHB 6642 (as amended by House "A")******AN ACT CONCERNING A TITLE IX COMPLIANCE TOOLKIT FOR SCHOOL DISTRICTS.*****SUMMARY**

This bill requires the Commission on Women, Children, Seniors, Equity and Opportunity (CWCSEO) to convene and lead a working group to identify or develop a Title IX compliance toolkit for use by local and regional boards of education, students, and their parents and guardians. (Title IX of the Education Amendments of 1972 prohibits sex-based discrimination in education programs and activities that receive federal financial assistance.)

Under the bill, each local and regional board of education must annually (1) beginning with the 2025-2026 school year, implement the toolkit in their efforts to prevent, identify, and respond to reports of child sexual abuse, harassment, and discrimination, and (2) beginning with the 2026-2027 school year, submit a report to the State Department of Education (SDE) on their Title IX compliance.

*House Amendment "A" (1) requires CWCSEO, rather than SDE, to convene a Title IX working group, requires the commission to lead the group, and adds the CWCSEO executive director to the group's members; (2) delays, from January 1, 2024, to the school year beginning July 1, 2026, the reporting requirement for local and regional boards of education to report to SDE on their Title IX compliance and requires them to do so annually; (3) delays the implementation of the Title IX toolkit by one year; (4) delays, from July 1, 2024, to October 1, 2024, the date by which SDE is required to distribute the toolkit to local and regional boards of education; and (5) requires SDE to annually review submitted Title IX compliance reports, rather than once by July 1, 2024.

EFFECTIVE DATE: July 1, 2023

ANNUAL REPORT ON TITLE IX COMPLIANCE

Under the bill, beginning with the 2026-2027 school year, each local and regional board of education must annually submit a Title IX compliance report to SDE as the department determines. The report must include the following:

1. the name and contact information of any person the board designated to serve as the school district's Title IX coordinator, including the dates they served;
2. any training the board offered or provided to school personnel on Title IX laws and implementation, including its content and frequency;
3. the Title IX policy and any supplemental misconduct policy for the school district, including a description of where the policies are available to students, parents and guardians, and school personnel; and
4. guidelines or resources, if any, the board used or provided in the implementation to any student, parent, or guardian who makes a complaint concerning a Title IX violation.

The bill requires SDE to annually review the compliance reports and develop a report based on its findings. SDE must make the report available on its website and submit it to the Children's Committee.

TITLE IX COMPLIANCE TOOLKIT

Contents

The Title IX compliance toolkit must include training for school administrators, Title IX coordinators, school personnel, students, and their parents and guardians that includes:

1. information on the prevention, identification, and response to adult sexual misconduct in schools, as described in the U.S.

Department of Education's "Training Guide for Administrators and Educators on Addressing Adult Sexual Misconduct in the School Setting"; and

2. research and data on the prevalence of child sexual abuse, adult sexual misconduct, and the unique risk to sexual abuse for students with disabilities or who are lesbian, gay, bisexual, transgender, queer (LGBTQ), or another sexual orientation or identity.

The toolkit must also include the following:

1. a model antidiscrimination and abuse prevention policy and procedures that include policies addressing the needs of students who are disabled, LGBTQ, or another sexual orientation or gender identity;
2. a summary of applicable state and federal statutory and regulatory requirements and how they affect the rights of students, including students who are disabled, LGBTQ, or another sexual orientation or gender identity, to be free from discrimination, harassment, and abuse;
3. the process for reporting an incident of adult sexual misconduct, including documents accessible to students, their parents and guardians, school personnel, and administrators;
4. requirements for investigating reports of adult sexual misconduct, including information on the need to offer safety planning and services to the complainant or victim;
5. an explanation of the Title IX complaint procedures, including the various methods accessible to students, their parents and guardians, school personnel and administrators for submitting complaints;
6. information explaining a person's right to seek redress from the Commission on Human Rights and Opportunities (CHRO) and

the U.S. Department of Health and Human Services' Office for Civil Rights that is accessible to students, their parents and guardians, school personnel, and administrators;

7. procedures for publishing and spreading information to students, their parents and guardians, school personnel, and administrators from the Connecticut School Health Survey and school climate assessment instruments (see BACKGROUND);
8. available personnel and resources at the state and federal level to give ongoing technical assistance and support to local and regional boards of education on their Title IX compliance; and
9. available resources to support students, educators, and parents and guardians on preventing, identifying, and responding to child sexual harassment, discrimination, and abuse.

Working Group Membership and Report

Under the bill, the working group's members include the CWCSEO and CHRO executive directors or their designees; the commissioners of Children and Families, Education, and Public Health or their designees; and the Child Advocate or her designee. It also includes representatives from the following organizations, designated by each:

1. the Connecticut Alliance to End Sexual Violence,
2. the Connecticut Children's Alliance,
3. Disability Rights of Connecticut,
4. the Connecticut Association of Public School Superintendents,
and
5. the Connecticut Association of Boards of Education.

The CWCSEO executive director may also designate more members who have expertise in human resources and internet technology.

The working group must submit the toolkit to the Children’s Committee by July 1, 2024. The group sunsets on the date they submit their toolkit or July 1, 2024, whichever is later.

By October 1, 2024, the bill requires SDE to distribute the toolkit to local and regional boards of education and give technical assistance to them in implementing it. SDE must also post the toolkit on its website.

BACKGROUND

Connecticut School Health Survey

Existing law requires the Department of Public Health, when receiving funding from the federal Centers for Disease Control (CDC), to biennially conduct the Connecticut School Health Survey, an anonymous school-based survey of a representative sample of public high school students, based on the CDC’s Youth Risk Behavior Survey. As part of the survey process, parents and guardians are given advanced notice and the option to opt their student out from participating (CGS § 10-217h et seq.).

School Climate Assessment Instruments

By law, schools must conduct school climate assessments, which include surveys to gauge the perspectives and opinions of students. The surveys must allow students to complete them anonymously. SDE must (1) use the information collected from the surveys as part of an annual analysis that includes the number of verified acts of bullying in the state, the school districts’ responses, and any other recommendations to improve school climate and (2) submit the analysis to legislative leaders and the Education and Children’s committees (CGS §§ 10-222h & 222-k).

COMMITTEE ACTION

Committee on Children

Joint Favorable Substitute

Yea 19 Nay 0 (02/28/2023)