

New OCR Letter on Sexual Violence Puts Districts, Universities on Notice

New federal guidance emphasizes the Obama administration's sharp focus on ensuring that higher education institutions and school districts adhere to Title IX of the Education Amendments of 1972 when responding to allegations of sexual violence. The "Dear Colleague" letter is the first guidance to specifically advise schools, colleges and universities that their Title IX responsibilities include protecting students from sexual violence, administration officials said. The document, which has the force and enforceability of a regulation, outlines various enforcement strategies that can be deployed to stop, prevent and remedy the effects of sexual violence. Officials said the 19-page letter supplements previous Office for Civil Rights' guidance by providing additional detail and practical suggestions for staying Title IX-compliant in circumstances involving sexual violence on school or campus grounds. *Page 2*

Appeals Court Stops School District From Banning Anti-Gay Clothing

A school district cannot ban student clothing bearing potentially offensive messages unless it can demonstrate that the apparel would cause a substantial disruption in learning, according to the 7th U.S. Circuit Court of Appeals. The appeals court held that Illinois' Indian Prairie School District could not prevent students from wearing T-shirts that said "Be Happy, Not Gay," even though a school official contended the slogan violated the district's ban on derogatory comments related to sexual orientation or other student characteristics such as race. The ruling highlighted the continuing tension faced by school districts in balancing the rights of students to express themselves even as they work to shield them from offensive speech that might rise to the level of bullying or harassment and interfere with the learning process. *Page 3*

Virginia Board's Sexual Misconduct Guidelines Draw Mixed Reviews

The Virginia Board of Education stepped back from adopting comprehensive guidelines on preventing sexual misconduct and abuse in schools and instead approved a document with general policy objectives that a leading expert said would be less effective at identifying and stopping predatory behavior. However, others said the less-specific approach would enable local school divisions to construct policies that fit their unique characteristics. In 2008, the state adopted legislation requiring school boards to develop policies and procedures to address sexual abuse of students by teachers and other school board employees and prevent sexual offenders from gaining access to schools and students. *Page 11*

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