

114TH CONGRESS
2D SESSION

S. 3147

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

JULY 7, 2016

Ms. HIRONO (for herself, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mrs. BOXER, Mr. MARKEY, Mrs. SHAHEEN, Ms. CANTWELL, Ms. MIKULSKI, and Ms. BALDWIN) 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 Gender
5 Equity in Education Act of 2016”.

6 **SEC. 2. FINDINGS.**

7 FINDINGS.—Congress finds the following:

8 (1) Title IX of the Education Amendments of
9 1972 (20 U.S.C. 1681 et seq.) (in this Act referred

1 to as “title IX”) and the implementing regulations
2 of title IX prohibit sex discrimination in federally
3 funded education programs and activities.

4 (2) Although title IX ensures equal opportuni-
5 ties to participate in athletics, female participation
6 rates, especially for girls of color, lag far behind
7 male participation rates. The National Women’s
8 Law Center reports that only 64 percent of Black
9 girls, 64 percent of Hispanic girls, and 53 percent
10 of Asian-American girls play sports, compared to 76
11 percent of Caucasian girls. Female student athletes
12 have been found to have higher levels of self-esteem
13 and to be more likely to graduate from high school
14 than female students who do not play sports. Al-
15 though the availability of athletic scholarships facili-
16 tates access to higher education, many schools fail to
17 award proportional athletic financial aid to females,
18 which can affect the long-term employment outcomes
19 and economic security of women.

20 (3) Although title IX ensures gender equity in
21 career and technical education, women are severely
22 underrepresented in nontraditional fields. The Amer-
23 ican Association for the University of Women re-
24 ports that females make up more than 70 percent of
25 students enrolled in classes that prepare students for

1 low-paying and historically female jobs, such as care-
2 givers and cosmetologists and only 20 percent of
3 students enrolled in classes that prepare students for
4 high-paying and historically male jobs, such as en-
5 ergy technicians and electricians.

6 (4) Although title IX ensures gender equity in
7 the fields of science, technology, engineering, and
8 mathematics (in this section referred to as
9 “STEM”) education, women are disproportionately
10 lost at nearly every stage of the STEM pipeline. The
11 National Student Clearinghouse reports that the
12 percentage of women earning STEM degrees has de-
13 creased over the past decade, with women earning
14 19 percent of engineering bachelor’s degrees, 18 per-
15 cent of computing bachelor’s degrees, 42 percent of
16 mathematics bachelor’s degrees, and 39 percent of
17 physical science bachelor’s degrees. In 2013, women
18 of color earned only 6 percent of computing bach-
19 elor’s degrees and 3 percent of engineering bach-
20 elor’s degrees.

21 (5) Although title IX prohibits sex discrimina-
22 tion in employment in federally funded education
23 programs, women comprise only 37.5 percent of
24 tenured faculty and 22 percent of university presi-
25 dents, and female representation in STEM drops at

1 every faculty and leadership level. The National
2 Science Foundation reports that women hold only 25
3 percent of all tenured and tenure-track positions and
4 17 percent of full professor positions in STEM
5 fields, Black and Hispanic women together hold only
6 4.4 percent of all tenured and tenure-track positions
7 and 1.5 percent of full professor positions in STEM
8 fields, and Asian-American women hold only 6.1 per-
9 cent of all tenured and tenure-track positions and
10 1.9 percent of full professor positions in STEM
11 fields.

12 (6) Although title IX protects against sexual
13 and sex-based harassment and violence, more than
14 50 percent of girls in grades 7 through 12 experi-
15 ence sexual harassment each year and approximately
16 10 percent of high school students experience dating
17 violence each year. A 2013 study by the Gay Les-
18 bian Straight Education Network reports that 55
19 percent of lesbian, gay, bisexual, and transgender
20 youth report feeling unsafe at school because of their
21 sexual orientation and 38 percent report feeling un-
22 safe because of their gender expression. Research
23 has shown that students who experience harassment
24 at school are more likely to experience depression
25 and anxiety, to engage in unhealthy and antisocial

1 behaviors, and to have more unexcused absences
2 from school.

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

16 (8) Although title IX protects against discrimi-
17 nation based on stereotypes of actual or perceived
18 sex, gender, gender identity, or sexual orientation,
19 many people carry implicit or unconscious biases
20 that can unintentionally influence attitudes, beliefs,
21 behaviors, and decisionmaking processes. Research
22 has shown that unconscious biases can impact class-
23 room environments, teaching methods, student eval-
24 uations, disciplinary practices, and career and coun-

1 seling guidance, particularly for students who are
2 pursuing nontraditional fields.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) ESEA DEFINITIONS.—The terms “elemen-
6 tary school”, “institution of higher education”,
7 “local educational agency”, “secondary school”, and
8 “State educational agency” have the meanings given
9 those terms in section 8101 of the Elementary and
10 Secondary Education Act of 1965 (20 U.S.C. 7801).

11 (2) COMPOUND DISCRIMINATION.—The term
12 “compound discrimination” means discrimination
13 based on sex, and one or more other characteristic,
14 including race, ethnicity, national origin, disability
15 status, religion, or age.

16 (3) DIRECTOR.—The term “Director” means
17 the Director of the Officer for Gender Equity estab-
18 lished under section 5(a).

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

22 (A) A State educational agency.

23 (B) A local educational agency.

24 (C) An institution of higher education.

1 (D) An elementary school or secondary
2 school.

3 (5) SECRETARY.—The term “Secretary” means
4 the Secretary of Education.

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

8 (A) Actual or perceived sex, sexual orienta-
9 tion, gender, or gender identity.

10 (B) Pregnancy, childbirth, or a related
11 medical condition.

12 (C) A stereotype associated with any char-
13 acteristic described in subparagraphs (A) or
14 (B).

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

21 **SEC. 4. PURPOSES.**

22 The purposes of this Act are to—

23 (1) promote gender equity in education in the
24 United States;

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

3 (1) Supporting educational entities in the full
4 implementation of title IX.

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

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

11 (4) Identifying and disseminating best practices
12 for reducing and preventing sex discrimination in all
13 areas of education.

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

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

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

22 (1) the Office for Civil Rights of the Depart-
23 ment of Education;

24 (2) the Institute of Education Sciences;

1 (3) the White House Council on Women and
2 Girls;

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

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

7 (6) the Civil Rights Division of the Department
8 of Justice;

9 (7) the Office on Violence Against Women of
10 the Department of Justice;

11 (8) the Centers for Disease Control and Preven-
12 tion;

13 (9) the Office of Safe and Healthy Students of
14 the Department of Education; and

15 (10) other entities determined relevant for car-
16 rying out the purposes of this Act.

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

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

23 (b) TITLE IX COORDINATOR TRAINING.—

24 (1) IN GENERAL.—Not less than once a year,
25 the Director shall conduct a training for all title IX

1 coordinators. The training may be conducted in
2 partnership with a national organization with rel-
3 evant expertise, and may be completed online or in
4 person.

5 (2) CONTENTS OF TRAINING.—The training de-
6 scribed in paragraph (1) shall include the following
7 information:

8 (A) The role and responsibility of title IX
9 coordinators.

10 (B) Best practices for increasing aware-
11 ness about rights and obligations under title
12 IX.

13 (C) Best practices for investigating and re-
14 sponding to claims of violations of title IX.

15 (D) Best practices for identifying and pre-
16 venting implicit and explicit sex discrimination
17 in all areas of education, including—

18 (i) recruitment and admissions;

19 (ii) teaching practices, textbooks, and
20 curricula;

21 (iii) campus safety and security;

22 (iv) financial assistance;

23 (v) access to facilities, resources, and
24 housing;

25 (vi) access to course offerings;

- 1 (vii) student health services and insur-
 2 ance benefits;
 3 (viii) counseling and career guidance;
 4 (ix) athletics;
 5 (x) discipline policies;
 6 (xi) employment; and
 7 (xii) other areas that the Director de-
 8 termines are relevant for such purposes.

9 (3) APPLICATION OF TRAINING.—

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

13 (i) are adapted, as necessary, to ad-
 14 dress issues of sex discrimination at all lev-
 15 els of education;

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

18 (iii) address recent trends in sex dis-
 19 crimination.

20 (B) ATTENTION TO COMPOUND DISCRIMI-
 21 NATION.—The Director shall take steps to en-
 22 sure that such trainings include attention to
 23 students who face compound discrimination.

24 (C) EVALUATION.—The Director shall—

1 (i) develop and conduct pre- and post-
2 training evaluations to assess the effective-
3 ness of such trainings in improving the
4 knowledge of the roles and responsibilities
5 of title IX coordinators; and

6 (ii) use such evaluations to update the
7 title IX coordinator trainings annually.

8 (c) HANDBOOK FOR CONDUCTING TITLE IX COMPLI-
9 ANCE SELF-EVALUATIONS.—The Director shall develop a
10 handbook for conducting self-evaluations of compliance
11 with title IX in all areas of education, as described in sub-
12 section (b)(2)(D).

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

18 (e) DISSEMINATION.—The Director shall ensure that
19 the workplace contact information of all title IX coordina-
20 tors and any training materials or information developed
21 under this section are made available on the Office of Gen-
22 der Equity resource center website, described in section
23 5(b)(5).

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

25 (a) GRANTS AUTHORIZED.—

1 (1) IN GENERAL.—The Secretary, acting
2 through the Director, is authorized to award grants
3 to educational entities to support such educational
4 entities in fully implementing title IX and reducing
5 and preventing sex discrimination in all areas of
6 education.

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

9 (A) a State educational agency;

10 (B) a local educational agency;

11 (C) an institution of higher education;

12 (D) an elementary school or secondary
13 school; or

14 (E) a partnership consisting of—

15 (i) an entity described in subpara-
16 graphs (A) through (D); and

17 (ii) a national organization with rel-
18 evant expertise, or another entity that the
19 Secretary determines has relevant exper-
20 tise.

21 (b) USE OF FUNDS.—An eligible entity receiving a
22 grant shall use such funds to carry out programs and ac-
23 tivities designed to fully implement title IX and prevent
24 and reduce sex discrimination, including programs and ac-
25 tivities that—

- 1 (1) increase awareness of and counteract sex
2 stereotypes, biases, and discrimination;
- 3 (2) include trainings for students, teachers, fac-
4 ulty, and all personnel to learn about best practices
5 for reducing and preventing sex discrimination in all
6 areas of education;
- 7 (3) increase access to campus resources, facili-
8 ties, and course offerings;
- 9 (4) support title IX coordinators in performing
10 outreach, advocacy, and education about title IX and
11 reducing and preventing sex discrimination;
- 12 (5) are aimed at identifying patterns or sys-
13 temic problems in compliance with title IX;
- 14 (6) strengthen prevention education and aware-
15 ness programs regarding sexual and sex-based har-
16 assment and violence;
- 17 (7) conduct and analyze campus climate and
18 victimization surveys;
- 19 (8) include institutional assessment activities to
20 identify areas and causes of gender inequities;
- 21 (9) make efforts to improve progress on gender
22 equity indicators as described in subsection
23 (c)(2)(A); and

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

4 (c) APPLICATIONS.—

5 (1) IN GENERAL.—An eligible entity desiring a
6 grant under this section shall submit an application
7 to the Secretary at such time, in such manner, and
8 containing such information as the Secretary may
9 reasonably require.

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

13 (A) A description of locally defined and
14 documented gender equity needs and priorities,
15 which may include any of the following indica-
16 tors:

17 (i) Academic indicators, including per-
18 formance on State assessments, enroll-
19 ment, admission, attrition, time to comple-
20 tion, and graduation rates.

21 (ii) Civil rights data, including statis-
22 tics on bullying, harassment, violence, dis-
23 cipline and expulsion.

24 (iii) Campus climate and victimization
25 data.

1 (iv) Employment data.

2 (v) Attendance and absenteeism data.

3 (vi) Evidence of burden on title IX co-
4 ordinators, including coordinator to stu-
5 dent ratio and competing responsibilities.

6 (vii) Other documentation of need
7 that the Secretary determines is relevant.

8 (B) A description of the evidence that will
9 serve as the basis for the activities that the eli-
10 gible entity proposes to carry out using grant
11 funds under this section.

12 (C) A description of the activities that the
13 eligible entity proposes to carry out using grant
14 funds under this section.

15 (D) A description of how the proposed ac-
16 tivities will be adapted, as necessary, to meet
17 the needs of students who face compound dis-
18 crimination.

19 (E) A description of how the proposed ac-
20 tivities will help the educational entity fully im-
21 plement title IX.

22 (F) A description of a plan for how the
23 proposed activities under this section will con-
24 tinue with local support following completion of

1 the grant period and termination of Federal
2 funding.

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

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

11 (e) AWARD BASIS.—

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

14 (2) PRIORITIES.—

15 (A) IN GENERAL.—The Secretary shall es-
16 tablish criteria for determining which eligible
17 entities shall have priority in receiving a grant
18 under this section.

19 (B) LEVEL OF PRIORITY.—The criteria de-
20 scribed in subparagraph (A) may include a con-
21 sideration of the extent to which the application
22 demonstrates that the eligible entity—

23 (i) has demonstrated a high need for
24 gender equity assistance based on indica-
25 tors described in subsection (c)(2)(A) and

1 a high commitment to addressing these
2 issues;

3 (ii) will address the needs of students
4 who face compound discrimination;

5 (iii) has not previously received assist-
6 ance under this section;

7 (iv) will address relevant issues of na-
8 tional significance through solutions that
9 can be replicated;

10 (v) will implement an institutional
11 change strategy with a long-term impact
12 that will continue to be a central activity
13 of the eligible entity upon termination of
14 the grant; and

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

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

21 (i) all levels of education, including—

22 (I) elementary and secondary
23 education;

24 (II) undergraduate and graduate
25 education;

- 1 (III) postdoctoral education and
2 research;
- 3 (IV) career and technical edu-
4 cation; and
- 5 (V) adult education;
- 6 (ii) all regions of the United States;
- 7 and
- 8 (iii) urban, rural, and suburban edu-
9 cational entities.

10 (f) EVALUATION AND DISSEMINATION.—

11 (1) EVALUATION.—

12 (A) IN GENERAL.—Each eligible entity
13 that receives a grant under this section shall
14 conduct an assessment about the extent to
15 which the eligible entity made progress on the
16 indicators under subsection (c)(2)(A).

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

20 (C) USE BY SECRETARY.—Not later than
21 1 year after receiving the grant award, the eli-
22 gible entity shall submit a report to the Sec-
23 retary containing the results of such assess-
24 ment. The Secretary shall use those reports in
25 order to build the knowledge base on promising

1 models for preventing and reducing sex dis-
2 crimination across all areas and levels of edu-
3 cation.

4 (2) DISSEMINATION.—The Secretary shall co-
5 ordinate with the Director of the Institute of Edu-
6 cation Sciences and other relevant Federal offices
7 and agencies to—

8 (A) ensure that the results of the activities
9 carried out under this section are made readily
10 available on the Office for Gender Equity re-
11 source center website; and

12 (B) widely disseminate the results de-
13 scribed in subparagraph (A) to relevant Federal
14 offices, and agencies, educational entities and
15 the general public.

16 **SEC. 8. RESEARCH AND DEVELOPMENT.**

17 (a) IN GENERAL.—The Secretary shall coordinate
18 with the Director of the Institute of Education Sciences
19 and other relevant Federal offices and agencies and enti-
20 ties to investigate, identify, and disseminate best practices
21 to fully implement title IX and reduce and prevent sex
22 discrimination in all areas of education, including—

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

1 (2) the development of policies and programs
2 to—

3 (A) address and prevent sexual and sex-
4 based harassment and violence; and

5 (B) ensure that campuses are free from
6 threats to the safety of students, teachers, fac-
7 ulty, and personnel;

8 (3) the development and evaluation of—

9 (A) counseling and career guidance train-
10 ing; and

11 (B) programs to reduce and prevent sex
12 stereotyping, bias, and discrimination;

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

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

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

19 (b) DISSEMINATION.—The best practices described
20 under subsection (a) shall be published on the Office for
21 Gender Equity resource center website, as described in
22 section 5(b)(5), and the What Works Clearinghouse
23 website of the Institute of Education Sciences.

1 **SEC. 9. REPORT; DISSEMINATION.**

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

6 (1) support educational entities in fully imple-
7 menting title IX and reducing and preventing sex
8 discrimination;

9 (2) provide coordination, training, and re-
10 sources for title IX coordinators to fully carry out
11 their roles and responsibilities; and

12 (3) promote equity in education for students
13 who face compound discrimination.

14 (b) DISSEMINATION.—The Secretary shall coordinate
15 with the Director of the Institute of Education Sciences
16 and the heads of relevant Federal agencies to ensure that
17 the results of trainings, activities, evaluations, and re-
18 search developments under this Act are made readily
19 available on the Office for Gender Equity resource center
20 website and disseminated widely to other relevant Federal
21 agencies and offices, educational entities, and the general
22 public.

23 **SEC. 10. RULE OF CONSTRUCTION.**

24 Nothing in this Act shall be construed—

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

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

7 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) IN GENERAL.—There are authorized to be appro-
9 priated to carry out this Act \$80,000,000 for each of fiscal
10 years 2017 through 2021.

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

○