

AMENDED IN ASSEMBLY JUNE 20, 2016

AMENDED IN SENATE MAY 31, 2016

AMENDED IN SENATE APRIL 6, 2016

**SENATE BILL**

**No. 1375**

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**Introduced by Senator Jackson**

February 19, 2016

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An act to add Section 221.61 to the Education Code, relating to educational equity.

LEGISLATIVE COUNSEL'S DIGEST

SB 1375, as amended, Jackson. Educational equity: sex equity in education: federal Title IX notifications.

Existing law, the Sex Equity in Education Act, states the policy of the state that elementary and secondary school classes and courses, including nonacademic and elective classes and courses, be conducted without regard to the sex of the pupil enrolled in these classes or courses. Existing federal law, known as Title IX, 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.

This bill would require, on or before July 1, 2017, all public schools, private schools that receive federal funds and are subject to the requirements of Title IX, school districts, county offices of education, and charter schools to post in a prominent and conspicuous location on their Internet Web sites specified information relating to Title IX. The bill would require the Superintendent of Public Instruction to annually send a letter through electronic means to all public schools, private schools that receive federal funds and are subject to the requirements

of Title IX, school districts, county offices of education, and charter schools informing them of the new requirement that would be created by this bill and of their responsibilities under Title IX. Because the bill would impose additional duties on public schools, school districts, county offices of education, and charter schools, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

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

18 (c) On January 20, 2015, the Senate Judiciary Committee held  
19 an informational hearing entitled “Attaining Equal Opportunity  
20 for Girls in California’s Secondary Schools: How our Schools are  
21 Complying with Title IX.” During the hearing, the committee

1 heard from the United States Department of Education Office for  
2 Civil Rights and the State Department of Education.

3 (d) As demonstrated by testimony provided during the  
4 informational hearing, school districts are often unaware that Title  
5 IX requires them to do the following:

6 (1) Appoint a Title IX coordinator at both the district and school  
7 levels who is responsible for coordinating the school and school  
8 district’s Title IX compliance. The coordinator should not have  
9 other responsibilities that create a conflict of interest with his or  
10 her role as coordinator.

11 (2) Adopt and publish rules and procedures on how to receive,  
12 investigate, and respond to a complaint filed under Title IX.

13 (3) Notify all pupils, parents and guardians of pupils, and school  
14 staff of their rights under Title IX.

15 (e) A 2015 American Civil Liberties Union (ACLU) of  
16 California report found widespread unawareness among pupils  
17 and school administrators of the rights of pregnant and parenting  
18 pupils, including an extremely limited knowledge that pregnant  
19 pupils and those recovering from childbirth and related medical  
20 conditions are entitled to services available to other pupils with  
21 temporary medical conditions.

22 (f) The ACLU report found that only 4 percent of school districts  
23 surveyed included “parenting” status within the list of categories  
24 in the nondiscrimination board policy, 25 percent of pupil survey  
25 respondents indicated that they had been restricted from  
26 participating in an extracurricular activity, such as physical  
27 education or a sport, due to their pregnancy status, and 13 percent  
28 of pupil survey respondents said that they were required by their  
29 school district to move to an alternative or continuation school as  
30 a result of their pregnancy despite the law requiring that enrollment  
31 in separate programs for parenting pupils be strictly voluntary.

32 (g) Since Title IX was passed 44 years ago, it has been the  
33 subject of over 20 proposed amendments, reviews, Supreme Court  
34 cases, and other political actions. It is a living, breathing law that  
35 benefits countless women and girls. The lack of knowledge of and  
36 training on Title IX harms pupils.

37 SEC. 2. Section 221.61 is added to the Education Code,  
38 immediately following Section 221.6, to read:

39 221.61. (a) On or before July 1, 2017, public schools, private  
40 schools that receive federal funds and are subject to the

1 requirements of Title IX, school districts, county offices of  
2 education, and charter schools shall post in a prominent and  
3 conspicuous location on their Internet Web sites all of the  
4 following:

5 (1) The name and contact information of the Title IX coordinator  
6 for that public school, private school, school district, county office  
7 of education, or charter school, which shall include the Title IX  
8 coordinator's phone number and email address.

9 (2) The rights of a pupil and the public and the responsibilities  
10 of the public school, private school, school district, county office  
11 of education, or charter school under Title IX, which shall include,  
12 but shall not be limited to, Internet Web links to information about  
13 those rights and responsibilities located on the Internet Web sites  
14 of the department's Office for Equal Opportunity and the United  
15 States Department of Education Office of Civil Rights, and the  
16 list of rights specified in Section 221.8.

17 (3) A description of how to file a complaint under Title IX,  
18 which shall include all of the following:

19 (A) An explanation of the statute of limitations within which a  
20 complaint must be filed after an alleged incident of discrimination  
21 has occurred, and how a complaint may be filed beyond the statute  
22 of limitations.

23 (B) An explanation of how the complaint will be investigated  
24 and how the complainant may further pursue the complaint,  
25 including, but not limited to, Internet Web links to this information  
26 on the United States Department of Education Office for Civil  
27 Rights' Internet Web site.

28 (C) An Internet Web link to the United States Department of  
29 Education Office for Civil Rights complaints form, and the contact  
30 information for the office, which shall include the phone number  
31 and email address for the office.

32 (b) On or before April 1, 2017, and annually thereafter, the  
33 Superintendent shall send a letter through electronic means to all  
34 public schools, private schools that receive federal funds and are  
35 subject to the requirements of Title IX, school districts, county  
36 offices of education, and charter schools informing them of the  
37 requirement specified in subdivision (a) and of their responsibilities  
38 under Title IX.

39 (c) *A public school that does not maintain an Internet Web site*  
40 *may comply with subdivision (a) by posting the information*

1 *specified in paragraphs (1) to (3), inclusive, of subdivision (a) on*  
2 *the Internet Web site of its school district or county office of*  
3 *education.*

4 *(d) Nothing in this section shall be construed to require a school*  
5 *or local educational agency to establish an Internet Web site if*  
6 *the school or local educational agency does not already maintain*  
7 *one.*

8 SEC. 3. If the Commission on State Mandates determines that  
9 this act contains costs mandated by the state, reimbursement to  
10 local agencies and school districts for those costs shall be made  
11 pursuant to Part 7 (commencing with Section 17500) of Division  
12 4 of Title 2 of the Government Code.

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