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SR-40 (2021-2022)

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ENROLLED JUNE 22, 2021

PASSED IN SENATE JUNE 21, 2021

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

SENATE RESOLUTION

NO. 40

Introduced by Senator Leyva
(Coauthors: Senators Caballero, Gonzalez, Hurtado, and Rubio)

June 02, 2021

Relative to the 49th anniversary of Title IX.

LEGISLATIVE COUNSEL'S DIGEST

SR 40, Leyva.

WHEREAS, Title IX of the Education Amendments of 1972 is a federal law that specifically states that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance; and

WHEREAS, All public and private elementary schools and secondary schools, school districts, colleges, and universities receiving any federal funding must comply with Title IX; and

WHEREAS, Title IX requires equal access in recruitment, admissions, counseling, financial assistance, discipline, employment, and athletics; protection from sex-based harassment; and equitable treatment of pregnant and parenting students; and

WHEREAS, Prior to the enactment of Title IX, many women and girls faced discrimination and limited opportunities in athletics, academics, and extracurricular activities; and

WHEREAS, Discrimination on the basis of sex can include sexual harassment or sexual violence, including rape, sexual assault, sexual battery, and sexual coercion; and

WHEREAS, Title IX has been used as a basis in a number of complaints alleging sexual violence on college campuses, as sexual violence interferes with a student's right to receive education free from discrimination; and

WHEREAS, 7 California colleges and universities are currently under investigation by the United States Department of Education for their handling of sexual violence cases; and

WHEREAS, Title IX, which governs educational equity generally, is widely known for ensuring equal access to women and girl athletes; and

WHEREAS, Nearly all of the members of the United States Women's National Soccer Team, which is ranked #1 in the world and continues to make our nation proud, played collegiate level soccer and had Title IX protections; and

WHEREAS, As of 2017, the girls' high school athletics participation rate is greater than 10 times what it was when Title IX passed, an increase of more than 1,000 percent; and

WHEREAS, Title IX regulations require that pregnant and parenting students have equal access to schools and activities, and that all separate programs for pregnant or parenting students be completely voluntary; and

WHEREAS, Title IX has been the basis for California laws that protect graduate students from discrimination on the basis of pregnancy in research projects in California universities, laws requiring affirmative consent, and laws requiring lactation accommodations in California schools; and

WHEREAS, The educational equity guaranteed in Title IX does not solely apply to women. It protects everyone from sex-based discrimination, regardless of real or perceived sex, gender identity, or gender expression; and

WHEREAS, Although Title IX has increased opportunities for girls and women in academics, sports, and other educational activities, it has not yet achieved the goal of full equality; now, therefore, be it

Resolved by the Senate of the State of California, That the Senate urges Californians to continue to work together to achieve the goals set by Title IX of increased opportunities for girls and women in academics, sports, and other educational activities; and be it further

Resolved, That the Senate of the State of California, on June 23, 2021, commemorates the 49th anniversary of Title IX, and commends the national movement toward increased equality and fair treatment of all students; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the author for appropriate distribution.