

# The District of Columbia's School Safety Omnibus Amendment Act of 2018: Public and Private Schools' Obligations to Implement Policies for Handling Reports of Sexual Abuse and Bullying

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With a new school year starting amidst the Coronavirus pandemic, many D.C. public and private schools have announced they will begin the school year with remote learning. With more students spending an inordinate amount of time online through virtual classrooms and social media, the threat of online bullying and abuse has proliferated.

On April 22, 2019, the "**School Safety Omnibus Amendment Act of 2018**" took effect in the District of Columbia.[1] The Act spells out a number of requirements for the 2019-20 and 2020-21 school years with respect to implementing policies related to staff abuse and student-on-student abuse. The Act's requirements apply to "Local Education Agencies" and "Schools."

These definitions are broadly defined and include "public, public charter, independent, private, or parochial school organized or authorized to operate under the laws of the District that offers instruction at any level or grade from pre-kindergarten through 12th grade." Thus, all schools must take careful note of the Act and its requirements.

During the **2019-20 school year**, among other things, schools were required to develop protocols for addressing **sexual abuse by staff** and for **student-on-student abuse**. [§§ 102(a); 302(a)]. Importantly, these policies were to have been provided to "staff, parents, and, in a developmentally appropriate

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manner, students” and be made “publicly available, *including on the school’s website.*” [§§ 102(c); 302(c)].

Below is a checklist for students, parents, teachers, and administrators outlining a school’s obligations under the Act for the **2020-21 school year**:

### **Staff Training on Staff Abuse (applies to all schools)**

- Is the school providing training for staff on “sexual misconduct, student sexual abuse, and child abuse”? [§ 102(c)(1)]
- Is the school providing training for new hires on “sexual misconduct, student sexual abuse, and child abuse”? [§ 102(c)(1)]
- Is the school providing continuing training on “sexual misconduct, student sexual abuse, and child abuse” at least every two years? [§ 102(c)(1)]
- Does the training address the following topics:
  - “Recognizing and reporting sexual misconduct, student sexual abuse, and child abuse”? [§ 102(c)(1)(A)]
  - “Receiving disclosures of sexual misconduct, student sexual abuse, and child abuse in a supportive, appropriate, and trauma-informed manner”? [§ 102(c)(1)(B)]
  - “Prevention, warning signs, and effects of sexual misconduct, student sexual abuse, and child abuse”? [§ 102(c)(1)(C)]
  - “Communicating with students and parents regarding reporting and preventing sexual misconduct, student sexual abuse, and child abuse”? [§ 102(c)(1)(D)]
  - “Other appropriate topics”? [§ 102(c)(1)(E)]

### **Staff Training on Student-on-Student Abuse (applies to all schools)**

- Is the school providing training for staff on “student-on-student abuse and violence”? [§ 102(b)(1)]
- Is the school providing training for new hires on “student-on-student abuse and violence”? [§ 102(b)(1)]
- Is the school providing continuing training for staff on “student-on-student abuse and violence” at least every two years? [§ 102(b)(1)]
- Was the training developed “utilizing evidence-based standards and developed in consultation with community-based sexual violence or abuse experts”? [§ 302(b)(1)]
- Does the training address the following topics:

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- "Identifying, responding to, and reporting student-on-student acts of sexual harassment, sexual assault, or dating violence, including **any mandatory reporting requirements under District or federal law** which may be triggered by such incidents"? [§ 302(b)(1)(A)]
- "Communicating universal prevention techniques to students that increase their ability to set and communicate about appropriate boundaries, respect boundaries set by others, and build safe and positive relationships"? [§ 302(b)(1)(B)]
- "Receiving reports and disclosures from students regarding student-on student acts of sexual harassment, sexual assault, or dating violence in a supportive, appropriate, and trauma-informed manner"? [§ 302(b)(1)(C)]

### Parent Training on Abuse (applies to all schools)

- Is the school providing training for parents on "child abuse, sexual misconduct and student sexual abuse"? [§ 102(c)(2)]
- Is the school providing continuing training for parents on "child abuse, sexual misconduct and student sexual abuse"? [§ 102(c)(2)]
- Does the training address the following topics:
  - "Recognizing and reporting sexual misconduct, student sexual abuse, and child abuse"? [§ 102(c)(2)(A)]
  - "Receiving disclosures of sexual misconduct, student sexual abuse, and child abuse in a supportive, appropriate, and trauma-informed manner"? [§ 102(c)(2)(B)]
  - "Prevention, warning signs, and effects of sexual misconduct, student sexual abuse, and child abuse"? [§ 102(c)(2)(C)]
  - "Effective, developmentally-appropriate methods for discussing sexual misconduct, student sexual abuse, and child abuse"? [§ 102(c)(2)(D)]
  - "School and community resources available to assist with the prevention of, and response to, sexual misconduct, student sexual abuse, and child abuse"? [§ 102(c)(2)(E)]
- Is the school providing parents with information "on recognizing the warning signs of student-onstudent acts of sexual harassment, sexual assault, and dating violence, as well as effective, age appropriate methods for discussing such topics with students"? [§ 302(b)(2)].

Separately, the Act contains obligations for the 2019-20 school year, requirements for screening and hiring of teachers and staff, and record keeping.

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[1] See Council of the District of Columbia, B22-0951 – School Safety Act of 2018, <http://lims.dccouncil.us/Legislation/B22-0951>. Sections 101 to 103 of the Act are codified at D.C. Code § 38-951.01 to 951.03. Sections 201 to 202 of the Act are codified at D.C. Code §§ 32-1132.01 to 32-1132.02. Sections 301 to 302 of the Act are codified at D.C. Code §§ 39-952.01 to 39-952.02. Section 403 of the Act is codified at D.C. Code § 38-824.02.

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