

115TH CONGRESS
2D SESSION

S. 3110

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

IN THE SENATE OF THE UNITED STATES

JUNE 21, 2018

Ms. HIRONO (for herself, Mr. BLUMENTHAL, Ms. BALDWIN, Mr. MARKEY, Ms. CANTWELL, Mrs. GILLIBRAND, Mrs. SHAHEEN, Mr. WYDEN, Ms. WARREN, Mr. MERKLEY, Ms. HASSAN, and Ms. CORTEZ MASTO) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

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

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 2018”.

7 **SEC. 2. FINDINGS.**

8 FINDINGS.—Congress finds the following:

1 (1) Title IX of the Education Amendments of
2 1972 (20 U.S.C. 1681 et seq.) (in this Act referred
3 to as “title IX”) and the implementing regulations
4 of title IX prohibit sex discrimination in federally
5 funded education programs and activities.

6 (2) Although title IX ensures equal opportuni-
7 ties to participate in athletics, female participation
8 rates, especially for girls of color, lag far behind
9 male participation rates. A 2012 report by the Na-
10 tional Women’s Law Center indicates that only 64
11 percent of Black girls, 64 percent of Hispanic girls,
12 and 53 percent of Asian-American girls play sports,
13 compared to 76 percent of White girls. Female stu-
14 dent athletes have been found to have higher levels
15 of self-esteem and to be more likely to graduate
16 from high school than female students who do not
17 play sports. Although the availability of athletic
18 scholarships facilitates access to higher education,
19 many schools fail to award proportional athletic fi-
20 nancial aid to women, which can affect their long-
21 term employment outcomes and economic security.

22 (3) Although title IX ensures gender equity in
23 career and technical education, women are severely
24 underrepresented in nontraditional fields. A 2017
25 study by the National Coalition for Women and

1 Girls in Education reports that women make up
2 more than 80 percent of workers with training or
3 certification in historically women-dominated occupa-
4 tions that pay less than \$30,000 per year, including
5 child care, early childhood education, home care, and
6 cosmetology. Women also represent less than 40 per-
7 cent of workers trained or certified in high-paying
8 and historically male-dominated fields, including
9 transportation, advanced manufacturing, and con-
10 struction.

11 (4) Although title IX ensures gender equity in
12 the fields of science, technology, engineering, and
13 mathematics (in this section referred to as
14 “STEM”) education, women are disproportionately
15 lost at nearly every stage of the STEM pipeline. A
16 2017 National Student Clearinghouse report con-
17 firms that the percentage of women earning STEM
18 degrees has decreased over the past decade, with
19 women earning 21 percent of engineering bachelor’s
20 degrees, 19 percent of computing bachelor’s degrees,
21 42 percent of mathematics bachelor’s degrees, and
22 39 percent of physical science bachelor’s degrees. In
23 2014, women of color earned only 7 percent of com-
24 puting bachelor’s degrees and 6 percent of engineer-
25 ing bachelor’s degrees.

1 (5) Although title IX prohibits sex discrimina-
2 tion in employment in federally funded education
3 programs, a 2018 report by the American Associa-
4 tion of Women found that women comprise only 36
5 percent of tenured faculty and 30 percent of univer-
6 sity presidents. A 2013 National Science Foundation
7 report confirms that women only hold 29 percent of
8 all tenured and tenure-track positions and 21 per-
9 cent of full professor positions in STEM fields,
10 Black and Hispanic women together hold only 2.6
11 percent of all tenured and tenure-track positions and
12 1.2 percent of full professor positions in STEM
13 fields, and Asian-American women hold only 3.6 per-
14 cent of all tenured and tenure-track positions and
15 1.7 percent of full professor positions in STEM
16 fields.

17 (6) Although title IX protects against sexual
18 and sex-based harassment and violence, more than
19 50 percent of girls and 40 percent of boys in grades
20 7 through 12 experience sexual harassment each
21 year, and approximately 10 percent of high school
22 students experience dating violence each year. A
23 2015 Gay, Lesbian and Straight Education Network
24 report indicates that 85 percent of lesbian, gay, bi-
25 sexual, transgender, queer, and questioning (referred

1 to in this section as “LGBTQ”) students have expe-
2 rienced verbal harassment based on a personal char-
3 acteristic, and nearly 66 percent have experienced
4 LGBTQ-related discrimination at school. Research
5 has shown that LGBTQ students who experience
6 harassment at school are more likely to experience
7 depression and anxiety, to engage in unhealthy and
8 antisocial behaviors, and to have more unexcused ab-
9 sences from school.

10 (7) Although title IX guarantees access to med-
11 ical leave, the availability of accommodations for
12 pregnancy-related conditions, and the availability of
13 enrollment in school-related activities for pregnant
14 and parenting students, numerous studies have
15 found that pregnancy and parenting are the leading
16 reasons that females drop out of high school. A
17 2012 report from the National Women’s Law Center
18 shows that only 51 percent of teenage mothers earn
19 a high school diploma by the age of 22, compared
20 with 89 percent of women who do not have a child
21 during their teenage years, limiting continuing op-
22 portunities for education and employment.

23 (8) Although title IX protects against discrimi-
24 nation based on stereotypes of actual or perceived
25 sex, gender, gender identity, or sexual orientation,

1 many people carry implicit or unconscious biases
 2 that can unintentionally influence attitudes, beliefs,
 3 behaviors, and decisionmaking processes. Research
 4 has shown that unconscious biases can impact class-
 5 room environments, teaching methods, student eval-
 6 uations, disciplinary practices, and career and coun-
 7 seling guidance, particularly for students who are
 8 pursuing nontraditional fields.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) ESEA DEFINITIONS.—The terms “elemen-
 12 tary school”, “institution of higher education”,
 13 “local educational agency”, “secondary school”, and
 14 “State educational agency” have the meanings given
 15 those terms in section 8101 of the Elementary and
 16 Secondary Education Act of 1965 (20 U.S.C. 7801).

17 (2) COMPOUND DISCRIMINATION.—The term
 18 “compound discrimination” means discrimination
 19 based on sex and one or more other characteristics,
 20 which may include—

- 21 (A) race;
- 22 (B) ethnicity;
- 23 (C) national origin;
- 24 (D) disability status;
- 25 (E) religion;

1 (F) age; or

2 (G) perceived sex, sexual orientation, gen-
3 der or gender identity, and related stereotypes.

4 (3) DIRECTOR.—The term “Director” means
5 the Director of the Office for Gender Equity estab-
6 lished under section 5(a).

7 (4) EDUCATIONAL ENTITY.—The term “edu-
8 cational entity” means any of the following entities
9 that receive Federal funds:

10 (A) A State educational agency.

11 (B) A local educational agency.

12 (C) An institution of higher education.

13 (D) An elementary school or secondary
14 school.

15 (5) SECRETARY.—The term “Secretary” means
16 the Secretary of Education.

17 (6) SEX DISCRIMINATION.—The term “sex dis-
18 crimination” means bias, discrimination, harass-
19 ment, or violence based on:

20 (A) Actual or perceived sex, sexual orienta-
21 tion, gender, or gender identity.

22 (B) Pregnancy, childbirth, or a related
23 medical condition.

1 (C) A stereotype associated with any char-
 2 acteristic described in subparagraphs (A) or
 3 (B).

4 (7) TITLE IX COORDINATOR.—The term “title
 5 IX coordinator” means a responsible employee, as
 6 described in section 106.8(a) of title 34, Code of
 7 Federal Regulations, designated to coordinate efforts
 8 under title IX of the Education Amendments of
 9 1972 (20 U.S.C. 1681 et seq.).

10 **SEC. 4. PURPOSES.**

11 The purposes of this Act are to—

12 (1) promote gender equity in education in the
 13 United States;

14 (2) support educational entities so that such en-
 15 tities have the support to fully implement title IX;

16 (3) provide title IX coordinators with training,
 17 technical assistance, and support to fully carry out
 18 their roles and responsibilities;

19 (4) increase general awareness about the rights
 20 and obligations of individuals and entities under title
 21 IX;

22 (5) identify, implement, and disseminate best
 23 practices for reducing and preventing sex discrimina-
 24 tion in all areas of education;

1 (6) promote educational environments that are
2 safe and free of sexual and sex-based bullying, har-
3 assment, and violence; and

4 (7) promote equity in education for students
5 who face compound discrimination.

6 **SEC. 5. ESTABLISHMENT OF AN OFFICE FOR GENDER EQ-**
7 **UITY.**

8 (a) IN GENERAL.—The Secretary shall establish an
9 Office for Gender Equity. The Director of the Office for
10 Gender Equity shall be the Special Assistant for Gender
11 Equity, as authorized under section 202(b)(3) of the De-
12 partment of Education Organization Act (20 U.S.C.
13 3412(b)(3)). The Director of the Office for Gender Equity
14 shall report directly to the Secretary.

15 (b) DUTIES.—The Office for Gender Equity shall be
16 responsible for the following:

17 (1) Supporting educational entities in the full
18 implementation of title IX.

19 (2) Providing title IX coordinators with train-
20 ing, technical assistance, and support to fully carry
21 out their roles and responsibilities.

22 (3) Providing grants to implement programs
23 and activities that are focused on reducing and pre-
24 venting sex discrimination in all areas of education.

1 (4) Identifying and disseminating best practices
2 for reducing and preventing sex discrimination in all
3 areas of education.

4 (5) Maintaining an Office of Gender Equity re-
5 source center website to disseminate best practices
6 in achieving gender equity.

7 (6) Performing any other activity consistent
8 with achieving the purposes of this Act.

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

12 (1) the Office for Civil Rights of the Depart-
13 ment of Education;

14 (2) the Institute of Education Sciences;

15 (3) the White House Council on Women and
16 Girls;

17 (4) the Women’s Bureau of the Department of
18 Labor;

19 (5) the Office on Women’s Health of the De-
20 partment of Health and Human Services;

21 (6) the Civil Rights Division of the Department
22 of Justice;

23 (7) the Office on Violence Against Women of
24 the Department of Justice;

- 1 (8) the Centers for Disease Control and Preven-
2 tion;
3 (9) the Office of Safe and Healthy Students of
4 the Department of Education; and
5 (10) other entities determined relevant for car-
6 rying out the purposes of this Act.

7 **SEC. 6. SUPPORT FOR TITLE IX COORDINATORS.**

8 (a) IN GENERAL.—The Director shall provide coordi-
9 nation, training, technical assistance, and support for title
10 IX coordinators to ensure that educational entities are
11 able to fully implement title IX and reduce and prevent
12 sex discrimination in all areas of education.

13 (b) TITLE IX COORDINATOR TRAINING.—

14 (1) IN GENERAL.—Not less than once a year,
15 the Director shall conduct a training for all title IX
16 coordinators. The training may be conducted in
17 partnership with a national organization with rel-
18 evant expertise, and may be completed online or in
19 person.

20 (2) CONTENTS OF TRAINING.—The training de-
21 scribed in paragraph (1) shall include the following
22 information:

23 (A) The role and responsibility of title IX
24 coordinators.

(B) Best practices for increasing awareness about rights and obligations under title IX.

(C) Best practices for investigating and responding to claims of violations of title IX.

(D) Best practices for identifying and preventing implicit and explicit sex discrimination in all areas of education, including—

- (i) recruitment and admissions;
- (ii) teaching practices, textbooks, and curricula;
- (iii) campus safety and security;
- (iv) financial assistance;
- (v) access to facilities, resources, and housing;
- (vi) access to course offerings;
- (vii) student health services and insurance benefits;
- (viii) counseling and career guidance;
- (ix) athletics;
- (x) discipline policies;
- (xi) employment; and
- (xii) other areas that the Director determines are relevant for such purposes.

(3) APPLICATION OF TRAINING.—

1 (A) IN GENERAL.—The Director shall take
 2 steps to ensure that the trainings described in
 3 paragraph (1)—

4 (i) are adapted, as necessary, to ad-
 5 dress issues of sex discrimination at all lev-
 6 els of education;

7 (ii) are updated with the latest evi-
 8 dence-based best practices; and

9 (iii) address recent trends in sex dis-
 10 crimination.

11 (B) ATTENTION TO COMPOUND DISCRIMI-
 12 NATION.—The Director shall take steps to en-
 13 sure that such trainings include attention to
 14 students who face compound discrimination.

15 (C) EVALUATION.—The Director shall—

16 (i) develop and conduct pre- and post-
 17 training evaluations to assess the effective-
 18 ness of such trainings in improving the
 19 knowledge of the roles and responsibilities
 20 of title IX coordinators; and

21 (ii) use such evaluations to update the
 22 title IX coordinator trainings annually.

23 (c) HANDBOOK FOR CONDUCTING TITLE IX COMPLI-
 24 ANCE SELF-EVALUATIONS.—The Director shall develop a
 25 handbook for conducting self-evaluations of compliance

1 with title IX in all areas of education, as described in sub-
 2 section (b)(2)(D).

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

8 (e) DISSEMINATION.—The Director shall ensure that
 9 the workplace contact information of all title IX coordina-
 10 tors and any training materials or information developed
 11 under this section are made available on the Office of Gen-
 12 der Equity resource center website, described in section
 13 5(b)(5).

14 **SEC. 7. SUPPORT FOR LOCAL IMPLEMENTATION.**

15 (a) GRANTS AUTHORIZED.—

16 (1) IN GENERAL.—The Secretary, acting
 17 through the Director, is authorized to award grants
 18 to eligible entities to support such eligible entities in
 19 fully implementing title IX and reducing and pre-
 20 venting sex discrimination in all areas of education.

21 (2) ELIGIBLE ENTITY.—In this section, the
 22 term “eligible entity” means—

- 23 (A) a State educational agency;
- 24 (B) a local educational agency;
- 25 (C) an institution of higher education;

1 (D) an elementary school or secondary
2 school; or

3 (E) a partnership consisting of—

4 (i) an entity described in subpara-
5 graphs (A) through (D); and

6 (ii) a national organization with rel-
7 evant expertise, or another entity that the
8 Secretary determines has relevant exper-
9 tise.

10 (b) USE OF FUNDS.—An eligible entity receiving a
11 grant shall use such funds to carry out programs and ac-
12 tivities designed to fully implement title IX and prevent
13 and reduce sex discrimination, including programs and ac-
14 tivities that—

15 (1) increase awareness of and counteract sex
16 stereotypes, biases, and discrimination;

17 (2) include trainings for students, teachers, fac-
18 ulty, and all personnel to learn about best practices
19 for reducing and preventing sex discrimination in all
20 areas of education;

21 (3) increase access to campus resources, facili-
22 ties, and course offerings;

23 (4) support title IX coordinators in performing
24 outreach, advocacy, and education about title IX and
25 reducing and preventing sex discrimination;

1 (5) are aimed at identifying patterns or sys-
2 temic problems in compliance with title IX;

3 (6) strengthen prevention education and aware-
4 ness programs regarding sexual and sex-based har-
5 assment and violence;

6 (7) conduct and analyze campus climate and
7 victimization surveys;

8 (8) include institutional assessment activities to
9 identify areas and causes of gender inequities;

10 (9) make efforts to improve progress on gender
11 equity indicators as described in subsection
12 (c)(2)(A); and

13 (10) make efforts to improve accuracy in meas-
14 urement, data collection, and reporting of gender eq-
15 uity indicators as described in subsection (c)(2)(A).

16 (c) APPLICATIONS.—

17 (1) IN GENERAL.—An eligible entity desiring a
18 grant under this section shall submit an application
19 to the Secretary at such time, in such manner, and
20 containing such information as the Secretary may
21 reasonably require.

22 (2) CONTENTS OF APPLICATION.—Each appli-
23 cation submitted by an eligible entity under this sec-
24 tion shall include the following:

1 (A) A description of locally defined and
2 documented gender equity needs and priorities,
3 which may include any of the following indica-
4 tors:

5 (i) Academic indicators, including per-
6 formance on State assessments, enroll-
7 ment, admission, attrition, time to comple-
8 tion, and graduation rates.

9 (ii) Civil rights data, including statis-
10 tics on bullying, harassment, violence, dis-
11 cipline, and expulsion.

12 (iii) Campus climate and victimization
13 data.

14 (iv) Employment data.

15 (v) Attendance and absenteeism data.

16 (vi) Evidence of burden on title IX co-
17 ordinators, including coordinator to stu-
18 dent ratio and competing responsibilities.

19 (vii) Other documentation of need
20 that the Secretary determines is relevant.

21 (B) A description of the evidence that will
22 serve as the basis for the activities that the eli-
23 gible entity proposes to carry out using grant
24 funds under this section.

1 (C) A description of the activities that the
2 eligible entity proposes to carry out using grant
3 funds under this section.

4 (D) A description of how the proposed ac-
5 tivities will be adapted, as necessary, to meet
6 the needs of students who face compound dis-
7 crimination.

8 (E) A description of how the proposed ac-
9 tivities will help the eligible entity fully imple-
10 ment title IX.

11 (F) A description of a plan for how the
12 proposed activities under this section will con-
13 tinue with local support following completion of
14 the grant period and termination of Federal
15 funding.

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

20 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
21 tion shall be construed as prohibiting persons of any sex
22 or gender from participating in any of the programs or
23 activities funded under this section.

24 (e) AWARD BASIS.—

1 (1) MERIT REVIEW.—Grants shall be awarded
2 under this section on a competitive basis.

3 (2) PRIORITIES.—

4 (A) IN GENERAL.—The Secretary shall es-
5 tablish criteria for determining which eligible
6 entities shall have priority in receiving a grant
7 under this section.

8 (B) LEVEL OF PRIORITY.—The criteria de-
9 scribed in subparagraph (A) may include a con-
10 sideration of the extent to which the application
11 demonstrates that the eligible entity—

12 (i) has demonstrated a high need for
13 gender equity assistance based on indica-
14 tors described in subsection (c)(2)(A) and
15 a high commitment to addressing these
16 issues;

17 (ii) will address the needs of students
18 who face compound discrimination;

19 (iii) has not previously received assist-
20 ance under this section;

21 (iv) will address relevant issues of na-
22 tional significance through solutions that
23 can be replicated;

24 (v) will implement an institutional
25 change strategy with a long-term impact

that will continue to be a central activity
of the eligible entity upon termination of
the grant; and

(vi) will serve a high percentage of
low-income students.

(C) SPECIAL RULE.—To the extent prac-
ticable, the Secretary shall ensure that grants
awarded under this section, for each fiscal year,
address—

(i) all levels of education, including—

(I) elementary and secondary
education;

(II) undergraduate and graduate
education;

(III) postdoctoral education and
research;

(IV) career and technical edu-
cation; and

(V) adult education;

(ii) all regions of the United States;

and

(iii) urban, rural, and suburban edu-
cational entities.

(f) EVALUATION AND DISSEMINATION.—

(1) EVALUATION.—

1 (A) IN GENERAL.—Each eligible entity
 2 that receives a grant under this section shall
 3 conduct an assessment about the extent to
 4 which the eligible entity made progress on the
 5 indicators under subsection (c)(2)(A).

6 (B) ASSESSMENT.—An eligible entity may
 7 work in partnership with the Institute of Edu-
 8 cation Sciences to conduct such assessment.

9 (C) USE BY SECRETARY.—Not later than
 10 1 year after receiving the grant award, the eli-
 11 gible entity shall submit a report to the Sec-
 12 retary containing the results of such assess-
 13 ment. The Secretary shall use those reports in
 14 order to build the knowledge base on promising
 15 models for preventing and reducing sex dis-
 16 crimination across all areas and levels of edu-
 17 cation.

18 (2) DISSEMINATION.—The Secretary shall co-
 19 ordinate with the Director of the Institute of Edu-
 20 cation Sciences and other relevant Federal offices
 21 and agencies to—

22 (A) ensure that the results of the activities
 23 carried out under this section are made readily
 24 available on the Office for Gender Equity re-
 25 source center website; and

1 (B) widely disseminate the results de-
2 scribed in subparagraph (A) to relevant Federal
3 offices, and agencies, educational entities and
4 the general public.

5 **SEC. 8. RESEARCH AND DEVELOPMENT.**

6 (a) IN GENERAL.—The Secretary shall coordinate
7 with the Director of the Institute of Education Sciences
8 and other relevant Federal offices and agencies and enti-
9 ties to investigate, identify, and disseminate best practices
10 to fully implement title IX and reduce and prevent sex
11 discrimination in all areas of education, including—

12 (1) the reduction and prevention of sex stereo-
13 typing, bias, and discrimination in curricula, text-
14 books, software, and other educational materials;

15 (2) the development of policies and programs
16 to—

17 (A) address and prevent sexual and sex-
18 based harassment and violence; and

19 (B) ensure that campuses are free from
20 threats to the safety of students, teachers, fac-
21 ulty, and personnel;

22 (3) the development and evaluation of—

23 (A) counseling and career guidance train-
24 ing; and

1 (B) programs to reduce and prevent sex
2 stereotyping, bias, and discrimination;

3 (4) best practices for mitigating implicit bias in
4 teaching, discipline, and all areas of education;

5 (5) best practices for addressing the needs of
6 students who face compound discrimination; and

7 (6) other activities that the Secretary deter-
8 mines are consistent with the purposes of this Act.

9 (b) DISSEMINATION.—The best practices described
10 under subsection (a) shall be published on the Office for
11 Gender Equity resource center website, as described in
12 section 5(b)(5), and the What Works Clearinghouse
13 website of the Institute of Education Sciences.

14 **SEC. 9. REPORT; DISSEMINATION.**

15 (a) REPORT TO CONGRESS.—Not later than 2 years
16 after the date of enactment of this Act and every 2 years
17 thereafter, the Secretary shall publish a report on the
18 steps the Department of Education has taken to—

19 (1) support educational entities in fully imple-
20 menting title IX and reducing and preventing sex
21 discrimination;

22 (2) provide coordination, training, and re-
23 sources for title IX coordinators to fully carry out
24 their roles and responsibilities; and

1 (3) promote equity in education for students
2 who face compound discrimination.

3 (b) DISSEMINATION.—The Secretary shall coordinate
4 with the Director of the Institute of Education Sciences
5 and the heads of relevant Federal agencies to ensure that
6 the results of trainings, activities, evaluations, and re-
7 search developments under this Act are made readily
8 available on the Office for Gender Equity resource center
9 website and disseminated widely to other relevant Federal
10 agencies and offices, educational entities, and the general
11 public.

12 **SEC. 10. RULE OF CONSTRUCTION.**

13 Nothing in this Act shall be construed—

14 (1) as modifying any provision of title IX of the
15 Education Amendments of 1972 (20 U.S.C. 1681 et
16 seq.); or

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

20 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) IN GENERAL.—There are authorized to be appro-
22 priated to carry out this Act \$80,000,000 for each of fiscal
23 years 2018 through 2023.

24 (b) USE.—From amounts made available to carry out
25 this Act for each fiscal year, the Secretary shall use not

- 1 less than \$70,000,000 of such amounts to award grants
- 2 under section 7.

