

Introduced by Senator JacksonFebruary 25, 2015

An act to add Chapter 20 (commencing with Section 53340) to Part 28 of Division 4 of Title 2 of the Education Code, relating to instructional programs.

LEGISLATIVE COUNSEL'S DIGEST

SB 429, as introduced, Jackson. Instructional programs: Title IX instructional videos.

Title IX of the federal Education Amendments of 1972 (Title IX) prohibits discrimination based on sex, including sexual harassment, rape, and sexual assault, in an educational institution's programs or activities.

Existing law requires the State Department of Education to post on its Internet Web site, in both English and Spanish and at a reading level that may be comprehended by pupils in high school, the information set forth in the federal regulations implementing Title IX.

This bill, to the extent that one-time funding is made available in the Budget Act of 2016, would require the State Department of Education to apportion funds to a designated county office of education, selected from applicant county offices of education, that would be the fiduciary agent for an instructional video to train school administrators on comprehensive Title IX compliance and a Title IX pupils' rights video designed for pupils and parents. The bill would require these 2 videos be available on the department's Internet Web site and available for download to individual schoolsite and school district's Internet Web sites.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The goal of Title IX of the federal Education Amendments
4 of 1972 (20 U.S.C. Sec. 1681 et. seq.) is to provide greater levels
5 of gender equity in schools. The results have been higher
6 enrollment in colleges and universities, increased numbers of
7 graduate degrees in science and mathematics, increased
8 participation in athletics, and fairer treatment in cases of sexual
9 and gender harassment. These benefits not only lead to higher
10 self-esteem and enhanced leadership skills, but they also lead to
11 higher rates of graduation and greater levels of career success.
12 Title IX was approved in 1972, yet noncompliance with its
13 requirements is still problematic.

14 (b) Title IX addresses 10 key areas: Access to Higher Education,
15 Career Education, Education for Pregnant and Parenting Students,
16 Employment, Learning Environment, Mathematics and Science,
17 Sexual Harassment, Standardized Testing, and Technology.

18 (c) In a November 2012 investigative report, the National
19 Broadcasting Company (NBC) found the majority of school
20 principals were unable to identify the Title IX coordinator, and
21 only three principals identified themselves as being responsible
22 for handling complaints regarding sexual and gender harassment.

23 (d) Equal Rights Advocates found only about 25 percent of Title
24 IX coordinators of Bay Area school districts that responded to its
25 survey received some training on Title IX related matters. A
26 significant percentage of schools in those school districts do not
27 cover sexual harassment in their existing training for pupils (11
28 percent), teachers (14 percent), and staff/administrators (23
29 percent). Gender identity and gender expression were covered in
30 less than a quarter of pupil and teacher training, and less than 20
31 percent of staff/administrator training. Equal opportunity in
32 athletics was mentioned in only 11 percent of pupil training, 17
33 percent of teacher training, and 10 percent of staff/administrator
34 training.

35 (e) A 2015 American Civil Liberties Union (ACLU) of
36 California report found widespread unawareness among pupils
37 and school administrators of the rights of pregnant and parenting
38 pupils, including an extremely limited knowledge that pregnant

1 pupils and those recovering from childbirth conditions are entitled
2 to services available to other pupils with temporary medical
3 conditions.

4 (f) In that ACLU report, only 4 percent of school districts
5 surveyed included “parenting” status within the list of categories
6 in the nondiscrimination board policy, 25 percent of pupil survey
7 respondents indicated that they had been restricted from
8 participating in an extracurricular activity, such as physical
9 education or a sport, due to their pregnancy status and 13 percent
10 of pupil survey respondents said that they were required by their
11 school district to move to an alternative or continuation school as
12 a result of their pregnancy despite the law requiring that enrollment
13 in separate programs for parenting pupils be strictly voluntary.

14 (g) During Title IX training conducted by the Title IX advocacy
15 and litigation project Fair Play for Girls in Sports, among dozens
16 of middle- and high-school girls attending training throughout
17 California, approximately 80 percent of female pupils polled have
18 never heard of Title IX nor do they understand how the law affords
19 gender equity in education.

20 (h) Fair Play for Girls in Sports regularly receives complaints
21 and requests for help from community members, including parents,
22 coaches, and female athletes, regarding a lack of understanding of
23 Title IX in their local K-12 schools and a need for increased
24 training for school administrators. Where cases have been brought
25 against K-12 schools to spur compliance with Title IX, the lack
26 of uniform, accurate training materials has contributed to schools
27 remaining out of compliance with the law, even after a finding of
28 Title IX violations by the school.

29 (i) Since Title IX was passed 42 years ago, it has been the
30 subject of over 20 proposed amendments, reviews, Supreme Court
31 cases, and other political actions. It is a living, breathing law and
32 it benefits countless women and girls. The lack of knowledge and
33 training harms pupils.

34 SEC. 2. Chapter 20 (commencing with Section 53340) is added
35 to Part 28 of Division 4 of Title 2 of the Education Code, to read:

36
37 CHAPTER 20. TITLE IX INSTRUCTIONAL VIDEO
38

39 53340. (a) To the extent that one-time funding is made
40 available in the Budget Act of 2016, the department shall apportion

1 funds to a designated county office of education to be the fiduciary
2 agent for an instructional video to train school administrators on
3 comprehensive compliance with Title IX of the federal Education
4 Amendments of 1972 (20 U.S.C. Sec. 1681 et. seq.). The
5 designated county office of education shall be chosen by the
6 Superintendent from county offices of education that apply for
7 designation. The designated county office of education shall be in
8 charge of the video that will lead to statewide professional
9 development support for comprehensive Title IX compliance. The
10 designated county office of education shall also create a Title IX
11 pupils' rights video designed for pupils and parents. Both videos
12 shall be available on the department Internet Web site and available
13 for download to individual schoolsite and school district's Internet
14 Web sites.

15 (b) The designated county office of education, in the
16 implementation of this chapter, shall consider and include, as
17 appropriate, available resources for comprehensive Title IX
18 compliance.

19 (c) The department shall analyze the relevant data on the success
20 of the comprehensive Title IX compliance instructional video at
21 the state level, by monitoring the usage of the video and
22 ascertaining the levels of complaints filed. The department shall
23 establish a set of best practices to be made available to school
24 districts and consortia of school districts to enhance understanding
25 of comprehensive Title IX compliance.