

High Schools and Middle Schools Are Failing Victims of Sexual Assault

The issues college campuses are facing are evident in primary and secondary education as well.



Unlike federally funded colleges, high schools are not required to report sexual assault statistics.

By [Tierney Sneed](#)

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Daisy Coleman switched high schools after allegations that another student had raped her sparked outrage and national headlines. Still, the 17-year-old's struggle to live a normal life was made even harder recently, when her new principal told her she could not attend prom because, according to Coleman's mother, the school couldn't guarantee that she wouldn't be harassed there.

"Because he can't protect her, he is going to punish her more," Melinda Coleman, Daisy's mother, said at a press conference at the National Press Club in February, which was Teen Dating Violence Awareness Month. (She and her daughter have allowed the media to publish their names.)

The principal eventually changed course, but it didn't undo the trauma Daisy – who has been hospitalized multiple times for self-harm and eating disorders since the night of the alleged assault – has faced since making the accusations against a well-known football player in her small Missouri community.

"It's been hard. She quit cheerleading, and she's come to the conclusion that she is not going to be able to have some magical high school experience," Melinda Coleman tells U.S. News. "There's too much water under the bridge."

While recent months have brought to light how colleges are struggling to deal with sexual assault on their

campuses, high schools and even middle schools are also facing challenges. Secondary school educators are unsure and ill-trained when it comes to handling allegations that one student has assaulted another, which they are legally required to report to the police. Once accusations are made, survivors at times continue to face harassment and victim-blaming among their peers, which some victims say is even worse than the assault itself.

“The problem in general seems to be that schools aren’t taking appropriate action once they have knowledge of a possible sexual assault,” says Neena Chaudhry, senior counsel at the National Women’s Law Center.

[Daisy's nightmare began in Maryville, Missouri](#), in January 2012, when her mother found the then 14-year-old soaking wet and nearly unconscious on her front porch in the bitter cold of the early morning. Daisy and a friend sneaked out of the house late the night before to hang out with friends of Daisy's older brother. Daisy said the older boys gave the girls a strong alcoholic beverage that made her black out. After finding her on the porch, her mother brought Daisy to the hospital – she had frostbite on her hands and feet – and a rape kit revealed she had been assaulted.



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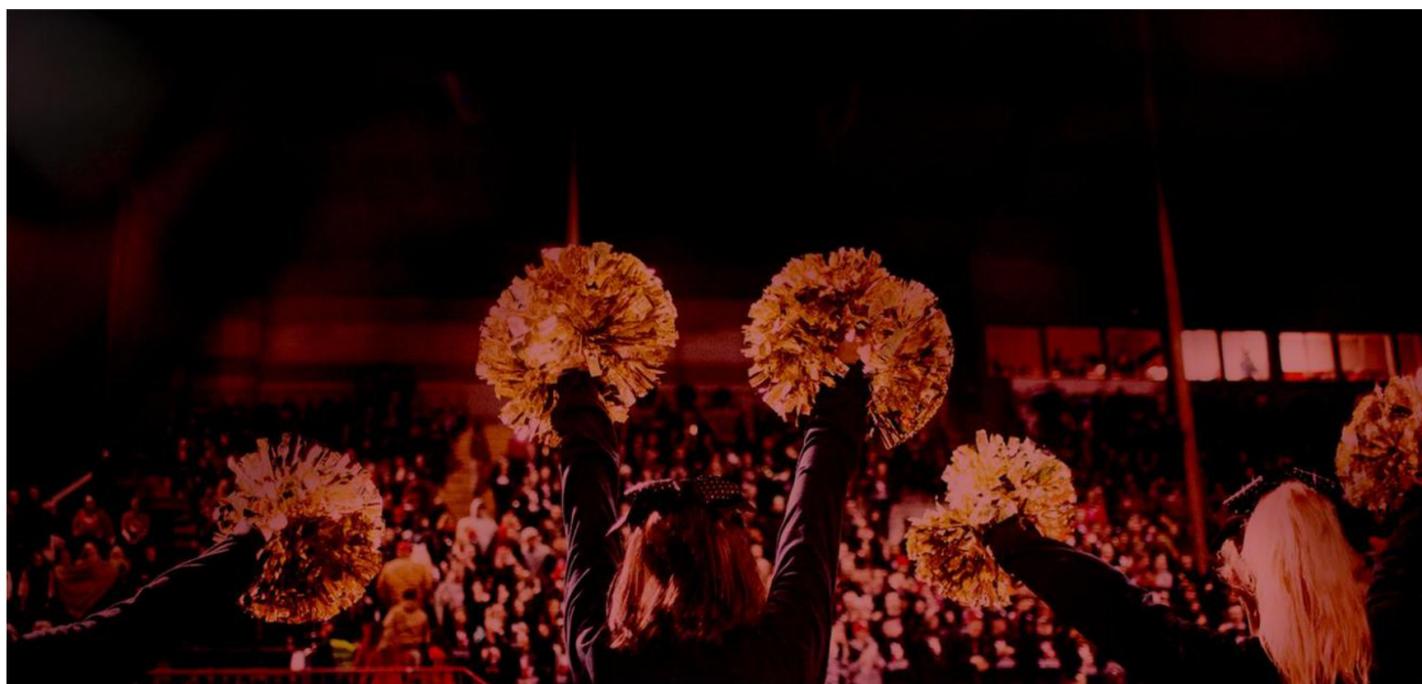
Data and the Debate About Campus Rape

The Colemans sought charges against the male student believed to be responsible; he does not deny that he had sex with Daisy, though he says it was consensual. But the way the authorities handled the case attracted national scrutiny: Video evidence of the assault went missing and the county prosecutor dropped the charges against the alleged rapist, whose grandfather was a popular political figure in the town.

A special prosecutor eventually stepped in, and Daisy's alleged attacker pleaded guilty to endangering the welfare of a child, a misdemeanor. In the meantime, Daisy faced harassment not only from students online and in person, but from her high school administrators as well, whom the Colemans say suspended her from the cheerleading team for drinking and sneaking out at night.

Even after moving about 40 miles away, to the town of Albany, the harassment has continued: Coleman had lost her job in Maryville over the controversy, the house they left there mysteriously burnt to the ground and bullying continues for Daisy at her new school.

“I know it's hard for them to monitor everything, but they make her sit alone at lunch,” Coleman says. The isolation has made Daisy's life more difficult, not less.



NEARLY 20 PERCENT OF GIRLS BETWEEN THE AGES OF 14 AND 17 HAVE BEEN VICTIMS OF SEXUAL ASSAULT.

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Federally funded colleges are required to report sexual assault statistics under the Clery Act ([though the number of such incidents is often downplayed by schools](#)). There is no equivalent data collection requirement for high schools, but [CDC data](#) has revealed that 30 percent of female rape victims were first raped between the ages of 11 to 17. [According to Justice Department statistics](#), nearly 20 percent of girls between the ages of 14 and 17 have been victims of sexual assault or attempted sexual assault, and another 1990 study shows that 1 in 4 girls and 1 in 6 boys will be sexually abused before they turn 18. In an additional study using CDC data, [released this week](#), 1 in 5 high school women and 1 in 10 high school men reported experiencing dating violence.

In general, most rapes go unreported and, of the 32 percent that are reported to the police, only 2 percent lead to a felony conviction, [according to the Rape, Abuse & Incest National Network](#). Nearly 2,200 minors are arrested for rape each year, and 9,200 more for other sex offenses.

Mandatory reporting laws require K-12 teachers and administrators to report to the police any sexual assault allegations told to them by a student. College officials are under no such requirement – [though some states are trying to change that](#) – and while universities have their own investigative and disciplinary protocols in accordance with Title IX, many colleges have been accused of being biased against victims.

Public primary and secondary schools are also covered under Title IX, which requires schools to make certain arrangements for students making sexual assault complaints while an investigation is underway, such as seeing to it that the victim can still attend school, is protected from harassment and can be separated from his or her attacker.

“Part of the problem right now is a lot of parents don’t realize that Title IX applies to not only high school but middle school and elementary school,” says Laura Dunn, executive director of SurvJustice, which provides legal resources for survivors of campus sexual assault. Rather, when Title IX is considered, it is often associated with gender equity for sports teams or funding school programs. “Even the state officials at the highest level don’t know of Title IX or enforcing it in a meaningful way,” Dunn says.

While the campaign against college rape has raised awareness about the statute, many parents and even some school administrators are unaware that it also applies to primary and secondary education. Furthermore, many schools are unsure of what else is required once they have reported an incident, as mandated, to the authorities.

“If there was any real evidence of any violation of the law, our first instinct was to refer the matter to the commonwealth attorney,” says Kristen Amundson, a former school board chairwoman in Fairfax County, Virginia, who is now the executive director of the National Association of State Boards of Education. She says when she was chairwoman, only the school board in her district could expel students, and any disciplinary action was likely to follow legal adjudication.

“Investigating a situation, particularly if you’re talking about sexual assault, requires real skill and training – and at least in Fairfax, detectives had that ability, had that training,” she says. “The issue is, sometimes, what do you do in that beginning period?”

Amundson also served in the Virginia legislature, where she sponsored a bill that allows school boards to impose short-term suspensions or alternative education programs on students charged with intentionally harming another student – a measure she says could be applied to incidents of sexual assault. Maryland has also issued guidelines for what to do if a teacher or school board member believes a student has been sexually assaulted. But in many states, such protocols are lacking, leaving schools to interpret federal requirements on their own.

“I don’t know what schools know or don’t know, but there is no excuse,” Chaudhry says, referring to Title IX. “This law has been around for four decades, these are not new policies.”

Under the SaVE Act, an amendment to the Clery Act that became law in 2013, colleges receiving federal student aid must educate students and staff alike on the prevention of rape, domestic violence, dating violence, sexual assault and stalking. Universities also must meet certain standards pertaining to campus

response, including in relation to disciplinary proceedings for perpetrators.

The U.S. primary and secondary education system is decentralized, meaning not only do policies regarding sexual abuse – both preventive educational measures as well as protocols for when an assault is reported – vary state by state and even school district by school district, but whose responsibility it is to make those calls differs across individual schools. What is constant is that, in many places, the guidelines regarding sexual violence are not sufficient. For instance, according to Break the Cycle, an organization that focuses on teen dating violence, more than 80 percent of high school guidance counselors say they feel ill-equipped to deal with reports of abuse on their campuses.



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"It's really important that they have a policy in place, and that that policy is clear and also has been communicated to the entire school community," says Kelly Hampton, director of programming for Break the Cycle. "That is the most important best practice and that is what we see is most lacking."

Monica Rodriguez, president and CEO of the Sexuality Information and Education Council of the United States, says educators are better prepared for when a child reports sexual abuse by an adult – which usually would prompt the involvement of a social services agency.

"If a student told a teacher her father was raping her, they would know what to do," Rodriguez says. "When a student discloses something happened on a date, or with someone they're interested in, for teachers that gets a little murkier."

Schools have made great progress with bullying, she says. "But often when people think about bullying, they don't think about it in terms of gender or sexuality."

The [Supreme Court ruled](#) in 1999 that federally funded schools are required to stop sexual harassment between students to maintain funding, and [a 2010 Department of Education "Dear Colleague" letter](#) reminded administrators of their responsibilities, which include distinguishing between sexual harassment and general bullying.

While many high-profile sexual assault cases have taken place at the high school level, teachers in middle schools are struggling with the issue. [In one study](#), 1 in 5 middle school students reported sexual harassment of a physical nature, while other research has shown staff training on student-to-student sexual harassment in middle schools to be sparse – even as training programs concerning bullying are on the rise. Special needs students at all grade levels are [especially vulnerable](#).

In one particularly egregious case in Alabama, a middle school boy had propositioned female students for sex as well as harassed them in other ways, [according to court filings](#). One girl, who was a special needs student, reported his harassment to school officials, and was told to go to the bathroom with the boy, as the school board's policy required that sexual harassers be "caught in the act" in order to be documented and punished. School staff arrived at the bathroom too late in the attempted sting operation, and the female student was raped by the boy. A suit against the school board for violating Title IX is being litigated in a federal appeals court.

"We need to be educating young men and women about awareness first and foremost, because it is a little too late at the college level," Dunn says.

A federal bill introduced in February by Sens. Claire McCaskill, D-Mo., and Tim Kaine, D-Va., would require schools that teach sexual education to address sexual assault and dating violence. The Teach Safe Relationships Act would allow schools to develop a specific curriculum and also provide grants to train teachers on sexual assault prevention. It would not, however, apply to schools in which sexual education is not mandated.

Meanwhile, 20 states have passed Erin's Law, which requires public K-12 schools to teach students how

“IF A STUDENT TOLD A TEACHER HER FATHER WAS RAPING HER, THEY WOULD KNOW WHAT TO DO.”



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to come forward if they are being sexually abused, and to instruct staff on how to handle such revelations. “We can’t rely on parents because the conversation between parents and children ends at stranger danger,” say Erin Merryn, an abuse survivor who is leading the campaign for the law.

When schools do adopt awareness programs, evidence shows the education is extremely effective.

Kentucky’s Green Dot program has led to a 48 percent reduction in sexual violence in schools that utilize it, as well as drops in bullying, sexual harassment, dating violence and stalking.

The program provides a general education for all high school students, faculty and staff, and then a small pool of students – identified and selected by educators because they are formal or informal leaders among the student body – receive a more extensive training that includes bystander intervention methods.

“We want the social diffusion, so you get these leaders that have a much more in-depth piece and they’re spreading that with the idea of changing social norms,” says Rhonda Henry, director of the University of Kentucky Violence Intervention and Protection Center, which leads the training sessions. “Within their groups of peers they are able to have that influence – how to get them to see situations differently, and basically come from a place that [sexual assault] isn’t OK.”



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After a five-year study that measured the program's success against a control group of schools that did not participate, the researchers are now pushing for Green Dot to be implemented in all schools in the state and elsewhere.

“We’re seeing the students that were going through those high schools' programs showing up at a college,” Henry says. “They’re able to leverage it more effectively there as an adult.”

While advocates say legislation is likely necessary to guarantee that schools consider such educational programs, training requirements and response protocols, lawsuits – particularly the Title IX complaints that have become a focus of the anti-rape movements on college campuses – could also effectively force schools to more broadly consider how they are handling sexual assault allegations.

Currently, the Department of Education’s Office for Civil Rights has 33 sexual violence investigations

open in 32 school districts. Rodriguez compares those complaints to the way legal action brought attention to the issue of anti-LGBT harassment in schools.

“Recently, in the last 10 or 15 years, we have gotten much smarter about bullying about sexual orientation,” she says. “What made that happen was lawsuits.”

She points to a lawsuit against a Wisconsin school district for not protecting a gay student against bullying that ended in a \$900,000 out-of-court settlement for the victim. It prompted other schools to adopt pre-emptive anti-bullying policies, she says.

Advocates are also hoping the White House will use the spotlight it has shed on college campus assaults to offer more guidance at the K-12 level.

“The first step around some of the campus sexual assault issue is the White House Task Force to Protect Students Against Sexual Assault,” says Katie Hanna, executive director of the Ohio Alliance to End Sexual Violence. “The guidance that’s been issued within that also speaks to looking to create additional guidance later on in terms of working on K through 12.”

Increased awareness of a high school's requirements under federal law, in fact, was what helped Coleman change the mind of her daughter's principal about letting Daisy attend prom.

“I was a little bit pleasantly surprised by some of the things that already are in place legally,” she says. “If I had had that information in the beginning – that’s something [parents] should have accessible, to help their children heal and recover from something like this and have some sense of justice or fairness in how it’s dealt with, instead of the victim being revictimized over and over and over.”

TAGS: sexual assault , high school, Title IX



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