



Women Enabled, Inc.
www.WomenEnabled.org
WomenEnabled@gmail.com
Advocating for the Rights of All Women!

Comments on U.S. Department of Education Proposed Regulations On Sexual Violence and Assault on College Campuses¹

July 21, 2014

According to the U.S. Census Bureau, approximately 18.7 percent, or 56.7 million people, had a disability in 2010 in the civilian population, which does not account for individuals in institutions or nursing homes.² Broken down by gender, 17.4 % of males and 19.8 % of females had a disability in 2010.³ In 2010, the age-adjusted rate of violent crime for males with disabilities was 26 per 1,000 in comparison to 16 per 1,000 for males without disabilities. For females with disabilities, the rate of violent crime was 29 per 1,000, compared to 15 per 1,000 for females without disabilities.⁴ Serious violence (aggravated assault, rape/sexual assault, and robbery) accounted for approximately 50% of the violence perpetrated against persons with disabilities in 2010.⁵ Serious violent victimization against persons with disabilities occurred at a rate of 16 per 1,000 persons with disabilities, compared to a rate of 5 per 1,000 for persons without disabilities.

Because they are erroneously perceived as sick, helpless, asexual, and powerless, they are seen as easy targets for sexual and gender-based violence.⁶ Because they lack both general education and sexual health education, they may not recognize nor know how to respond to such violence, where to go for assistance and support, or officials may dismiss

¹ These comments are available on the U.S. Department of Education website through: <http://1.usa.gov/1l3dMdE>.

² Matthew W. Brault, *Americans with Disabilities: 2010*, U.S. CENSUS BUREAU 1, 4 (2012), www.census.gov/prod/2012pubs/p70-131.pdf.

³ *Age-Adjusted and Unadjusted Disability Rates by Gender, Race, Hispanic Origin: 2005 and 2010*, U.S. CENSUS BUREAU, www.census.gov/people/disability/publications/disab10/table_2.pdf (last visited Sept. 27, 2013).

⁴ Erika Harrell, *Crime Against Persons with Disabilities, 2008-2010- Statistical Tables* 1, 1 (2011), <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=2238>.

⁵ Erika Harrell, *Crime Against Persons with Disabilities, 2008-2010- Statistical Tables* 1, 3 (2011), <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=2238>.

⁶ Ortoleva, Stephanie and Lewis, Hope, *Forgotten Sisters - A Report on Violence Against Women with Disabilities: An Overview of its Nature, Scope, Causes and Consequences* (August 21, 2012). Northeastern University School of Law Research Paper No. 104-2012. Available at SSRN: <http://ssrn.com/abstract=2133332>.

their complaints simply because of their disability.⁷ Women and girls with disabilities are more likely to experience gender-based violence than their non-disabled sisters.⁸

Disabled girls are sometimes subjected to bullying and teasing in school by their peers based on their disability and gender. Bullying negatively impacts a child's emotional and cognitive development. Bullying can also cause low self-esteem and latent aggressiveness or hostility that can erupt at any time. The Report of the U.S. National Council on Disability documents that bullying occurs in the United States.⁹

Therefore, it is essential that the proposed U.S. Department of Education regulations under Title IX¹⁰ of the Education Amendments ensure that the sexual assault and violence against women and girls with disabilities in schools is addressed and that all procedures developed and implemented by schools address the specific needs of female students, drawing on the legal requirements of Section 504 of the Rehabilitation Act¹¹ and the **Individuals with Disabilities Act (IDEA.)**¹² **It would be shameful, given the data referenced above, to fail to effectively address the sexual assault and violence experienced by female students with disabilities in the schools of the United States.**

Submitted by: Stephanie ortoleva, Esq., President, Women enabled International, President@WomenEnabled.org, www.WomenEnabled.org.

⁷ Maria Kett & J. Twigg, *Disability and Disasters: Towards an Inclusive Approach*, (Int'l Federation of Red Cross & Red Crescent Societies, 2007) available at <http://www.ifrc.org/Docs/pubs/disasters/wdr2007/WDR2007-English-4.pdf> (last visited Mar. 26, 2011).

⁸ Katherine Corbett, Susan Shurberg Klein & Jennifer Luna Bregante, *The Role of Sexuality and Sex Equity in the Education of Disabled Women*, 64 PEABODY J. EDUC. 198, 205 (1987).

⁹ JONATHAN YOUNG, ARI NE'EMAN, & SARA GLASER, NAT'L COUNCIL ON DISABILITY, BULLYING AND STUDENTS WITH DISABILITIES (2011) (discussing bullying in the United States); see also ANTONOWICZ, LAETITIA, EDUCATION FOR CHANGE LTD., TOO OFTEN IN SILENCE (Mar. 2010).

¹⁰ 20 U.S.C.A. §§ 1681-1688

¹¹ 29 U.S.C. § 794 et seq.

¹² 34 C.F.R. §300.101 et seq.