

116TH CONGRESS
1ST SESSION

S. _____

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 SENATE OF THE UNITED STATES

Ms. HIRONO introduced the following bill; which was read twice and referred to the Committee on _____

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”.

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 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 $\frac{1}{2}$ of Asian-American girls play sports, com-
14 pared to more than $\frac{3}{4}$ of White girls. Female stu-
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
15 “STEM”) education, women are disproportionately
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 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 cent of computing bachelor's degrees, and 21 per-
2 cent 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 Women found that women comprise only 36
7 percent of tenured faculty and 30 percent of univer-
8 sity presidents. A similar study by the National
9 Science Foundation confirmed that women only hold
10 34 percent of all tenured and tenure-track positions,
11 and 27 percent of full professor positions in STEM
12 fields. Furthermore, Black and Latina women, to-
13 gether, hold only 4 percent of all tenured and ten-
14 ure-track positions, and barely over 2 percent of full
15 professor positions in STEM fields. Asian-American
16 women hold around 5 percent of all tenured and ten-
17 ure-track positions, and less than 3 percent of full
18 professor positions in STEM fields.

19 (6) Although title IX protects against sexual
20 and sex-based harassment and violence, more than
21 50 percent of girls and 40 percent of boys in grades
22 7 through 12 experience sexual harassment each
23 year, and approximately 10 percent of high school
24 students experience dating violence each year. A re-
25 cent 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”)
3 students have experienced harassment or assault
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. Re-
7 search has shown that LGBTQ students who experi-
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 $\frac{1}{2}$ 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,

1 further limiting continuing opportunities for edu-
2 cation and employment.

3 (8) Although title IX protects against discrimi-
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:

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

22 (2) COMPOUND DISCRIMINATION.—The term
23 “compound discrimination” means discrimination
24 based on sex and one or more other characteristics,
25 which may include—

- 1 (A) race;
- 2 (B) ethnicity;
- 3 (C) national origin;
- 4 (D) disability status;
- 5 (E) religion;
- 6 (F) age; or
- 7 (G) perceived sex, sexual orientation, gen-
- 8 der or gender identity, and related stereotypes.

9 (3) DIRECTOR.—The term “Director” means

10 the Director of the Office for Gender Equity estab-

11 lished under section 5(a).

12 (4) EDUCATIONAL ENTITY.—The term “edu-

13 cational entity” means any of the following entities

14 that receive Federal funds:

- 15 (A) A State educational agency.
- 16 (B) A local educational agency.
- 17 (C) An institution of higher education.
- 18 (D) An elementary school or secondary
- 19 school.

20 (5) SECRETARY.—The term “Secretary” means

21 the Secretary of Education.

22 (6) SEX DISCRIMINATION.—The term “sex dis-

23 crimination” means bias, discrimination, harass-

24 ment, or violence based on:

1 (A) Actual or perceived sex, sexual orienta-
2 tion, gender, or gender identity.

3 (B) Pregnancy, childbirth, or a related
4 medical condition.

5 (C) A stereotype associated with any char-
6 acteristic described in subparagraphs (A) or
7 (B).

8 (7) TITLE IX COORDINATOR.—The term “title
9 IX coordinator” means a responsible employee, as
10 described in section 106.8(a) of title 34, Code of
11 Federal Regulations, designated to coordinate efforts
12 under title IX of the Education Amendments of
13 1972 (20 U.S.C. 1681 et seq.).

14 **SEC. 4. PURPOSES.**

15 The purposes of this Act are to—

16 (1) promote gender equity in education in the
17 United States;

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

20 (3) provide title IX coordinators with training,
21 technical assistance, and support to fully carry out
22 their roles and responsibilities;

23 (4) increase general awareness about the rights
24 and obligations of individuals and entities under title
25 IX;

1 (5) identify, implement, and disseminate best
2 practices for reducing and preventing sex discrimina-
3 tion in all areas of education;

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

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

9 **SEC. 5. ESTABLISHMENT OF AN OFFICE FOR GENDER EQ-**
10 **UITY.**

11 (a) IN GENERAL.—The Secretary shall establish an
12 Office for Gender Equity. The Director of the Office for
13 Gender Equity shall be the Special Assistant for Gender
14 Equity, as authorized under section 202(b)(3) of the De-
15 partment of Education Organization Act (20 U.S.C.
16 3412(b)(3)). The Director of the Office for Gender Equity
17 shall report directly to the Secretary.

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

20 (1) Supporting educational entities in the full
21 implementation of title IX.

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

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

4 (4) Identifying and disseminating best practices
5 for reducing and preventing sex discrimination in all
6 areas of education.

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

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

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

15 (1) the Office for Civil Rights of the Depart-
16 ment of Education;

17 (2) the Institute of Education Sciences;

18 (3) the White House Council on Women and
19 Girls;

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

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

24 (6) the Civil Rights Division of the Department
25 of Justice;

1 (7) the Office on Violence Against Women of
2 the Department of Justice;

3 (8) the Centers for Disease Control and Preven-
4 tion;

5 (9) the Office of Safe and Healthy Students of
6 the Department of Education; and

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

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

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

15 (b) **TITLE IX COORDINATOR TRAINING.**—

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

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

1 (A) The role and responsibility of title IX
2 coordinators.

3 (B) Best practices for increasing aware-
4 ness about rights and obligations under title
5 IX.

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

8 (D) Best practices for identifying and pre-
9 venting implicit and explicit sex discrimination
10 in all areas of education, including—

11 (i) recruitment and admissions;

12 (ii) teaching practices, textbooks, and
13 curricula;

14 (iii) campus safety and security;

15 (iv) financial assistance;

16 (v) access to facilities, resources, and
17 housing;

18 (vi) access to course offerings;

19 (vii) student health services and insur-
20 ance benefits;

21 (viii) counseling and career guidance;

22 (ix) athletics;

23 (x) discipline policies;

24 (xi) employment; and

1 (xii) other areas that the Director de-
2 termines are relevant for such purposes.

3 (3) APPLICATION OF TRAINING.—

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

7 (i) are adapted, as necessary, to ad-
8 dress issues of sex discrimination at all lev-
9 els of education;

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

12 (iii) address recent trends in sex dis-
13 crimination.

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

18 (C) EVALUATION.—The Director shall—

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

24 (ii) use such evaluations to update the
25 title IX coordinator trainings annually.

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

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

11 (e) DISSEMINATION.—The Director shall ensure that
12 the workplace contact information of all title IX coordina-
13 tors and any training materials or information developed
14 under this section are made available on the Office of Gen-
15 der Equity resource center website, described in section
16 5(b)(5).

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

18 (a) GRANTS AUTHORIZED.—

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

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

- 1 (A) a State educational agency;
- 2 (B) a local educational agency;
- 3 (C) an institution of higher education;
- 4 (D) an elementary school or secondary
- 5 school; or
- 6 (E) a partnership consisting of—
- 7 (i) an entity described in subpara-
- 8 graphs (A) through (D); and
- 9 (ii) a national organization with rel-
- 10 evant expertise, or another entity that the
- 11 Secretary determines has relevant exper-
- 12 tise.

13 (b) USE OF FUNDS.—An eligible entity receiving a

14 grant shall use such funds to carry out programs and ac-

15 tivities designed to fully implement title IX and prevent

16 and reduce sex discrimination, including programs and ac-

17 tivities that—

- 18 (1) increase awareness of and counteract sex
- 19 stereotypes, biases, and discrimination;
- 20 (2) include trainings for students, teachers, fac-
- 21 ulty, and all personnel to learn about best practices
- 22 for reducing and preventing sex discrimination in all
- 23 areas of education;
- 24 (3) increase access to campus resources, facili-
- 25 ties, and course offerings;

1 (4) support title IX coordinators in performing
2 outreach, advocacy, and education about title IX and
3 reducing and preventing sex discrimination;

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

6 (6) strengthen prevention education and aware-
7 ness programs regarding sexual and sex-based har-
8 assment and violence;

9 (7) conduct and analyze campus climate and
10 victimization surveys;

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

13 (9) make efforts to improve progress on gender
14 equity indicators as described in subsection
15 (c)(2)(A); and

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

19 (c) APPLICATIONS.—

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

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

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

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

12 (ii) Civil rights data, including statis-
13 tics on bullying, harassment, violence, dis-
14 cipline, and expulsion.

15 (iii) Campus climate and victimization
16 data.

17 (iv) Employment data.

18 (v) Attendance and absenteeism data.

19 (vi) Evidence of burden on title IX co-
20 ordinators, including coordinator to stu-
21 dent ratio and competing responsibilities.

22 (vii) Other documentation of need
23 that the Secretary determines is relevant.

24 (B) A description of the evidence that will
25 serve as the basis for the activities that the eli-

1 eligible entity proposes to carry out using grant
2 funds under this section.

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

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

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

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

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

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

1 (e) AWARD BASIS.—

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

4 (2) PRIORITIES.—

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

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

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

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

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

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

1 (v) will implement an institutional
2 change strategy with a long-term impact
3 that will continue to be a central activity
4 of the eligible entity upon termination of
5 the grant; and

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

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

12 (i) all levels of education, including—

13 (I) elementary and secondary
14 education;

15 (II) undergraduate and graduate
16 education;

17 (III) postdoctoral education and
18 research;

19 (IV) career and technical edu-
20 cation; and

21 (V) adult education;

22 (ii) all regions of the United States;

23 and

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

1 (f) EVALUATION AND DISSEMINATION.—

2 (1) EVALUATION.—

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

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

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

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

24 (A) ensure that the results of the activities
25 carried out under this section are made readily

1 available on the Office for Gender Equity re-
2 source center website; and

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

7 **SEC. 8. RESEARCH AND DEVELOPMENT.**

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

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

17 (2) the development of policies and programs
18 to—

19 (A) address and prevent sexual and sex-
20 based harassment and violence; and

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

24 (3) the development and evaluation of—

1 (A) counseling and career guidance train-
2 ing; and

3 (B) programs to reduce and prevent sex
4 stereotyping, bias, and discrimination;

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

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

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

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

16 **SEC. 9. REPORT; DISSEMINATION.**

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

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

1 (2) provide coordination, training, and re-
2 resources for title IX coordinators to fully carry out
3 their roles and responsibilities; and

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

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

15 **SEC. 10. RULE OF CONSTRUCTION.**

16 Nothing in this Act shall be construed—

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

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

1 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There are authorized to be appro-
3 priated to carry out this Act \$80,000,000 for each of fiscal
4 years 2020 through 2025.

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