

AMENDED IN SENATE APRIL 15, 2015

SENATE BILL

No. 429

Introduced by Senator Jackson
(Coauthor: Senator Hancock)

February 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 amended, 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 for, and responsible for the creation of,~~ an instructional video to train school ~~administrators~~ *administrators, designated Title IX coordinators, and other school personnel* on comprehensive Title IX compliance and a Title IX pupils' rights video designed for pupils and parents. The bill would require *that* these 2 videos be available on the

department's Internet Web site and available for download to individual schoolsite and school-district's *district* Internet Web sites. *The bill would also require the department to analyze the relevant data on the success of the comprehensive Title IX compliance instructional video at the state level, as specified.*

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. et~~ *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 *Athletics*, Career Education, Education for Pregnant and Parenting
16 Students, Employment, Learning Environment, Mathematics and
17 Science, Sexual Harassment, Standardized Testing, and
18 Technology.
19 (c) In a November 2012 investigative report, the National
20 Broadcasting Company (NBC) found the majority of school
21 principals were unable to identify the Title IX coordinator, and
22 only three principals identified themselves as being responsible
23 for handling complaints regarding sexual and gender harassment.
24 (d) Equal Rights Advocates found only about 25 percent of Title
25 IX coordinators of *San Francisco Bay Area area* school districts
26 that responded to its survey received some training on Title IX
27 related matters. A significant percentage of schools in those school
28 districts do not cover sexual harassment in their existing training
29 for pupils (11 percent), teachers (14 percent),—~~and~~ *or*
30 staff/administrators (23 percent). Gender identity and gender

1 expression were covered in less than a quarter of pupil and teacher
2 training, and less than 20 percent of staff/administrator training.
3 Equal opportunity in athletics was mentioned in only 11 percent
4 of pupil training, 17 percent of teacher training, and 10 percent of
5 staff/administrator training.

6 (e) A 2015 American Civil Liberties Union (ACLU) of
7 California report found widespread unawareness among pupils
8 and school administrators of the rights of pregnant and parenting
9 pupils, including an extremely limited knowledge that pregnant
10 pupils and those recovering from childbirth *and related medical*
11 conditions are entitled to services available to other pupils with
12 temporary medical conditions.

13 (f) In that ACLU report, only 4 percent of school districts
14 surveyed included “parenting” status within the list of categories
15 in the nondiscrimination board policy, 25 percent of pupil survey
16 respondents indicated that they had been restricted from
17 participating in an extracurricular activity, such as physical
18 education or a sport, due to their pregnancy-~~status~~ status, and 13
19 percent of pupil survey respondents said that they were required
20 by their school district to move to an alternative or continuation
21 school as a result of their pregnancy despite the law requiring that
22 enrollment in separate programs for parenting pupils be strictly
23 voluntary.

24 (g) During Title IX training conducted by the Title IX advocacy
25 and litigation project Fair Play for Girls in Sports, ~~among~~ of dozens
26 of middle- and high-school girls attending training throughout
27 California, approximately 80 percent of female pupils polled ~~have~~
28 *had* never heard of Title IX nor-~~do~~ *did* they understand how the
29 law affords gender equity in education.

30 (h) Fair Play for Girls in Sports regularly receives complaints
31 and requests for help from community members, including parents,
32 coaches, and female athletes, regarding a lack of understanding of
33 Title IX in their local K–12 schools and a need for increased
34 training for school administrators. Where cases have been brought
35 against K–12 schools to spur compliance with Title IX, the lack
36 of uniform, accurate training materials has contributed to schools
37 remaining out of compliance with the law, even after a finding of
38 Title IX violations by the school.

39 (i) Since Title IX was passed-~~42~~ 43 years ago, it has been the
40 subject of over 20 proposed amendments, reviews, Supreme Court

1 cases, and other political actions. It is a living, breathing law ~~and~~
 2 ~~it that~~ benefits countless women and girls. The lack of knowledge
 3 and training harms pupils.

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

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CHAPTER 20. TITLE IX INSTRUCTIONAL VIDEO

9 53340. (a) To the extent that one-time funding is made
 10 available in the Budget Act of 2016, the department shall apportion
 11 funds to a designated county office of education to be the fiduciary
 12 agent for an instructional video to train school ~~administrators~~
 13 *administrators, designated Title IX coordinators, and other school*
 14 *personnel* on comprehensive compliance with Title IX of the
 15 federal Education Amendments of 1972 (20 U.S.C. Sec. 1681 ~~et.~~
 16 *et seq.*). The designated county office of education shall be chosen
 17 by the Superintendent from county offices of education that apply
 18 for designation. ~~The~~

19 (b) ~~The~~ designated county office of education shall be ~~in charge~~
 20 ~~of the video that will~~ *responsible for the creation of the*
 21 *instructional video specified in subdivision (a). The instructional*
 22 *video shall be made available as a statewide training resource*
 23 *and shall lead to statewide professional development support for*
 24 *comprehensive Title IX compliance. The designated county office*
 25 *of education shall also create be responsible for the creation of a*
 26 *Title IX pupils' rights video designed for pupils and parents. Both*
 27 *videos shall be available on the department's Internet*
 28 *Web site and available for download to individual schoolsite and*
 29 *school-district's district Internet Web sites.*

30 ~~(b)~~

31 (c) The designated county office of education, in the
 32 implementation of this chapter, shall consider and include, as
 33 appropriate, available resources for comprehensive Title IX
 34 compliance.

35 (e)

36 (d) The department shall analyze the relevant data on the success
 37 of the comprehensive Title IX compliance instructional video at
 38 the state level, by ~~monitoring the usage of the video and~~
 39 ~~ascertaining the levels of complaints filed.~~ *identifying the number*
 40 *of times the instructional video was downloaded or viewed, the*

1 *number of complaints filed before the video was made available,*
2 *and the number of complaints filed one year after the video was*
3 *made available.* The department shall establish a set of best
4 practices to be made available to school districts and consortia of
5 school districts to enhance understanding of comprehensive Title
6 IX compliance.

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