116TH CONGRESS 1ST SESSION H.R. 3513

To support educational entities in fully implementing title IX and reducing and preventing sex discrimination in all areas of education, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2019

Ms. MATSUI (for herself and Mr. MORELLE) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

- To support educational entities in fully implementing title IX and reducing and preventing sex discrimination in all areas of education, and for other purposes.
 - 1 Be it enacted by the Senate and House of Representa-
 - 2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Patsy T. Mink and

5 Louise M. Slaughter Gender Equity in Education Act of

6 2019".

AUTHENTICATED U.S. GOVERNMENT INFORMATION

GPO

- 7 SEC. 2. FINDINGS.
- 8 Congress finds the following:

(1) Title IX of the Education Amendments of
 1972 (20 U.S.C. 1681 et seq.) (in this Act referred
 to as "title IX") and the implementing regulations
 of title IX prohibit sex discrimination in federally
 funded education programs and activities.

6 (2) Although title IX requires that schools treat 7 students equally with regard to athletic participation 8 opportunities, athletic scholarships, and the benefits 9 and services provided to athletic teams, female par-10 ticipation rates, especially for girls of color, lag far 11 behind male participation rates. Currently, only $\frac{2}{3}$ 12 of Black and Latina girls play sports, and barely 13 over 1/2 of Asian-American girls play sports, compared to more than ³/₄ of White girls. Female stu-14 15 dent athletes have been found to have higher levels 16 of self-esteem and to be more likely to graduate 17 from high school than female students who do not 18 play sports. Although the availability of athletic 19 scholarships facilitates access to higher education, 20 many schools fail to award proportional athletic fi-21 nancial aid to women, which can affect their long-22 term employment outcomes and economic security.

23 (3) Although title IX ensures gender equity in
24 career and technical education, women are severely
25 underrepresented in fields nontraditional to their

1 gender. A recent study by the National Coalition for 2 Women and Girls in Education indicated that 3 women make up more than 80 percent of workers 4 with training or certification in historically women-5 dominated occupations that pay less than \$30,000 6 per year, including child care, early childhood edu-7 cation, home care, and cosmetology. Women rep-8 resent less than 40 percent of workers trained or 9 certified in high-paying and historically male-domi-10 nated fields, including transportation, advanced 11 manufacturing, and construction.

12 (4) Although title IX ensures gender equity in 13 the fields of science, technology, engineering, and 14 mathematics (in this section referred to as "STEM") education, women are disproportionately 15 16 lost at nearly every stage of the STEM pipeline. A 17 recent report by the National Center for Education 18 Statistics showed that women earned only 32 per-19 cent of all STEM degrees in 2017, and nearly $\frac{1}{2}$ of 20 these women were White. Women of color earned 21 about 12 percent of STEM degrees in that same 22 year. Furthermore, in STEM fields where women 23 are particularly underrepresented, such as com-24 puting and engineering, women earned an even 25 smaller percentage of degrees, including only 19 per-

1

2

cent of computing bachelor's degrees, and 21 percent of engineering bachelor's degrees.

3 (5) Although title IX prohibits sex discrimina-4 tion in employment in federally funded education 5 programs, a recent report by the American Associa-6 tion of University Women found that women comprise only 36 percent of tenured faculty and 30 per-7 8 cent of university presidents. A similar study by the 9 National Science Foundation confirmed that women 10 only hold 34 percent of all tenured and tenure-track 11 positions, and 27 percent of full professor positions 12 in STEM fields. Furthermore, Black and Latina 13 women, together, hold only 4 percent of all tenured 14 and tenure-track positions, and barely over 2 percent 15 of full professor positions in STEM fields. Asian-16 American women hold around 5 percent of all 17 tenured and tenure-track positions, and less than 3 18 percent of full professor positions in STEM fields.

(6) Although title IX protects against sexual
and sex-based harassment and violence, more than
50 percent of girls and 40 percent of boys in grades
7 through 12 experience sexual harassment each
year, and approximately 10 percent of high school
students experience dating violence each year. A recent GLSEN report indicated that 87 percent of les-

1 bian, gay, bisexual, transgender, queer, and ques-2 tioning (referred to in this section as "LGBTQ") students have experienced harassment or assault 3 4 based on a personal characteristic, and nearly 66 5 percent have experienced LGBTQ-related verbal har-6 assment at school based on sexual orientation. Research has shown that LGBTQ students who experi-7 8 ence harassment at school are more likely to experi-9 ence depression and anxiety, to engage in unhealthy 10 and antisocial behaviors, and to have more unex-11 cused absences from school.

12 (7) Although title IX prohibits discrimination 13 on the basis of pregnancy or parenting status, the 14 limited availability of accommodations for preg-15 nancy-related conditions, including medical absences, 16 and the limited access to school-related activities for 17 pregnant and parenting students, are the leading 18 reasons that parenting mothers drop out of high 19 school. A recent report by the National Women's 20 Law Center indicated that only 1/2 of teenage moth-21 ers earn a high school diploma by the age of 22, 22 compared with 89 percent of women who do not 23 have a child during their teenage years, and that $\frac{1}{3}$ 24 of young mothers will never get a diploma or GED,

further limiting continuing opportunities for edu cation and employment.

(8) Although title IX protects against discrimi-3 4 nation based on stereotypes of actual or perceived 5 sex (including sexual orientation or gender identity), 6 many people carry implicit or unconscious biases 7 that can unintentionally influence attitudes, beliefs, 8 behaviors, and decisionmaking processes. Research 9 has shown that unconscious biases can impact class-10 room environments, teaching methods, student eval-11 uations, disciplinary practices, and career and coun-12 seling guidance, particularly for students who are 13 pursuing nontraditional fields.

14 SEC. 3. DEFINITIONS.

15 In this Act:

(1) ESEA DEFINITIONS.—The terms "elementary school", "institution of higher education",
"local educational agency", "secondary school", and
"State educational agency" have the meanings given
those terms in section 8101 of the Elementary and
Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) DIRECTOR.—The term "Director" means
the Director of the Office for Gender Equity established under section 5(a).

1	(3) EDUCATIONAL ENTITY.—The term "edu-
2	cational entity" means any of the following entities
3	that receive Federal funds:
4	(A) A State educational agency.
5	(B) A local educational agency.
6	(C) An institution of higher education.
7	(D) An elementary school or secondary
8	school.
9	(4) Secretary.—The term "Secretary" means
10	the Secretary of Education.
11	(5) TITLE IX COORDINATOR.—The term "title
12	IX coordinator" means a responsible employee, as
13	described in section 106.8(a) of title 34, Code of
14	Federal Regulations, designated to coordinate efforts
15	under title IX of the Education Amendments of
16	1972 (20 U.S.C. 1681 et seq.).
17	SEC. 4. PURPOSES.
18	The purposes of this Act are to—
19	(1) promote gender equity in education in the
20	United States;
21	
	(2) support educational entities so that such en-
22	(2) support educational entities so that such en- tities have the support to fully implement title IX;
22	tities have the support to fully implement title IX;
22 23	tities have the support to fully implement title IX; (3) provide title IX coordinators with training,

1	(4) increase general awareness about the rights
2	and obligations of individuals and entities under title
3	IX;
4	(5) identify, implement, and disseminate best
5	practices for reducing and preventing sex discrimina-
6	tion in all areas of education;
7	(6) promote educational environments that are
8	safe and free of sexual and sex-based bullying, har-
9	assment, and violence; and
10	(7) promote equity in education for students
11	who face discrimination based on multiple character-
12	istics, including—
13	(A) race;
14	(B) ethnicity;
15	(C) national origin;
16	(D) disability status;
17	(E) religion;
18	(F) age; or
19	(G) actual or perceived sex (including sex-
20	ual orientation or gender identity).
21	SEC. 5. ESTABLISHMENT OF AN OFFICE FOR GENDER EQ-
22	UITY.
23	(a) IN GENERAL.—The Secretary shall establish an
24	Office for Gender Equity. The Director of the Office for
25	Gender Equity shall be the Special Assistant for Gender

Equity, as authorized under section 202(b)(3) of the De partment of Education Organization Act (20 U.S.C.
 3412(b)(3)). The Director of the Office for Gender Equity
 shall report directly to the Secretary.
 (b) DUTIES.—The Office for Gender Equity shall be

6 responsible for the following:

7 (1) Supporting educational entities in the full8 implementation of title IX.

9 (2) Providing title IX coordinators with train10 ing, technical assistance, and support to fully carry
11 out their roles and responsibilities.

12 (3) Providing grants to implement programs
13 and activities that are focused on reducing and pre14 venting sex discrimination in all areas of education.

15 (4) Identifying and disseminating best practices
16 for reducing and preventing sex discrimination in all
17 areas of education.

18 (5) Maintaining an Office of Gender Equity re19 source center website to disseminate best practices
20 in achieving gender equity.

(6) Performing any other activity consistentwith achieving the purposes of this Act.

(c) COORDINATION.—To carry out the purposes of
this Act, the Secretary shall coordinate with other relevant
Federal offices and agencies, including—

1	(1) the Office for Civil Rights of the Depart-
2	ment of Education;
3	(2) the Institute of Education Sciences;
4	(3) the White House Council on Women and
5	Girls;
6	(4) the Women's Bureau of the Department of
7	Labor;
8	(5) the Office on Women's Health of the De-
9	partment of Health and Human Services;
10	(6) the Civil Rights Division of the Department
11	of Justice;
12	(7) the Office on Violence Against Women of
13	the Department of Justice;
14	(8) the Centers for Disease Control and Preven-
15	tion;
16	(9) the Office of Safe and Healthy Students of
17	the Department of Education; and
18	(10) other entities determined relevant for car-
19	rying out the purposes of this Act.
20	SEC. 6. SUPPORT FOR TITLE IX COORDINATORS.
21	(a) IN GENERAL.—The Director shall provide coordi-
22	nation, training, technical assistance, and support for title
23	IX coordinators to ensure that educational entities are
24	able to fully implement title IX and reduce and prevent
25	sex discrimination in all areas of education.

1	(b) TITLE IX COORDINATOR TRAINING.—
2	(1) IN GENERAL.—Not less than once a year,
3	the Director shall conduct a training for all title IX
4	coordinators. The training may be conducted in
5	partnership with a national organization with rel-
6	evant expertise, and may be completed online or in
7	person.
8	(2) CONTENTS OF TRAINING.—The training de-
9	scribed in paragraph (1) shall include the following
10	information:
11	(A) The role and responsibility of title IX
12	coordinators.
13	(B) Best practices for increasing aware-
14	ness about rights and obligations under title
15	IX.
16	(C) Best practices for investigating and re-
17	sponding to claims of violations of title IX.
18	(D) Best practices for identifying and pre-
19	venting implicit and explicit sex discrimination
20	in all areas of education, including—
21	(i) recruitment and admissions;
22	(ii) teaching practices, textbooks, and
23	curricula;
24	(iii) campus safety and security;
25	(iv) financial assistance;

1	(v) access to facilities, resources, and
2	housing;
3	(vi) access to course offerings;
4	(vii) student health services and insur-
5	ance benefits;
6	(viii) counseling and career guidance;
7	(ix) athletics;
8	(x) discipline policies;
9	(xi) employment; and
10	(xii) other areas that the Director de-
11	termines are relevant for such purposes.
12	(3) Application of training.—
13	(A) IN GENERAL.—The Director shall take
14	steps to ensure that the trainings described in
15	paragraph (1)—
16	(i) are adapted, as necessary, to ad-
17	dress issues of sex discrimination at all lev-
18	els of education;
19	(ii) are updated with the latest evi-
20	dence-based best practices; and
21	(iii) address recent trends in sex dis-
22	crimination.
23	(B) ATTENTION TO DISCRIMINATION
24	BASED ON MULTIPLE CHARACTERISTICS.—The
25	Director shall take steps to ensure that such

1	
1	trainings include attention to students who face
2	discrimination based on multiple characteristics,
3	including—
4	(i) race;
5	(ii) ethnicity;
6	(iii) national origin;
7	(iv) disability status;
8	(v) religion;
9	(vi) age; or
10	(vii) actual or perceived sex (including
11	sexual orientation or gender identity).
12	(C) EVALUATION.—The Director shall—
13	(i) develop and conduct pre- and post-
14	training evaluations to assess the effective-
15	ness of such trainings in improving the
16	knowledge of the roles and responsibilities
17	of title IX coordinators; and
18	(ii) use such evaluations to update the
19	title IX coordinator trainings annually.
20	(c) Handbook for Conducting Title IX Compli-
21	ANCE SELF-EVALUATIONS.—The Director shall develop a
22	handbook for conducting self-evaluations of compliance
23	with title IX in all areas of education, as described in sub-
24	section $(b)(2)(D)$.

1 (d) ASSESSMENT OF TITLE IX COORDINATOR SUP-2 PORT.—The Director shall collect relevant data and statis-3 tics on all title IX coordinators, including salary informa-4 tion, budgets, and primary roles, in order to make rec-5 ommendations for improving title IX coordinator support.

6 (e) DISSEMINATION.—The Director shall ensure that 7 the workplace contact information of all title IX coordina-8 tors and any training materials or information developed 9 under this section are made available on the Office of Gen-10 der Equity resource center website, described in section 11 5(b)(5).

12 SEC. 7. SUPPORT FOR LOCAL IMPLEMENTATION.

13 (a) GRANTS AUTHORIZED.—

14 IN GENERAL.—The Secretary, acting (1)15 through the Director, is authorized to award grants 16 to eligible entities to support such eligible entities in 17 fully implementing title IX and reducing and pre-18 venting sex discrimination in all areas of education. 19 (2) ELIGIBLE ENTITY.—In this section, the 20 term "eligible entity" means— 21 (A) a State educational agency; 22 (B) a local educational agency; 23 (C) an institution of higher education;

24 (D) an elementary school or secondary25 school; or

	19
1	(E) a partnership consisting of—
2	(i) an entity described in subpara-
3	graphs (A) through (D); and
4	(ii) a national organization with rel-
5	evant expertise, or another entity that the
6	Secretary determines has relevant exper-
7	tise.
8	(b) USE OF FUNDS.—An eligible entity receiving a
9	grant shall use such funds to carry out programs and ac-
10	tivities designed to fully implement title IX and prevent
11	and reduce sex discrimination, including programs and ac-
12	tivities that—
13	(1) increase awareness of and counteract sex
14	stereotypes, biases, and discrimination;
15	(2) include trainings for students, teachers, fac-
16	ulty, and all personnel to learn about best practices
17	for reducing and preventing sex discrimination in all
18	areas of education;
19	(3) increase access to campus resources, facili-
20	ties, and course offerings;
21	(4) support title IX coordinators in performing
22	outreach, advocacy, and education about title IX and
23	reducing and preventing sex discrimination;
24	(5) are aimed at identifying patterns or sys-
25	temic problems in compliance with title IX;

10
(6) strengthen prevention education and aware-
ness programs regarding sexual and sex-based har-
assment and violence;
(7) conduct and analyze campus climate and
victimization surveys;
(8) include institutional assessment activities to
identify areas and causes of gender inequities;
(9) make efforts to improve progress on gender
equity indicators as described in subsection
(c)(2)(A); and
(10) make efforts to improve accuracy in meas-
urement, data collection, and reporting of gender eq-
uity indicators as described in subsection $(c)(2)(A)$.
(c) Applications.—
(1) IN GENERAL.—An eligible entity desiring a
grant under this section shall submit an application
to the Secretary at such time, in such manner, and
containing such information as the Secretary may
reasonably require.
(2) CONTENTS OF APPLICATION.—Each appli-
cation submitted by an eligible entity under this sec-
tion shall include the following:
(A) A description of locally defined and
documented gender equity needs and priorities,

1	which may include any of the following indica-
2	tors:
3	(i) Academic indicators, including per-
4	formance on State assessments, enroll-
5	ment, admission, attrition, time to comple-
6	tion, and graduation rates.
7	(ii) Civil rights data, including statis-
8	tics on bullying, harassment, violence, dis-
9	cipline, and expulsion.
10	(iii) Campus climate and victimization
11	data.
12	(iv) Employment data.
13	(v) Attendance and absenteeism data.
14	(vi) Evidence of burden on title IX co-
15	ordinators, including coordinator to stu-
16	dent ratio and competing responsibilities.
17	(vii) Other documentation of need
18	that the Secretary determines is relevant.
19	(B) A description of the evidence that will
20	serve as the basis for the activities that the eli-
21	gible entity proposes to carry out using grant
22	funds under this section.
23	(C) A description of the activities that the
24	eligible entity proposes to carry out using grant
25	funds under this section.

w the proposed activities under this section will con-tinue with local support following completion of the grant period and termination of Federal funding.

(G) A description of how the proposed ac-tivities are a significant component of a com-prehensive plan for gender equity in education and full implementation of title IX.

1	(d) RULE OF CONSTRUCTION.—Nothing in this sec-
2	tion shall be construed as prohibiting persons of any sex
3	or gender from participating in any of the programs or
4	activities funded under this section.
5	(e) Award Basis.—
6	(1) MERIT REVIEW.—Grants shall be awarded
7	under this section on a competitive basis.
8	(2) Priorities.—
9	(A) IN GENERAL.—The Secretary shall es-
10	tablish criteria for determining which eligible
11	entities shall have priority in receiving a grant
12	under this section.
13	(B) LEVEL OF PRIORITY.—The criteria de-
14	scribed in subparagraph (A) may include a con-
15	sideration of the extent to which the application
16	demonstrates that the eligible entity—
17	(i) has demonstrated a high need for
18	gender equity assistance based on indica-
19	tors described in subsection $(c)(2)(A)$ and
20	a high commitment to addressing these
21	issues;
22	(ii) will address the needs of students
23	who face discrimination based on multiple
24	characteristics, including—
25	(I) race;

	20
1	(II) ethnicity;
2	(III) national origin;
3	(IV) disability status;
4	(V) religion;
5	(VI) age; or
6	(VII) actual or perceived sex (in-
7	cluding sexual orientation or gender
8	identity);
9	(iii) has not previously received assist-
10	ance under this section;
11	(iv) will address relevant issues of na-
12	tional significance through solutions that
13	can be replicated;
14	(v) will implement an institutional
15	change strategy with a long-term impact
16	that will continue to be a central activity
17	of the eligible entity upon termination of
18	the grant; and
19	(vi) will serve a high percentage of
20	low-income students.
21	(C) Special rule.—To the extent prac-
22	ticable, the Secretary shall ensure that grants
23	awarded under this section, for each fiscal year,
24	address—
25	(i) all levels of education, including—

1	(I) elementary and secondary
2	education;
3	(II) undergraduate and graduate
4	education;
5	(III) postdoctoral education and
6	research;
7	(IV) career and technical edu-
8	cation; and
9	(V) adult education;
10	(ii) all regions of the United States;
11	and
12	(iii) urban, rural, and suburban edu-
13	cational entities.
14	(f) EVALUATION AND DISSEMINATION.—
15	(1) EVALUATION.—
16	(A) IN GENERAL.—Each eligible entity
17	that receives a grant under this section shall
18	conduct an assessment about the extent to
19	which the eligible entity made progress on the
20	indicators under subsection $(c)(2)(A)$.
21	(B) Assessment.—An eligible entity may
22	work in partnership with the Institute of Edu-
23	cation Sciences to conduct such assessment.
24	(C) USE BY SECRETARY.—Not later than
25	1 year after receiving the grant award, the eli-

1 gible entity shall submit a report to the Sec-2 retary containing the results of such assess-3 ment. The Secretary shall use those reports in 4 order to build the knowledge base on promising 5 models for preventing and reducing sex dis-6 crimination across all areas and levels of edu-7 cation. 8 (2) DISSEMINATION.—The Secretary shall co-9 ordinate with the Director of the Institute of Edu-10 cation Sciences and other relevant Federal offices 11 and agencies to-12 (A) ensure that the results of the activities 13 carried out under this section are made readily 14 available on the Office for Gender Equity re-15 source center website; and 16 (B) widely disseminate the results de-17 scribed in subparagraph (A) to relevant Federal 18 offices, agencies, educational entities, and the 19 general public. 20 SEC. 8. RESEARCH AND DEVELOPMENT. 21 (a) IN GENERAL.—The Secretary shall coordinate

(a) IN GENERAL.—The Secretary shall coordinate
with the Director of the Institute of Education Sciences
and other relevant Federal offices and agencies and entities to investigate, identify, and disseminate best practices

1	to fully implement title IX and reduce and prevent sex
2	discrimination in all areas of education, including—
3	(1) the reduction and prevention of sex stereo-
4	typing, bias, and discrimination in curricula, text-
5	books, software, and other educational materials;
6	(2) the development of policies and programs
7	to—
8	(A) address and prevent sexual and sex-
9	based harassment and violence; and
10	(B) ensure that campuses are free from
11	threats to the safety of students, teachers, fac-
12	ulty, and personnel;
13	(3) the development and evaluation of—
14	(A) counseling and career guidance train-
15	ing; and
16	(B) programs to reduce and prevent sex
17	stereotyping, bias, and discrimination;
18	(4) best practices for mitigating implicit bias in
19	teaching, discipline, and all areas of education;
20	(5) best practices for addressing the needs of
21	students who face discrimination based on multiple
22	characteristics, including—
23	(A) race;
24	(B) ethnicity;
25	(C) national origin;

1	(D) disability status;
2	(E) religion;
3	(F) age; or
4	(G) actual or perceived sex (including sex-
5	ual orientation or gender identity); and
6	(6) other activities that the Secretary deter-
7	mines are consistent with the purposes of this Act.
8	(b) DISSEMINATION.—The best practices described
9	under subsection (a) shall be published on the Office for
10	Gender Equity resource center website, as described in
11	section $5(b)(5)$, and the What Works Clearinghouse
12	website of the Institute of Education Sciences.
13	SEC. 9. REPORT; DISSEMINATION.
14	(a) Report to Congress.—Not later than 2 years
15	after the date of enactment of this Act and every 2 years
16	thereafter, the Secretary shall publish a report on the
17	steps the Department of Education has taken to—
18	(1) support educational entities in fully imple-
19	menting title IX and reducing and preventing sex
20	discrimination;
21	(2) provide coordination, training, and re-
22	sources for title IX coordinators to fully carry out
23	their roles and responsibilities; and

1	(3) promote equity in education for students
2	who face discrimination based on multiple character-
3	istics, including—
4	(A) race;
5	(B) ethnicity;
6	(C) national origin;
7	(D) disability status;
8	(E) religion;
9	(F) age; or
10	(G) actual or perceived sex (including sex-
11	ual orientation or gender identity).
12	(b) DISSEMINATION.—The Secretary shall coordinate
13	with the Director of the Institute of Education Sciences
14	and the heads of relevant Federal agencies to ensure that
15	the results of trainings, activities, evaluations, and re-
16	search developments under this Act are made readily
17	available on the Office for Gender Equity resource center
18	website and disseminated widely to other relevant Federal
19	agencies and offices, educational entities, and the general
20	public.
21	SEC. 10. RULE OF CONSTRUCTION.
22	Nothing in this Act shall be construed—
23	(1) as modifying any provision of title IX of the
24	Education Amendments of 1972 (20 U.S.C. 1681 et
25	seq.); or

(2) as affecting the enforcement of such title by
 the Department of Education, the Department of
 Justice, or any other Federal agency.

4 SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

5 (a) IN GENERAL.—There are authorized to be appro6 priated to carry out this Act \$80,000,000 for each of fiscal
7 years 2020 through 2025.

8 (b) USE.—From amounts made available to carry out 9 this Act for each fiscal year, the Secretary shall use not 10 less than \$70,000,000 of such amounts to award grants 11 under section 7.

 \bigcirc