

AMENDED IN ASSEMBLY JUNE 13, 2016

AMENDED IN SENATE MAY 4, 2016

AMENDED IN SENATE APRIL 11, 2016

AMENDED IN SENATE MARCH 28, 2016

**SENATE BILL**

**No. 1146**

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**Introduced by Senator Lara  
(Coauthor: Senator Leno)**

February 18, 2016

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An act to amend Section 66271 of, and to add Sections 66290.1, 66290.2, and 66292.8 to, the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 1146, as amended, Lara. Postsecondary education: nondiscrimination.

The Equity in Higher Education Act, among other things, prohibits a person from being subjected to discrimination on the basis of specified attributes, including sex, in any program or activity conducted by a postsecondary educational institution that receives, or benefits from, state financial assistance or enrolls students who receive state student financial aid. Existing federal law, known as Title IX of the Education Amendments of 1972, prohibits a person, on the basis of sex, from being excluded from participation in, being denied the benefits of, or being subject to discrimination under, any education program or activity receiving federal financial assistance. Both the federal and state laws do not apply to an educational institution that is controlled by a religious organization if the application would not be consistent with the religious tenets of that organization. Title IX provides a private right of action

for violation of its provisions by a public postsecondary educational institution.

This bill would limit the religious exemption from the Equity in Higher Education Act to certain educational programs and activities of a postsecondary educational institution that is controlled by a religious organization. The bill would require an institution that claims an exemption from either the Equity in Higher Education Act or Title IX to make specified disclosures to the institution's current and prospective students, faculty members, and employees, and to the Student Aid Commission, concerning the institution's claim for the exemption. The bill would require the commission to collect the information it receives and post and maintain a list on the commission's Internet Web site of all institutions claiming the exemption and their respective bases for claiming the exemption. ~~The bill would specify that an educational institution that is controlled by a religious organization and has participated in the Cal Grant Program continuously since January 1, 2016, shall not lose its Cal Grant Program eligibility for its failure to comply with the Equity in Higher Education Act.~~ The bill would make the provisions of the Equity in Higher Education Act severable.

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. Section 66271 of the Education Code is amended  
2 to read:  
3 66271. (a) This chapter shall not apply to *any of the following*  
4 educational programs or activities offered by an educational  
5 institution that is controlled by a religious ~~organization to prepare~~  
6 ~~students to become ministers of the religion, to enter upon some~~  
7 ~~other vocation of the religion, or to teach theological subjects~~  
8 ~~pertaining to the religion;~~ *organization*, if the application of this  
9 chapter would not be consistent with the religious tenets of that  
10 ~~organization.~~ *organization:*  
11 (1) *Programs or activities to prepare students to become*  
12 *ministers of the religion.*  
13 (2) *Programs or activities to enter upon some other vocation*  
14 *of the religion.*  
15 (3) *Programs or activities to teach theological subjects*  
16 *pertaining to the religion.*

1 (b) *Nothing in this section shall limit an institution that is*  
2 *controlled by a religious organization from requiring a student to*  
3 *participate in religiously based curriculum or activities as a*  
4 *condition of his or her attendance or graduation.*

5 SEC. 2. Section 66290.1 is added to the Education Code, to  
6 read:

7 66290.1. (a) Each postsecondary educational institution in this  
8 state that claims an exemption pursuant to Section 901(a)(3) of  
9 the federal Title IX of the Education Amendments of 1972 (20  
10 U.S.C. Sec. 1681(a)(3)) or Section 66271 shall disclose to current  
11 and prospective students, faculty members, and employees the  
12 basis for claiming the exemption.

13 (b) The disclosure required in subdivision (a) shall be made in  
14 all of the following ways:

15 (1) The disclosure shall be displayed in a prominent location of  
16 the campus or school site. “Prominent location” means that  
17 location, or those locations, in the main administrative building or  
18 other area where notices regarding the institution’s rules,  
19 regulations, procedures, and standards of conduct are posted.

20 (2) The disclosure shall be included in written materials sent to  
21 prospective students seeking admission to the postsecondary  
22 educational institution.

23 (3) The disclosure shall be provided as part of orientation  
24 programs conducted for new students at the beginning of each  
25 quarter, semester, or summer session, as applicable.

26 (4) The disclosure shall be provided to each faculty member,  
27 member of the administrative staff, and member of the support  
28 staff at the beginning of the first quarter or semester of each school  
29 year. The disclosure shall be provided to each new employee upon  
30 his or her hire.

31 (5) The disclosure shall be included in any publication of the  
32 institution that sets forth the comprehensive rules, regulations,  
33 procedures, and standards of conduct for the institution.

34 SEC. 3. Section 66290.2 is added to the Education Code, to  
35 read:

36 66290.2. (a) Each postsecondary educational institution in this  
37 state that claims an exemption pursuant to Section 901(a)(3) of  
38 the federal Title IX of the Education Amendments of 1972 (20  
39 U.S.C. Sec. 1681(a)(3)) or Section 66271 shall submit to the  
40 Student Aid Commission copies of all materials submitted to, and

1 received from, a state or federal agency concerning the granting  
2 of the exemption.

3 (b) The Student Aid Commission shall collect the information  
4 received pursuant to subdivision (a) and post and maintain a list  
5 on the commission’s Internet Web site of the institutions that have  
6 claimed the exemption with their respective bases for claiming the  
7 exemption.

8 SEC. 4. Section 66292.8 is added to the Education Code, to  
9 read:

10 ~~66292.8. (a) An educational institution that is controlled by a~~  
11 ~~religious organization and has participated in the Cal Grant~~  
12 ~~Program established pursuant to Chapter 1.7 (commencing with~~  
13 ~~Section 69430) continuously since January 1, 2016, shall not lose~~  
14 ~~its eligibility to participate in the Cal Grant Program as a result of~~  
15 ~~its failure to comply with the provisions of this chapter.~~

16 ~~(b)~~

17 66292.8. The provisions of this chapter are severable. If any  
18 provision of this chapter or its application is held invalid, that  
19 invalidity shall not affect other provisions or applications that can  
20 be given effect without the invalid provision or application.