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**Women's Issues-Schoolplace Sexual  
Harassment**

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**UNITED STATES  
DEPARTMENT OF EDUCATION**



**NEWS**

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**STATEMENT BY U.S. SECRETARY OF EDUCATION RICHARD W. RILEY  
On the Impact on Title IX of the U.S. Supreme Court's Gebser v. Lago Vista Decision**

The Supreme Court's decision in the Lago Vista case emphasizes that school districts continue to have a responsibility under Title IX to provide students with a nondiscriminatory educational environment, and the Department of Education continues to have a critical role in enforcing that obligation. While the decision limits the situations where litigants can obtain damages from a school district in a private Title IX lawsuit, it does not undermine the fact that sexual harassment discrimination violates Title IX.

It is discrimination when an elementary or secondary school teacher abuses the authority given to him or her by the school district and engages in sexual conduct with his or her students. Although a plaintiff cannot obtain money damages where there was no notice to appropriate school officials, it is a violation of Title IX. A school district is therefore still responsible for taking reasonable steps to prevent and eliminate that type of misconduct. That means that every school system needs to take the problem of sexual harassment very seriously. When a school district learns of sexual harassment discrimination it must act immediately to end the harassment, eliminate the effects of the harassment on the victim and other students, and prevent the harassment from recurring. Schools also should be taking proactive steps to identify problems -- such as training staff to recognize and report potential harassment -- and to follow-up on any information indicating potential discrimination.

Title IX mandates crucial mechanisms to help schools provide students with a safe educational environment. The Supreme Court's decision explicitly recognized that the Department can enforce administratively its Title IX regulation that requires schools and school systems to have well publicized policies against discrimination based on sex, including sexual harassment discrimination; to have effective and well-publicized procedures for students and their families to raise and resolve these issues; and to take prompt and effective action to equitably resolve sexual harassment complaints.

Any sexual harassment of a student -- particularly sexual abuse by a teacher -- is a basic breach of trust between the school and the student and family. Schools owe students a safe environment that is conducive to learning and that affords children equal educational opportunity regardless of sex. It is difficult to imagine another action by the school that could be more subversive of its educational responsibility to the student.

I encourage every school system to view the Supreme Court's recent decision as a challenge to work with parents and communities to ensure that they have effective policies and procedures in place to prevent sexual harassment, consistent with their continuing Title IX legal obligations.