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Gabriella Kamran
UCLA School of Law

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CHARTING A COURSE TO GENDER EQUITY: SEXUAL HARASSMENT REPORTING RATES IN CHARTER SCHOOLS

By Gabriella Kamran*

Charter schools and sexual harassment are two hot-button issues in the education landscape, but their intersection is seldom addressed in research or public discourse. This Article examines whether K-12 charter schools report allegations of sexual harassment, including harassment on the basis of sexual orientation, at a rate different from that of traditional public schools. I analyzed data from the Department of Education’s 2015-16 Civil Rights Data Collection (CRDC) report and found that the average national reporting rate of sexual harassment allegations is significantly higher among traditional public schools than it is among charter schools. I then used the National Alliance for Public Charter Schools’ (NAPCS) state charter law scoring system to conduct a nonsystematic comparison of state policies, which allowed me to identify charter authorizer accountability as a charter policy category that is potentially correlated with reporting rate differences across states. I theorize that an ideology of broad-based exemption from public education regulations can lead to total resistance to government oversight within charter schools, which may translate to a lack of transparency in federal civil rights accountability. This study invites greater public attention and research into sexual harassment in K-12 schools, as well as the possibility that without appropriate policy design, the school choice movement risks eroding civil rights accountability in public education.

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* UCLA School of Law, J.D., 2022. Gabriella is currently an Associate at Liebert Cassidy Whitmore, where she advises public and private school clients on employment and education law matters.

I. INTRODUCTION

Two priorities distinguish the legacy of President Barack Obama's Department of Education: charter school expansion and a high-profile effort to address sexual violence on university campuses. Under Secretary of Education Arne Duncan, a vocal charter school proponent,¹ and then-Vice President Joe Biden, the administration's resident Title IX champion,² the two topics emerged as hot-button issues in mainstream education discourse. Charter schools and the broader agenda of school choice are now virtually synonymous with "education reform," and public understanding of Title IX of the Education Amendments of 1972—which prohibits sex-based discrimination, including an obligation to address sexual violence, in schools that receive public funds³—is no longer limited to the notion that schools should let girls play sports. And although the respective subjects of school choice and campus sexual assault have inspired an effusion of research and op-eds, their intersection is largely unexamined in academia or public discourse.

This Article investigates the interaction between charter school policy and government intervention to address the issue of sexual assault and harassment in schools. Specifically, I seek to answer the question: Do K-12 charter schools report allegations of sexual harassment at a rate different from that of traditional public schools? This research question locates the issue of school accountability to the government as a common point of contention in school choice and Title IX discourse. It also challenges the popular notion of sexual assault and harassment as exclusive to higher education, which elides the reality that K-12 students experience both at alarming rates.⁴ My research thus contributes to existing bodies of literature on school choice and sexual harassment in K-12 schools and contends that our understanding of each topic can be mutually constructive.

In my research, I used data from the Department of Education's 2015-16 Civil Rights Data Collection (CRDC) report to derive average national reporting rates of sexual harassment allegations among both traditional public schools and charter schools.⁵ I then used the National Alliance for Public Charter Schools' (NAPCS) state charter law scoring system to conduct a nonsystematic comparison

1. See Mary Bruce, *Duncan Promotes Charter School Debate*, ABC NEWS (July 3, 2009), <https://abcnews.go.com/Politics/story?id=7977326&page=1>; see also Domenico Montarano, *Arne Duncan Stepping Down as Education Secretary*, NPR (Oct. 2, 2015), <https://www.npr.org/sections/itsallpolitics/2015/10/02/445266796/arne-duncan-stepping-down-as-education-secretary>.

2. See *Vice President Biden Announces Strengthening of Title IX*, THE WHITE HOUSE (2010), <https://obamawhitehouse.archives.gov/the-press-office/vice-president-biden-announces-strengthening-title-ix>; see also *Vice President Joe Biden Op-Ed: It's on Us to Stop Campus Sexual Assault*, THE WHITE HOUSE (2015), <https://obamawhitehouse.archives.gov/the-press-office/2015/11/09/vice-president-joe-biden-op-ed-its-us-stop-campus-sexual-assault>.

3. 20 U.S.C.A. § 1681(a).

4. For example, the It's On Us campaign launched by the Obama-Biden administration focuses its advocacy on college sexual assault prevention. *Our Story*, IT'S ON US (last visited Jan. 29, 2023), <https://www.itsonus.org/about-us/our-story/>.

5. The research for this Article was conducted before the 2017-18 CRDC report was released to the public in October 2020. While the data used is from 2018 and therefore is not the most current, it nonetheless captures an important trend at the intersection of education policy and enforcement that has continuing relevance to the present moment.

of state policies. I thereby identified a particular category of charter policy that I propose may be correlated with charter school data reporting rates.

A. *Charter Schools: The Frontier of Education Reform*

Charter schools are publicly funded, independently operated K-12 schools that receive exemptions from state public education requirements in exchange for heightened performance standards.⁶ A charter school might be operated by a group of community members, a non-profit organization, or a for-profit corporation. Charters are one component of a broader agenda of “school choice,” which also encompasses the taxpayer-funded private school voucher project championed by Trump-era Secretary of Education Betsy DeVos.⁷ Despite prominent bipartisan support, charter schools are highly divisive: depending on whom you ask, they are either the new frontier of an effective public education system, or a front for public school privatization that pulls tax money—and students—behind an opaque curtain.⁸ While only seven percent of public school students in the nation attend charter schools, this number is growing rapidly.⁹

Charter schools are not new in any technical sense—Minnesota passed the nation’s first charter school law in 1991,¹⁰ and the federal Charter Schools Program was created in 1995 to provide funding to charter-operating states¹¹—but the movement reached a notable level of visibility under the Obama administration. In 2009, the Department of Education launched Race to the Top: a \$4.35 billion competitive grant program for public education reform that prioritized states that encouraged charter growth, among other factors.¹² “To be clear, this administration is not looking to open unregulated and unaccountable schools,” Secretary Duncan said in a press conference for Race to the Top. “We want real autonomy for charters combined with a rigorous authorization process and high performance standards.”¹³ To this end, Race to the Top awarded points to states that allowed for unlimited charter growth, but also maintained policies for ensuring charter school authorizers¹⁴ hold charter schools accountable for

6. See Arianna Prothero, *What Are Charter Schools?*, EDUCATIONWEEK (Aug. 9, 2018), <https://www.edweek.org/policy-politics/what-are-charter-schools/2018/08>; see also *What is a Charter School?*, NAT’L CHARTER SCH. RES. CTR., <https://charterschoolcenter.ed.gov/what-charter-school> (last visited Jan. 29, 2023).

7. Cory Turner, *How Education Secretary Betsy DeVos Will be Remembered*, NPR (Nov. 19, 2020), <https://www.npr.org/2020/11/19/936225974/the-legacy-of-education-secretary-betsy-devos>.

8. See, e.g., Prothero, *supra* note 6.

9. *Charter Schools*, NAT’L CTR. FOR EDUC. STATS., <https://nces.ed.gov/fastfacts/display.asp?id=30> (last visited Jan. 29, 2023) (“Between fall 2009 and fall 2019, public charter school enrollment more than doubled, from 1.6 million students in fall 2009 to 3.4 million students in fall 2019—an overall increase of 1.8 million students.”).

10. *Minnesota Issues Resources Guides Charter Schools*, MINN. LEGIS. REFERENCE LIBR., <https://www.lrl.mn.gov/guides/guides?issue=charter> (last visited Jan. 29, 2023).

11. *Evaluation of the Public Charter Schools Program Final Report*, POL’Y & PROGRAMS STUD. SERV. (2004), <https://www2.ed.gov/rschstat/eval/choice/pcsp-final/finalreport.pdf>. The program was originally called the Public Charter Schools Program. *Id.*

12. Press Release, John White, Press Sec., States Open to Charters Start Fast in ‘Race to Top’ (June 8, 2009) (on file with U.S. Dep’t of Educ.).

13. *Id.*

14. Charter school authorizers are bodies that approve charter applications and oversee each school’s compliance with its charter (the term for a contract outlining expectations and the school’s obligations under state

student achievement and close schools that underperform.¹⁵ The Obama administration doubled down on charter promotion in 2015 with the Every Student Succeeds Act (ESSA), a reauthorization of the Elementary and Secondary Education Act that included greater resources and incentives for charter school expansion.¹⁶ The Trump administration carried the charter funding torch in a rare show of continuity with the Obama administration when DeVos also awarded a total of \$253 million in grants in 2017 to expand charter schools across the nation.¹⁷

The Biden administration has struck a different tune from both the Obama and Trump Departments of Education.¹⁸ As a candidate, President Biden himself declared that he was not “a charter school fan” and promised to end federal funding for for-profit charters.¹⁹ In March 2022, Biden’s Department of Education released controversial proposed rules that create new requirements for charter schools applying for grants under the federal Charter Schools Program.²⁰ Significantly, the proposed rules would require all applicants to submit a “community impact analysis” that shows it has the support of the surrounding community, meets “unmet demand” as evidenced by “over-enrollment of existing public schools,” and will not exacerbate segregation in local schools.²¹ The rules would also give priority to charter schools that collaborate with their local school districts and would forbid applicants from entering into a contract with a for-profit entity to manage “substantial administrative control” of their operations.²² Critics charge that this rule, if enacted, will impede charter growth, and that it is less a gesture toward accountability than it is a rebuke of the charter movement.²³

policy). Charter school authorizers are generally local education agencies (LEAs), state education agencies, or universities. *See* Prothero, *supra* note 6.

15. *Race to the Top Program Executive Summary*, U.S. DEP’T OF EDUC. (Nov. 2009), <https://files.eric.ed.gov/fulltext/ED557422.pdf>.

16. Alyson Klein, *The Every Student Succeeds Act: An ESSA Overview*, EDUCATIONWEEK (Mar. 31, 2016), <https://www.edweek.org/policy-politics/the-every-student-succeeds-act-an-essa-overview/2016/03>.

17. *U.S. Department of Education Awards \$253 Million in Grants to Expand Charter School*, U.S. DEP’T OF EDUC. (2017). <https://content.govdelivery.com/accounts/USED/bulletins/1ba08e3>.

18. *See* Nicole Gaudiano, *Trump Exploits Biden’s Charter School Silence*, POLITICO (Sept. 6, 2020), <https://www.politico.com/news/2020/09/06/trump-biden-charter-school-education-409214>.

19. *See* Erica Green, *New Biden Administration Rules for Charter Schools Spur Bipartisan Backlash*, NEW YORK TIMES (May 13, 2022), <https://www.nytimes.com/2022/05/13/us/politics/charter-school-rules-biden.html>. President Biden’s Secretary of Education, Miguel Cardona, has stated that he is not an opponent of charter schools. *See also* Lauren Camera, *School Advocates Rally at White House Against ‘Attack’ on Charter Schools*, U.S. NEWS (May 11, 2022), <https://www.usnews.com/news/education-news/articles/2022-05-11/school-advocates-rally-at-white-house-against-bidens-attack-on-charter-schools> (quoting Secretary Cardona (“I do support high-quality public charter schools and I’ve seen examples of their effectiveness.”)).

20. Quality Charter Schools Program, 87 Fed. Reg. 14197 (proposed Mar. 14, 2022). <https://www.govinfo.gov/content/pkg/FR-2022-03-14/pdf/2022-05463.pdf>.

21. Matt Barnum, *Why the Latest Fight About Charter Rules Matters for Schools and Education Politics*, CHALKBEAT (May 9, 2022), <https://www.chalkbeat.org/2022/5/9/23064344/biden-cardona-charter-school-rules-regulations>.

22. *Id.*; Green, *supra* note 19.

23. Barnum, *supra* note 21 (“Luke Jackson, an education department spokesperson, declined to make anyone from the department available for an on-the-record interview. Jackson recommended that Chalkbeat speak to supporters of the proposal, including Carol Burris, executive director for the Network for Public Education, a group that opposes charter schools.”).

At the core of the charter school movement is the idea that autonomy from government regulation allows for classroom innovation and the flexibility to respond to local needs.²⁴ Charter proponents emphasize parents' right to play an active role in shaping their children's education, and characterize the traditional public school system as a bureaucratic, one-size-fits-all approach that stifles student achievement.²⁵ Some school choice advocates take the economic approach and argue that competition among service providers (schools) for customers (students) will result in higher quality education.²⁶ A corollary of this rationale is that teacher's unions, the de-facto adversaries of the charter movement, shield subpar teachers and enable complacency via tenure.²⁷ Other advocates take a social justice angle, pointing out that families with high socioeconomic status can practice school choice by moving to a different neighborhood or sending their children to private schools, while low-income families are forced to send their students to underfunded, poor-quality traditional public schools.²⁸

Charter school critics, on the other hand, challenge the picture of charter schools as high-performing, publicly responsive bastions of equal opportunity. They cite documented rates of de facto racial segregation, questionable flexibility in civil rights protections, and a lack of financial and organizational transparency in charter schools.²⁹ A Network for Public Education (NPE) case study of the BASIS Schools Inc. charter chain in Arizona found stark over-enrollment of Asian

24. See, e.g., *Just the FAQs—Charter Schools*, CTR. FOR EDUC. REFORM, <https://edreform.com/2021/03/just-the-faqs-charter-schools/> (last visited Jan. 29, 2022) (“[Charter schools] are freed from the red tape that often diverts a school’s energy and resources away from educational excellence. Instead of constantly jumping through procedural hoops, charter school leaders can focus on setting and reaching high academic standards for their students.”).

25. See *Id.*; see also Will Marshall, *Bureaucratic Gremlins Attack Charter Schools*, THE HILL (Apr. 7, 2022 9:05 AM), <https://thehill.com/opinion/education/3261097-bureaucratic-gremlins-attack-charter-schools/>; What is a Charter School?, CALI. CHARTER SCH. ASS’N, <https://www.ccsa.org/charters-up-close> (last visited Jan. 29, 2023) (“[Charter schools] offer a different approach to public education—one that is as unique as the kids of California, one that puts kids above bureaucracy, and one that gives passionate teachers the flexibility to create dynamic lesson plans tailored to kids’ individual needs.”).

26. See, e.g., Joel Klein, *The Failure of American Schools*, THE ATLANTIC (June 2011), <https://www.theatlantic.com/magazine/archive/2011/06/the-failure-of-american-schools/308497/> (“Public education . . . is essentially a government-run monopoly. Whether a school does well or poorly, it will get the students it needs to stay in business, because most kids have no other choice. And that, in turn, creates no incentive for better performance, greater efficiency, or more innovation.”); CTR. FOR EDUC. REFORM, *supra* note 15 (“With the freedom and choice to do so, charters set higher standards and must meet them to stay in business. Most traditional district public schools stay in business no matter how poorly they perform.”).

27. See generally THOMAS SOWELL, *CHARTER SCHOOLS AND THEIR ENEMIES* (2020); see also Alex Dobuzinskis, *Explainer: Striking L.A. Teachers Take Aim at Charter Schools*, REUTERS (Jan 15, 2019), <https://www.reuters.com/article/us-usa-education-los-angeles-charter-exp/explainer-striking-l-a-teachers-take-aim-at-charter-schools-idUSKCN1PA01E>; Ricardo Cano, *Charter Schools, Unions Call a Truce in Epic Battle as Newsom Brokers a Deal*, CAL MATTERS (Aug. 28, 2019), <https://calmatters.org/education/k-12-education/2019/08/charter-school-deal-california-newsom-teachers-unions/>; Laurel Rosenhall, *Billionaires vs Teachers Union: Charter School Fight Amps up Race for California Governor*, CAL MATTERS (June 23, 2020), <https://calmatters.org/education/2018/05/billionaires-vs-teachers-union-a-fight-over-charter-schools-amps-up-race-for-california-governor/> (“Charter advocates see teachers unions as caring more about working conditions for teachers than learning outcomes for kids.”).

28. See, e.g., *The President’s Budget: Empowering Parents by Expanding Education Choice*, U.S. DEP’T OF EDUC. (May 23, 2017), <https://www.ed.gov/content/presidents-budget-empowering-parents-expanding-education-choice> (“[The] expansion of parental choice will especially benefit our most underserved communities, whose students are often trapped in schools that fail to meet their needs.”).

29. See *supra* notes 21-31 and accompanying text.

American and white students, as well as under-enrollment of Latino, disabled, and English Language Learner (ELL) students.³⁰ According to NPE, reasons for such selectivity in charter school enrollment include charter schools' exemption from state reduced-price lunch requirements,³¹ "suggested" parent donations,³² rigorous curricula that weed out struggling students,³³ and targeting of wealthy neighborhoods for charter expansion without providing transportation for school accessibility.³⁴ This pattern is not limited to Arizona; a 2012 UCLA Civil Rights Project report found that charter schools nationwide are more racially segregated than traditional public schools.³⁵ This phenomenon inspired the ACLU to file a complaint with the Department of Education's Office for Civil Rights (OCR) against racially discriminatory state charter laws³⁶ and led the NAACP to call for a moratorium on charter school expansion until inequities are addressed.³⁷

In addition to de facto racial segregation, critics allege that charter schools drain funding from traditional public schools and channel it toward a school system that lacks transparency and public accountability.³⁸ To begin, many charter schools are backed by for-profit corporations that treat education as a business and are not subject to the same financial transparency rules as public service providers, opening the door for fraud and mismanagement of public funds.³⁹ Technically, no state exempts charters from civil rights regulations such as anti-discrimination laws, but charters still have some flexibility in this arena.⁴⁰

30. *Charters and Consequences: An Investigative Series*, NETWORK FOR PUB. EDUC., 30 (2017), <https://networkforpubliceducation.org/wp-content/uploads/2017/11/NPE-Report-Charters-and-Consequences.pdf>.

31. Some states guarantee a free or reduced-price lunch to eligible low-income students in traditional public schools. Many of these states allow charter schools to opt out of the program. See *School Meals Legislation and Funding by State*, FRAC (Feb. 2021), https://frac.org/wp-content/uploads/state_leg_table_scorecard.pdf.

32. See NETWORK FOR PUB. EDUC., *supra* note 30, at 18.

33. *Id.* at 31.

34. *Id.*

35. Erica Frankenberg, Genevieve Siegel-Hawley & Jia Wang, *Choice Without Equity: Charter School Segregation and the Need for Civil Rights Standards*, UCLA: THE CIVIL RIGHTS PROJECT / PROYECTO DERECHOS CIVILES (2010).

36. See *ACLU Challenges Delaware's Segregated Charter Schools*, ACLU, (Dec. 4, 2013), <https://www.aclu.org/cases/aclu-challenges-delawares-segregated-charter-schools#:~:text=The%20American%20Civil%20Liberties%20Union,with%20disabilities%2C%20and%20have%20significantly>.

37. *Calling for Moratorium on Charter School Expansion and Strengthening of Oversight in Governance and Practice*, NAACP (2016), <https://naacp.org/resources/calling-moratorium-charter-school-expansion-and-strengthening-oversight-governance-and>.

38. See *Charter Schools: Unregulated growth and lack of accountability*, CAL. SCH. EMPS. ASS'N, <https://csea.com/issues-and-advocacy/charter-schools> (last visited Jan. 26, 2023); see also Felicia Sonmez, *Biden unveils education plan, his first major policy proposal as a 2020 candidate*, WASH. POST (May 28, 2019), https://www.washingtonpost.com/politics/biden-unveils-education-plan-his-first-major-policy-proposal-as-2020-candidate/2019/05/28/1fd802c8-8180-11e9-95a9-e2c830afe24f_story.html (quoting President Joe Biden) ("The bottom line is, [public funding for for-profit charters] siphons off money for our public schools, which are already in enough trouble.").

39. See generally Parker Baxter, Peter Cymrot & Peter O'Neill, *Public Accountability & Transparency of Charter Schools & Management Organizations*, NATIONAL ALLIANCE FOR PUBLIC CHARTER SCHOOLS, <http://www.publiccharters.org/sites/default/files/migrated/wp-content/uploads/2015/09/APCSA-Public-Accountability-One-Page.pdf> (last visited Jan. 26, 2023).

40. One equity concern raised by charter schools' exemption from state and local law is charter schools' ability in many states to formulate their own disciplinary policies. See Paulina Davis, Randi Levine & Sarah Part, *Civil Rights Suspended: An Analysis of New York City Character Discipline Policies* 5-6,

Multiple states also decline to extend to charter schools the public records laws, open meeting laws, and conflict-of-interest laws that apply to traditional public schools.⁴¹

B. Sexual Harassment in K-12 Schools

While Duncan was directing the reframing of the K-12 public school system, the Department of Education's OCR was working concurrently to call public attention to the epidemic of sexual assault on college campuses. In 2011, the office released a controversial Dear Colleague Letter that consolidated and clarified universities' obligations to address sexual violence under Title IX.⁴² The White House Task Force to Protect Students from Sexual Assault, formed by Obama in 2014, gave rise to a national sexual assault prevention campaign called It's On Us, for which co-founder Biden served as the unofficial spokesman.⁴³ The Obama administration, along with a surge of new grassroots organizations⁴⁴ and the popular 2015 documentary "The Hunting Ground,"⁴⁵ propelled campus assault to the forefront of national conversation. While there is more consensus on the undesirability of sexual assault than there is on charter school expansion, there exists a fierce debate over whether enhanced university-level protections for victims of sexual assault or harassment—particularly those outlined in OCR's 2011 Dear Colleague Letter—come at the expense of due process rights for the accused.⁴⁶ This controversy reached its apex with the DeVos Department of

https://www.advocatesforchildren.org/sites/default/files/library/civil_rights_suspended.pdf?pt=1 (detailing discrepancies between NYC charter schools' disciplinary policies and NY education laws); Tom Breen, *Public Dollars, Private Rules: The Charter School Calculus*, UCONN TODAY (Aug. 14, 2014), <https://today.uconn.edu/2014/08/public-dollars-private-rules-the-charter-school-calculus/#> ("While public schools must provide due process to students when making decisions about suspensions or expulsions, most states exempt charter schools from school district discipline policies."); see also *Charter School Policies What rules are waived for charter schools?*, ECS (Jan. 2020), <https://reports.ecs.org/comparisons/charter-school-policies-14> (listing only four states that explicitly bind charter schools to state student discipline laws).

41. State Charter Statutes NEA Report Cards, Nat'l Educ. ASS'N, <https://www.nea.org/sites/default/files/2020-07/FINAL%20NEA%20CHARTER%20REPORT%20CARDS%20%284.2.19%29.pdf> (last visited Jan. 26, 2023). In 2019, after multiple vetoes by former CA Governor Jerry Brown in previous legislative sessions, CA Governor Gavin Newsom signed a bill that opened local charter board meetings to the public, made charter records available for public inspection, and required charters to adopt conflict of interest laws—all mechanisms of public accountability that are required of California traditional public schools. See Louisa Freedberg & Diana Lambert, *Gov. Newsom signs legislation requiring charter school transparency in California*, EdSource (Mar. 5, 2019), <https://edsources.org/2019/newsom-to-sign-charter-school-transparency-legislation-on-tuesday/609524>.

42. See Russlynn Ali, "Dear Colleague," U.S. DEP'T OF EDUC (April 4, 2011), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>.

43. IT'S ON US, *supra* note 4.

44. See, e.g., *Learn About Know Your IX*, KNOW YOUR IX, <https://www.knowyourix.org/about/> ([last visited Jan. 29, 2022](#)); *About Us*, END RAPE ON CAMPUS, <https://endrapeoncampus.org/about/> (last visited Jan. 29, 2022); *A History of Anti-Sexual Violence Work at Columbia*, NO RED TAPE <https://noredtapecu.org/a-history> (last visited Jan. 29, 2023).

45. THE HUNTING GROUND (Kirby Dick dir., 2015).

46. See Travis Anderson, *Harvard Law professors want university's new sexual harassment policy changed*, BOSTON GLOBE (Oct. 15, 2014, 12:00 AM), <https://www.bostonglobe.com/metro/2014/10/14/harvard-law-professors-want-university-new-sexual-harassment-policy-changed/HZ72eaMcLgRgoq4DL9ZBOO/story.html>; Kathryn Joyce, *The Takedown of Title IX*, NEW YORK TIMES (Dec. 5, 2017), <https://www.nytimes.com/2017/12/05/magazine/the-takedown-of-title-ix.html>; Robby Soave, *Title IX's 50th Anniversary is a Dark Day for Due Process on Campus*, REASON (June 23, 2022 12:47 PM), <https://reason.com/2022/06/23/title-ix-due-process-50th-anniversary-biden-campus/>.

Education’s Title IX rulemaking process, which culminated in 2020 with the publication of regulations that were explicitly designed to give greater rights to the accused in Title IX proceedings.⁴⁷

Among the less controversial federal interventions for campus sexual assault, however, are transparency requirements for rates of sexual violence in schools. In 1990, Congress passed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (known as the Clery Act), which requires all U.S. colleges and universities to publish an annual report disclosing crime statistics on and adjacent to their campuses.⁴⁸ The Campus SAVE Act, an amendment to the Clery Act passed as part of the Violence Against Women Act reauthorization in 2013, added domestic violence, dating violence, stalking, and sexual assault to the list of crimes that must be reported in addition to rape.⁴⁹ The rough K-12 equivalent to the Clery Report is the Civil Rights Data Collection (CRDC), a biennial project of the OCR that collects data including sexual harassment rates from all U.S. public schools.⁵⁰

The tendency within advocacy organizations, the OCR, the legislature, and academia to focus on college-level sexual assault and harassment erases the fact that Title IX also applies to K-12 institutions—and its protections are needed urgently. A study by AP in 2017 revealed about 17,000 official reports of student-on-student sexual assault in K-12 schools across the U.S. over a four-year period.⁵¹ A 2011 survey by the American Association of University Women (AAUW) further revealed that nearly half (48 percent) of students in grades 7-12 said they experienced some form of sexual harassment—including unwelcome jokes of a sexual nature, being called “gay” or “lesbian” in a derogatory way, or unwelcome touching—during the 2010-11 school year.⁵² LGBTQ students experience disproportionate gender and sex-based harassment: GLSEN’s 2015 National School Climate Survey found that 85 percent of LGBTQ 6-12th graders experienced verbal harassment due to their sexual orientation or gender expression, 35 percent experienced physical harassment, and 60 percent experienced harassment of a distinctly sexual nature.⁵³

CRDC data, however, paints a different picture of sexual harassment in K-12 schools. An AAUW analysis of 2013-14 CRDC data revealed that a full two-

47. Annie Grayer & Veronica Stracqualursi, *DeVos finalizes regulations that give more rights to those accused of sexual assault on college campuses*, CNN (May 6, 2020 10:14 PM), <https://www.cnn.com/2020/05/06/politics/education-secretary-betsy-devos-title-ix-regulations/index.html>.

48. Student Right-To-Know Act, Pub.L. 101–542., 104 Stat. 2381(1990).

49. 20 U.S.C. § 1092(f)(1)(F)(iii); See *Campus Save Act*, RAINN, <https://www.rainn.org/articles/campus-save-act>.

50. Office for Civil Rights, *Civil Rights Data Collection (CRDC)*, U.S. DEP’T OF EDUC. (Jan. 24, 2023), [https://www2.ed.gov/about/offices/list/ocr/data.html#:~:text=Since%201968%2C%20the%20U.S.%20Department,School%20Survey%20\(E%26S%20Survey\)](https://www2.ed.gov/about/offices/list/ocr/data.html#:~:text=Since%201968%2C%20the%20U.S.%20Department,School%20Survey%20(E%26S%20Survey)).

51. Robin McDowell, Reese Dunklin, Emily Schmall & Justin Pritchard, *Hidden horror of school sex assaults revealed by AP*, ASSOCIATED PRESS (May 1, 2017), <https://www.ap.org/explore/schoolhouse-sex-assault/hidden-horror-of-school-sex-assaults-revealed-by-ap.html>.

52. Catherine Hill & Holly Kearl, *Crossing the Line: Sexual Harassment at School 11* (2011).

53. Joseph G. Koscw et al., *The 2015 National School Climate Survey*, GLSEN 22-24 (2016), <https://www.glsen.org/sites/default/files/2020-01/GLSEN%202015%20National%20School%20Climate%20Survey%20%28NSCS%29%20-%20Full%20Report.pdf>.

thirds of K-12 public schools—charter schools included—reported zero instances of sexual harassment.⁵⁴ Part of this stark discrepancy reflects the fact that according to the AAUW report, only nine percent of K-12 students who experience sexual harassment report the incident to an adult at school; this is a school climate issue in and of itself.⁵⁵ However, the extent of the gap between schools' reports and school climate data collected from students themselves suggests the possibility that some schools are neglecting their responsibility to report sexual harassment and assault to the Department of Education.

Kevin Miller, former Senior Researcher at AAUW, explained that it is impossible to know where the breakdown is occurring in the pipeline of the CRDC reporting process.⁵⁶ “Either students aren't reporting, or faculty or staff to whom students are reporting aren't passing it up to administration, or the administration is just failing to report in some way,” he said.⁵⁷ Reasons for low reporting numbers probably vary from school to school, and could span from P.R. concerns to the fact that teachers and school administrators are overworked, which can cause things to fall through the cracks. “The reality is that sometimes a Title IX coordinator might be someone who has three other jobs at the school,” Miller said. “I'm guessing that some of [the reason for low reporting numbers] is that this type of reporting is a little burdensome for schools.”

II. METHODOLOGY

This Article seeks to shed light on whether charter school laws and policies that enable autonomy from government regulation have an effect on schools' level of transparency in reporting sexual harassment to the federal government.⁵⁸ In order to determine whether there is a significant difference in the rates of sexual harassment reporting among charter and traditional public schools, I analyzed data from the 2015-2016 CRDC report.⁵⁹ I then selected a subset of states with either particularly high or low charter school reporting rates and conducted a non-systematic analysis of variations in charter law across these states, provided by the National Alliance for Public Charter Schools (NAPCS). I thereby identified a particular category of charter policy that might be correlated with charter school data reporting rates, which provides direction for future research into the causes of reporting rate variation.

54. Erin Prangle, *Two-Thirds of Public Schools Reported Zero Incidents of Sexual Harassment in 2013–14*, AAUW (2016).

55. See HILL & KEARL, *supra* note 52, at 27.

56. Interview with Kevin Miller, former Senior Researcher, AAUW (May 30, 2018).

57. *Id.* The 2020 Title IX regulations require K-12 schools to respond whenever any employee has notice of sexual harassment, effectively requiring K-12 schools to obligate all teachers and staff to report any knowledge of sexual harassment of a student to the school's designated Title IX coordinator. Office for Civil Rights, *Summary of Major Provisions of the Department of Education's Title IX Final Rule*, DEP'T OF EDUC. (May 6, 2020) <https://www2.ed.gov/about/offices/list/ocr/docs/titleix-summary.pdf>.

58. This Article is focused on K-12 sexual harassment only, both because data analysis of multiple reporting factors is beyond the scope of this Article, and because sexual harassment is often more subtle than a criminal offense (the category under which schools report sexual assaults and rapes), making it more amenable to an analysis of schools' discretion in reporting incidents to the OCR.

59. See generally *Civil Rights Data Collection 2015-16*, U.S. DEP'T OF EDUC., <https://ocrdata.ed.gov/resources/downloaddatafile>.

The CRDC report is a biennial project of the Department of Education's OCR that exists for the explicit purpose of administering and enforcing the civil rights statutes for which the OCR is responsible.⁶⁰ The 2015-16 report was released to the public in April 2018.⁶¹ The sweeping survey collects data from public local education agencies (LEAs) and all public schools in the United States, including charter schools, juvenile justice facilities, and alternative schools.⁶² CRDC data items include basic enrollment information, curriculum details, teacher and administrator salaries, single-sex sports teams, rates of discipline (i.e., number of suspensions, expulsions, and referrals to law enforcement), and many more; most items are disaggregated by race, gender, disability status, and ELL status.

In this study, I focused on the CRDC data items described by OCR as "Number of reported allegations of harassment or bullying of K-12 students on the basis of sex" and "Number of reported allegations of harassment or bullying of K-12 students on the basis of sexual orientation."⁶³ The items are designed to capture school reports of harassing behavior carried out by students, school employees, or non-employee third parties.⁶⁴ CRDC's definition of sexual harassment or bullying is "unwelcome conduct of a sexual nature, such as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature."⁶⁵ This definition encompasses gender-based harassment, which is "nonsexual intimidation or abusive behavior toward a student based on the student's actual or perceived sex, including harassment based on gender identity, gender expression, and nonconformity with gender stereotypes."⁶⁶

My sampling frame consists of the 45 states (including the District of Columbia) that authorized charter schools at the time of CRDC data collection. I excluded Kentucky because it passed its charter school legislation in 2017, therefore it had no data to report for the 2015-16 CRDC collection period.⁶⁷ I excluded Iowa, Kansas, Mississippi, Washington, and Wyoming because each state operated only five or fewer charter schools during the data collection period, which I designated as a sample size cutoff.

For each of the remaining 39 states, I filtered the complete list of public schools in the state into separate lists of charter and traditional public schools. To calculate my dependent variable, I divided the total number of reported allegations of sex or sexual orientation-based harassment across schools of the given type in

60. *See Id.*

61. *Errata Sheet Explainer for 2017-18 Civil Rights Data Collection in K-12 Schools Issue Brief*, U.S. DEP'T OF EDUC. (Dec. 2022), <https://www2.ed.gov/about/offices/list/ocr/docs/sexual-violence.pdf>.

62. *2017-2018 Civil Rights Data Collection: General Overview, Changes, and List of Data Elements*, U.S. DEP'T OF EDUC. (Apr. 24, 2018), <https://ocrdata.ed.gov/assets/downloads/2017-18%20CRDC%20Overview%20Changes%20Data%20Elements.pdf>.

63. *2015-16 Civil Rights Data Collection: List of CRDC Data Elements for School Year 2015-16*, U.S. DEP'T OF EDUC. (Feb. 13, 2017), <https://www2.ed.gov/about/offices/list/ocr/docs/2015-16-crdc-data-elements.pdf>.

64. *Master List of 2015-2016 CRDC Definitions*, CIV. RTS. DATA COLLECTION 2 <https://ocrdata.ed.gov/assets/downloads/CRDC-Definitions-2015-16.pdf> (last visited Jan. 29, 2023).

65. *Id.*

66. *Id.*

67. *See* Ryland Barton, *Governor Signs Kentucky Charter Schools Bill Into Law*, WKU PUB. RADIO (Mar. 22, 2017, 12:25 PM), <https://www.wkyufm.org/politics/2017-03-22/governor-signs-kentucky-charter-schools-bill-into-law#stream/0>.

the state by the total number of schools of that type in the state. This yielded two separate figures for each state: number of sexual harassment reports per traditional public school, and number of sexual harassment reports per charter school. I then conducted a Welch's t-test to determine if the difference between the average national reporting rate of traditional public schools and that of charter schools is statistically significant.

Following my data analysis, I studied policy information from NAPCS to identify policies that are potentially correlated with high or low charter reporting rates. NAPCS rates each state on the strength of its charter school laws in 21 categories and provides an overall ranking of each state according to charter law strength.⁶⁸ I did a nonsystematic analysis of NAPCS point allocations for different policy categories across my subset of high and low-reporting states in order to determine a potential relationship.

III. RESULTS

Table 2 provides the sexual harassment reporting rates I calculated for each state, as well as the mean and standard error for traditional public and charter schools on the whole. The difference between the national average of reports-per-traditional school and reports-per-charter school is .448. One way to understand the data is that OCR receives, on average, about one sexual harassment report from each traditional public school in the United States and half of a report from each charter school.

Table 2. Sexual Harassment Reporting Rates for Charter and Traditional Public Schools by State

State	Traditional Public	Charter
AK	0.80	0
AR	0.63	0.10
AZ	1.09	0.18
CA	1.11	0.66
CO	0.47	0.12
CT	0.49	1.29
DC	0.50	0.81
DE	0.62	0.48
FL	0.02	0
GA	0.45	0.12
HI	1.45	1.26
ID	0.65	0.40

68. TODD ZEIBARTH & LOUANN PALMER, *MEASURING UP TO THE MODEL: A RANKING OF STATE PUBLIC CHARTER SCHOOLS* (2018), https://www.publiccharters.org/sites/default/files/documents/2018-01/2018%20MEASURING%20UP%20TO%20THE%20MODEL%20Final_0.pdf.

IL	2.54	0.46
IN	4.78	1.6
KS	1.17	0.10
LA	0.19	0.20
MA	0.60	1.23
MD	0.25	0.09
ME	0.61	0.17
MI	0.82	0.93
MN	1.46	1.33
MO	0.81	1.31
NC	0.86	0.22
NH	0.96	0.19
NJ	1.00	0.87
NM	1.54	1.01
NV	1.09	0.23
NY	1.56	0.74
OH	0.45	0.27
OK	0.43	0.24
OR	1.37	0.26
PA	0.72	0.51
RI	2.84	0.75
SC	0.43	0.49
TN	0.82	0.63
TX	0.26	0.11
UT	1.15	1.28
VA	0.43	0.14
WI	0.92	0.10
MEAN	0.983	0.535
STANDARD ERROR	0.848	0.463

Using the national means and variances for traditional public school and charter school sexual harassment reports, I conducted a Welch's two-tailed t-test to determine whether the difference between the means is significant. I obtained a t-value of 3.17, which indicates that the difference in means is statistically significant at the 5 percent level of significance. I also ran a t-test after excluding Indiana, whose traditional public school reporting rate of 4.78 is an outlier. The t-value in this case was 3.78, which is even more statistically significant.

However, it is important to note that this t-value reflects only the national averages of reporting rates among traditional public and charter schools. A cursory state-specific analysis of traditional public and charter reporting rates shows that certain intra-state differences are unlikely to be statistically significant;

in several states, the charter school reporting rate is more than twice the rate of traditional public schools.

In order to narrow the possible factors contributing to these variations in charter school reporting rates, I analyzed charter school policy, obtained from NAPCS, in six states with charter reporting rates equal to or less than .1 reports per school—Alaska, Arkansas, Florida, Kansas, Maryland, and Wisconsin—and seven states with charter reporting rates greater than 1.2 reports per school—Connecticut, Hawaii, Indiana, Massachusetts, Minnesota, Missouri, and Utah. I relied on the scores NAPCS awards based on the strength of the state’s charter laws in each policy category. Although my analysis was nonscientific, I was able to identify one area of charter policy that appears to be correlated with charter sexual harassment reporting rates: the strength of the state’s accountability system for charter school authorizers.

NAPCS’ criteria for point allotment in this policy category are based on the presence of several mechanisms that allow a state department of education to keep charter authorizers accountable.⁶⁹ The first is a registration and application process for LEAs and other entities interested in becoming charter authorizers.⁷⁰ The next is a requirement that each charter authorizer submit an annual report to the state that contains extensive statistics about the charter schools in its jurisdiction.⁷¹ Common requirements of such a report include charter applications received, accepted and rejected, as well as information about the charter schools approved and their educational agendas.⁷² The report might also include items such as financial expenditures, standardized testing results, and school attendance, graduation and expulsion rates.⁷³ The final criterion is whether the state has the authority to conduct compliance reviews of charter authorizers and to sanction an authorizer for poor performance, including suspending an authorizer’s authority to approve new schools.⁷⁴ Scores in this category are awarded on a 12-point scale.

I observed a positive correlation between high charter reporting rates and a strong charter authorizer accountability score from NAPCS. Each set of states had one notable exception: high-reporting Utah had a NAPCS score of 3,⁷⁵ and low-reporting Arkansas had a NAPCS score of 12.⁷⁶ Tables 3 and 4 display each state’s NAPCS score for authorizer accountability law. Table 5 displays this data visually.

69. *Id.* at 108.

70. *Id.*

71. *Id.*

72. See Jennifer Thomsen, *Charter Authorizers: What they are & Why they matter*, ECS, <https://www.ecs.org/wp-content/uploads/Charter-Authorizers-What-they-are-and-why-they-matter.pdf> (last visited Jan. 29, 2023).

73. An example of a state with an extensive authorizer reporting requirement is Indiana. See *id.*; Indiana, NAT’L ALL. FOR PUB. CHARTER SCHS., <https://www.publiccharters.org/our-work/charter-law-database/states/indiana> (last visited Jan. 29, 2023).

74. *Id.*

75. *Id.* at 95.

76. *Id.* at 21.

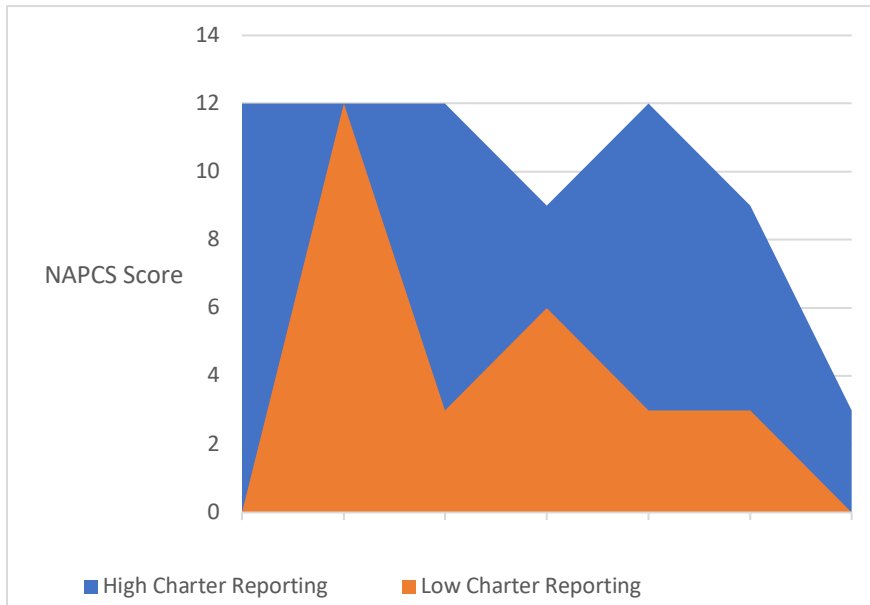
Table 3. Authorizer Accountability Scores for High-Reporting Charter States

State	Score
CT	12
HI	12
IN	12
MA	9
MO	12
MN	9
UT	3

Table 4. Authorizer Accountability Scores for Low-Reporting Charter States

State	Score
AK	0
AR	12
FL	3
KS	6
MD	3
WI	3

Table 5. NAPCS Scores for Authorizer Accountability



IV. DISCUSSION

In sum, my results indicate support for the possibility that charter schools in the U.S. report overall fewer instances of sexual harassment to the Department of Education than do traditional public schools. They further suggest relative strength of a state’s charter authorizer accountability laws as one factor

responsible for variations in charter school reporting rates. The most obvious significance of these findings is that K-12 students' level of protection under Title IX may vary not only across states, but also within districts and neighborhoods. That is, certain students might be more vulnerable to experiences of sexual harassment that are not named or addressed by adults in their school environment, depending in part on whether they attend the local charter school or the traditional public school down the block. The implication is that school choice policies, without proper controls, can erode educational equity and civil rights protections for all students.

One theoretical explanation for my findings may be drawn from the article "Charter School Accountability: Problems and Prospects."⁷⁷ The article identifies two models of school accountability: accountability via regulation, the top-down model of traditional public schools that emphasizes compliance, and accountability via transparency, the outcome-based system of standard-setting that nominally guides charter school policy.⁷⁸ The former keeps a tight leash on the means of education whereas the latter is concerned with its ends, including standardized testing results, graduation rates, and enrollment demographics. The authors, proponents of school privatization, argue that there is an ever-present threat that states will treat charter schools like traditional public schools and impose regulatory policies, rather than limiting their jurisdiction to standards review.⁷⁹ The authors envision a data reporting system based on standardized, universal criteria in order to enable cross-school comparison.

Applying the article's paradigm to my findings, I theorize that charter school policy bears the risk of collapsing the issue of accountability into a broad concept of government involvement, without differentiating between means-oriented regulation and ends-oriented oversight. This, combined with a fear of overregulation by state agencies, may create a culture of resistance within charter schools to policies that aim to hold charter schools accountable for student achievement or equity. The undifferentiated premise of charter schools as autonomous from government regulations may translate to an aversion to state and federal laws that seek to hold charters accountable.

Lax charter school authorizer accountability laws appear to exemplify a manifestation of school choice efforts that rejects government involvement wholesale. Charter authorizer laws do not touch the realms of curriculum design or organization at the individual charter school level. They do not even legislate the activities of charter schools directly; they merely require an intermediary body to engage in robust monitoring of charter activity and pose the threat of sanction only to that body. Authorizer laws—particularly the mandatory annual reports to the state department of education containing information on student demographics and test results—are strictly of the accountability via transparency variety. Therefore, lax or nonexistent charter authorizer accountability laws institutionalize an ideology that charters should be cut entirely loose from the state

77. Bruno V. Manno, Chester E. Finn, Jr., & Gregg Vanourek, *Charter School Accountability: Problems and Prospects*, EDUC. POL'Y 14, Issue 4, 473-93 (2000).

78. *Id.* at 477.

79. *Id.*

apparatus. Charter schools that are not subject to accountability via transparency at the state level may be disinclined to comply with federal outcome-based requirements, which could explain the lower sexual harassment reporting levels in K-12 charter schools with minimal authorizer accountability laws.

Is charter school policy therefore antithetical to the goals of Title IX and other federal interventions to ensure equitable learning environments? I argue that they do not need to be. If states and charter schools differentiate between accountability via regulation and accountability via transparency models of charter school accountability, it broadens the potential for innovative curriculum design and school organization that does not sacrifice students' fundamental educational rights. If charter school accountability is conceptualized and actualized as high standards for the ends of education, rather than a tight leash on the means, then Title IX and charter schools need not be a zero-sum game.

It is imperative that state legislatures pass robust charter school authorizer accountability laws, including extensive annual reporting requirements and mechanisms that enable the state to sanction or revoke the authority of aberrant charter authorizing bodies. Such laws would provide the state with leverage over authorizing bodies that do not take seriously their obligation to uphold the safety and equity of students in charter schools under its purview. One might speculate that the limitation of such laws is that authorizers bear the consequences for the opacity of the individual charter schools they manage, thus minimizing charter schools' incentive to comply. However, the idea is that authorizer accountability laws would establish an expectation that charter schools comply with government oversight policies, particularly if they are stressed as accountability via transparency.

Further state policy is welcome in order to systematize transparency within charter schools, including laws for public records availability and open meetings. It is also important to note that stronger charter authorizer accountability laws would impact equity issues beyond sexual harassment or assault—in 2010, the Office of the Inspector General issued a report to the Department of Education claiming that “LEAs or chartering agencies often fail to provide adequate oversight needed to ensure that Federal funds are properly used and accounted for.”⁸⁰ Charter authorizer laws would also provide the benefit of ample data for evaluating charter school performance in all areas, including upholding students' civil rights. Data transparency lies at the heart of the question this Article tackles, as we cannot solve what we do not measure.

It is important to address a potential alternate explanation for the difference in charter school and traditional public school reporting rates, which is simply that sexual harassment occurs less often in charter schools than it does in traditional public schools. Common sense dictates that this is unlikely, as children are children regardless of where they go to school. Empirical evidence also points away from this possibility: the GLSEN school climate report found no difference in the frequency at which charter and traditional public school students hear anti-

80. William D. Hamel, *Final Management Information Report*, U.S. DEP'T OF EDUC., 2 (2010), X42K0002 - Charter School Vulnerabilities (PDF) (ed.gov).

LGBT remarks,⁸¹ and the AAUW survey found that students across racial and socioeconomic lines report experiencing sexual harassment at the same rate.⁸²

The remaining question is at what point along the reporting pipeline instances of sexual harassment are being dropped in charter schools and traditional public schools alike—are students failing to report? Are teachers and administrators providing students with adequate channels and a safe climate for reporting? Are administrators sweeping reports under the rug? A shortcoming of this study is that it cannot definitively identify such a cause for low reporting numbers. My focus on state-level charter policy is admittedly speculative, and it is possible that strong authorizer accountability laws are only one factor among many that influence rates of sexual harassment reporting among charter schools. More qualitative and quantitative research is needed to better understand the gap between charter school and traditional public school reporting rates; this Article seeks to spur discussion and suggest potential avenues for further inquiry.

V. CONCLUSION

Two overarching priorities marked the legacy of President Donald Trump's Department of Education: a focus on school choice expansion, and a concerted effort to roll back Obama-era civil rights guidance in favor of state and local preference.⁸³ DeVos' Department of Education was a parable for charter school policy that sacrifices students' civil rights in the eagerness to escape government regulation. "School choice" that creates a catch-22 between classroom flexibility and a safe school climate is not truly a choice at all.

With the Department of Education's proposed rules regarding charter school financing not yet finalized at the time of writing, the Biden administration's impact on the trajectory of charter school development remains to be seen. It is possible that his influence will cool the federal charter expansion fervor and make inroads into a system of rigorous accountability via transparency for charters—ideally by sparking further policymaking at the state level, as well. It is also possible that his actions will be interpreted as merely the bidding of teachers' unions, thereby stoking the flames of their war with charter schools.⁸⁴ At the same time, Biden's Department of Education has wasted no time reinstating the Obama administration's monumental policies protecting LGBTQ students and addressing sexual harassment within educational environments.⁸⁵ President Biden's

81. The 2015 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual, Transgender, and Queer Youth in Our Nation's Schools, GLSEN 101, <https://files.eric.ed.gov/fulltext/ED574780.pdf>.

82. HILL & KEARL, *supra* note 52, at 13.

83. See, e.g., Freedberg & Lambert, *supra* note 41; Jeremy W. Peters, Jo Becker & Julie Hirschfield Davis, *Trump Rescinds Rules of Bathrooms for Transgender Students*, NEW YORK TIMES (Feb. 27, 2017), <https://www.nytimes.com/2017/02/22/us/politics/devos-sessions-transgender-students-rights.html>; Andrew Ujifusa, *Betsy DeVos Revokes Obama Discipline Guidance Designed to Protect Students of Color*, EDUCATIONWEEK (Dec. 21, 2018), <https://www.edweek.org/policy-politics/betsy-devos-revokes-obama-discipline-guidance-designed-to-protect-students-of-color/2018/12>.

84. See *supra* note 27 for additional resources; see also Virginia Foxx, *Biden, teachers unions and the anti-charter school crusade*, WASH. TIMES (May 15, 2022), <https://www.washingtontimes.com/news/2022/may/15/biden-teachers-unions-and-the-anti-charter-school/>.

85. Dustin Jones, *Biden's Title IX reforms would roll back Trump-era rules, expand victim protections*, NPR (June 23, 2022, 2:40 PM), <https://www.npr.org/2022/06/23/1107045291/title-ix-9-biden-expand-victim->

leadership on the latter issue makes him uniquely poised to seize the intersection of charter and sexual harassment policy for the first time in the Department's history.

The nation has reckoned in recent years with systematic neglect of sexual harassment and assault in American institutions, but we cannot forget that K-12 schools are often people's first encounter with social infrastructure. If schools of any kind normalize schoolyard bullying on the basis of sex, it only contributes to normalization of such behavior in the adult workplace and beyond. We ultimately have only one school choice: to demand that all schools commit to the full protection of their students from sexual harassment.