

January 30, 2019

Brittany Bull  
U.S. Department of Education  
400 Maryland Avenue S.W.  
Room 6E310, Washington, DC 20202

RE: Docket ID ED-2018-OCR-0064, RIN 1870-AA14, Comments in Response to Proposed Rulemaking: Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance

Dear Ms. Bull:

On behalf of National PTA and our 4 million PTA members, we appreciate the opportunity to comment on the U.S. Department of Education's proposed rule to amend regulations implementing Title IX of the Education Amendments of 1972. National PTA is extremely concerned by the proposed rule, as it will diminish protections that prohibit discrimination on the basis of sex in federally funded education programs and expose students to higher levels of sexual harassment and violence. This proposed rule has the potential to inflict lasting damage on students' emotional and physical wellbeing and ability to learn. National PTA remains committed to ensuring the strengthening of Title IX and other federal, state and local laws that identify, prohibit, and address the effects of sexual harassment and sexual violence impacting students. Our association believes all children deserve the opportunity to reach their full potential in safe and welcoming environments.

The report *Crossing the Line: Sexual Harassment at School* reveals that nearly half of the students surveyed in grades 7-12 experienced some form of sexual harassment in the 2010-11 school year.<sup>1</sup> This reporting demonstrates that there are serious incidents of sexual harassment in middle and high schools, yet the proposed rule significantly narrows the definition of sexual harassment for reporting purposes. This proposed definition would have a profoundly negative effect on victims of sexual harassment potentially causing victims to forgo contacting Title IX coordinators and elementary and secondary school teachers for fear that the harassment does not meet the criteria outlined in the definition. Students who experience what are perceived to be "minor" forms of harassment may be disinclined to report the harassment given the specificity of the definition as proposed. Many experts agree that sexual harassment already remains underreported and the proposed definition will further drive underreporting among victims and put them at a greater risk of harassment and assault.

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<sup>1</sup>Catherine Hill & Holly Kearl, *Crossing the Line: Sexual Harassment at School*, American Association of University Women, 2011, <https://www.aauw.org/files/2013/02/Crossing-the-Line-Sexual-Harassment-at-School.pdf>

The proposed rule also seeks to add new requirements to the publishing of grievance procedures at the school level for Title IX violations. The regulation must include language to ensure that the development of grievance procedures include parents, families, community members, students and other stakeholders. School community members are entitled to a transparent grievance procedure development process with ample opportunity to offer input and feedback. National PTA will continue to urge and support family engagement in schools and as it pertains to the development of grievance procedures that keep all students safe. We hope the Department will join in this important effort.

National PTA believes that all students deserve to learn in a safe and secure environment. It is only with appropriate Federal supports and protections in place that students can learn and thrive in school. We urge the Department to implement regulations that strengthen victim rights and protections and fully engage parents, families, students and other stakeholders in the Title IX process. While we appreciate the Department's desire to clarify Title IX regulatory requirements, the proposed rule would most certainly result in underreporting and failure to address potential toxic environments for students in K-12 schools. Please contact Jacki Ball, Director of Government Affairs, at [jball@pta.org](mailto:jball@pta.org) or (703) 518-1243 to answer any questions or provide further input as needed.

Sincerely,



James L. Accomando  
President  
National PTA



Nathan R. Monell, CAE  
Executive Director  
National PTA