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AB-1538 Educational equity: sex equity in education: federal Title IX. (2015-2016)

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Assembly Bill No. 1538

CHAPTER 43

An act to amend and renumber Sections 270 and 271 of, and to repeal the heading of Article 10 (commencing with Section 270) of Chapter 2 of Part 1 of Division 1 of Title 1 of, the Education Code, relating to educational equity.

[Approved by Governor July 02, 2015. Filed with Secretary of State July 02, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1538, Committee on Arts, Entertainment, Sports, Tourism, and Internet Media. Educational equity: sex equity in education: federal Title IX.

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.

An article of existing law, entitled "Athletes' Bill of Rights," 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 existing article also enumerates the rights available to a pupil relating to gender equity in athletics.

This bill would move this language from the article entitled "Athletes' Bill of Rights" to the Sex Equity in Education Act, and make conforming changes.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The heading of Article 10 (commencing with Section 270) of Chapter 2 of Part 1 of Division 1 of Title 1 of the Education Code is repealed.

SEC. 2. Section 270 of the Education Code, as added by Section 2 of Chapter 386 of the Statutes of 2005, is amended and renumbered to read:

221.6. Title IX: by July 1, 2006, the department shall post on its 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 of the Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.).

SEC. 3. Section 271 of the Education Code is amended and renumbered to read:

221.8. The following list of rights, which are based on the relevant provisions of the federal regulations implementing Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.), may be used by the department for purposes of Section 221.6:

- (a) You have the right to fair and equitable treatment and you shall not be discriminated against based on your sex.
- (b) You have the right to be provided with an equitable opportunity to participate in all academic extracurricular activities, including athletics.
- (c) You have the right to inquire of the athletic director of your school as to the athletic opportunities offered by the school.
- (d) You have the right to apply for athletic scholarships.
- (e) You have the right to receive equitable treatment and benefits in the provision of all of the following:
 - (1) Equipment and supplies.
 - (2) Scheduling of games and practices.
 - (3) Transportation and daily allowances.
 - (4) Access to tutoring.
 - (5) Coaching.
 - (6) Locker rooms.
 - (7) Practice and competitive facilities.
 - (8) Medical and training facilities and services.
 - (9) Publicity.
- (f) You have the right to have access to a gender equity coordinator to answer questions regarding gender equity laws.
- (g) You have the right to contact the State Department of Education and the California Interscholastic Federation to access information on gender equity laws.
- (h) You have the right to file a confidential discrimination complaint with the United States Office of Civil Rights or the State Department of Education if you believe you have been discriminated against or if you believe you have received unequal treatment on the basis of your sex.
- (i) You have the right to pursue civil remedies if you have been discriminated against.
- (j) You have the right to be protected against retaliation if you file a discrimination complaint.