

Introduced by Senator Florez

February 23, 2009

An act to amend Section 66290 of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 195, as introduced, Florez. Equity in Higher Education Act.

Existing law, the Equity in Higher Education Act, provides that it is the policy of the state to afford all persons, regardless of disability, gender, nationality, race or ethnicity, religion, sexual orientation, or other specified bases, equal rights and opportunities in the postsecondary institutions of the state. The act requires a postsecondary educational institution, as defined, prior to the receipt of any state financial assistance or state student financial aid, to provide assurance to the agency administering the funds that each program or activity conducted by the institution will be conducted in compliance with the act and all other applicable provisions of state law prohibiting discrimination on the basis of sex. The act permits a postsecondary educational institution to provide a single assurance, not more than one page in length and signed by an appropriate responsible official of the institution, for all programs and activities conducted by the institution.

This bill would additionally require a postsecondary educational institution to provide assurance that each program and activity conducted by the institution will be conducted in compliance with applicable provisions of federal law prohibiting discrimination on the basis of sex. The bill would require a postsecondary educational institution to provide a single assurance, as specified, for all programs and activities, including, but not limited to, academic and athletic programs. The bill would require that assurance to include specified information, including

information regarding compliance with the act. The bill would provide for a civil penalty for a violation of these provisions.

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 66290 of the Education Code is amended
2 to read:

3 66290. (a) Prior to receipt of any state financial assistance or
4 state student financial aid, a postsecondary educational institution
5 shall provide assurance to the agency administering the funds, in
6 the manner required by the funding agency, that each program or
7 activity conducted by the postsecondary educational institution
8 will be conducted in compliance with this chapter and all other
9 applicable provisions of state law *and federal law* prohibiting
10 discrimination on the basis of sex. A single assurance, not more
11 than one page in length and signed by an appropriate responsible
12 official of the postsecondary educational institution, ~~may~~ *shall* be
13 provided for all the programs and activities conducted by a
14 postsecondary educational institution, *including, but not limited*
15 *to, academic and athletic programs. The assurance shall include,*
16 *at a minimum, all of the following information:*

17 (1) *Information regarding compliance with this chapter for each*
18 *campus or location of the postsecondary educational institution.*

19 (2) *The annual number of complaints of prohibited*
20 *discrimination filed pursuant to Section 66292.3.*

21 (3) *A description any public information or awareness*
22 *campaigns against discrimination, as described in Section 66270,*
23 *provided by the postsecondary educational institution.*

24 (b) *A person who declares as true any material matter required*
25 *by this section that he or she knows to be false shall be subject to*
26 *a civil penalty not exceeding fifty thousand dollars (\$50,000). The*
27 *civil penalty provided for in this subdivision shall be exclusively*
28 *assessed and recovered by the Attorney General in a civil action*
29 *brought in the name of the people of the State of California in any*
30 *court of competent jurisdiction.*