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SB-1146 Discrimination: postsecondary education. (2015-2016)

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Senate Bill No. 1146

CHAPTER 888

An act to add Sections 66290.1 and 66290.2 to the Education Code, relating to discrimination.

[Approved by Governor September 30, 2016. Filed with Secretary of State September 30, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1146, Lara. Discrimination: postsecondary education.

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 require an institution that has 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 basis for having 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 with the exemption and their respective bases for having the exemption.

This bill would make its provisions severable.

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

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

SECTION 1. Section 66290.1 is added to the Education Code, to read:

66290.1. (a) Beginning with the 2017–18 school year, each postsecondary educational institution in this state that claims an exemption pursuant to Section 901(a)(3) of the federal Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681(a)(3)) or has an exemption pursuant to Section 66271 shall disclose to current and prospective students, faculty members, and employees the basis for claiming or having the exemption and the scope of the allowable activities provided by the exemption.

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

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

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

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

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

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

SEC. 2. Section 66290.2 is added to the Education Code, to read:

66290.2. (a) (1) Beginning with the 2017–18 school year, each postsecondary educational institution in this state that claims an exemption pursuant to Section 901(a)(3) of the federal Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681(a)(3)) shall submit to the Student Aid Commission copies of all materials submitted to, and received from, a state or federal agency concerning the granting of the exemption.

(2) Beginning with the 2017–18 school year, each postsecondary educational institution in this state not described in subdivision (a) that has an exemption pursuant to Section 66271 shall submit to the Student Aid Commission its basis for having the exemption.

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

SEC. 3. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.