

115TH CONGRESS
2D SESSION

S. _____

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

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.

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:

9 (1) Title IX of the Education Amendments of
10 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. A 2012 report by the Na-
8 tional Women’s Law Center indicates that only 64
9 percent of Black girls, 64 percent of Hispanic girls,
10 and 53 percent of Asian-American girls play sports,
11 compared to 76 percent of White girls. Female stu-
12 dent athletes have been found to have higher levels
13 of self-esteem and to be more likely to graduate
14 from high school than female students who do not
15 play sports. Although the availability of athletic
16 scholarships facilitates access to higher education,
17 many schools fail to award proportional athletic fi-
18 nancial aid to women, which can affect their long-
19 term employment outcomes and economic security.

20 (3) Although title IX ensures gender equity in
21 career and technical education, women are severely
22 underrepresented in nontraditional fields. A 2017
23 study by the National Coalition for Women and
24 Girls in Education reports that women make up
25 more than 80 percent of workers with training or

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

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

24 (5) Although title IX prohibits sex discrimina-
25 tion in employment in federally funded education

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

15 (6) Although title IX protects against sexual
16 and sex-based harassment and violence, more than
17 50 percent of girls and 40 percent of boys in grades
18 7 through 12 experience sexual harassment each
19 year, and approximately 10 percent of high school
20 students experience dating violence each year. A
21 2015 Gay, Lesbian and Straight Education Network
22 report indicates that 85 percent of lesbian, gay, bi-
23 sexual, transgender, queer, and questioning (referred
24 to in this section as “LGBTQ”) students have expe-
25 rienced verbal harassment based on a personal char-

1 acteristic, and nearly 66 percent have experienced
2 LGBTQ-related discrimination at school. Research
3 has shown that LGBTQ students who experience
4 harassment at school are more likely to experience
5 depression and anxiety, to engage in unhealthy and
6 antisocial behaviors, and to have more unexcused ab-
7 sences from school.

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

21 (8) Although title IX protects against discrimi-
22 nation based on stereotypes of actual or perceived
23 sex, gender, gender identity, or sexual orientation,
24 many people carry implicit or unconscious biases
25 that can unintentionally influence attitudes, beliefs,

1 behaviors, and decisionmaking processes. Research
2 has shown that unconscious biases can impact class-
3 room environments, teaching methods, student eval-
4 uations, disciplinary practices, and career and coun-
5 seling guidance, particularly for students who are
6 pursuing nontraditional fields.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

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

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

19 (A) race;

20 (B) ethnicity;

21 (C) national origin;

22 (D) disability status;

23 (E) religion;

24 (F) age; or

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

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

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

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.

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

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

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

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

23 (C) A stereotype associated with any char-
24 acteristic described in subparagraphs (A) or
25 (B).

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

7 **SEC. 4. PURPOSES.**

8 The purposes of this Act are to—

9 (1) promote gender equity in education in the
10 United States;

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

13 (3) provide title IX coordinators with training,
14 technical assistance, and support to fully carry out
15 their roles and responsibilities;

16 (4) increase general awareness about the rights
17 and obligations of individuals and entities under title
18 IX;

19 (5) identify, implement, and disseminate best
20 practices for reducing and preventing sex discrimina-
21 tion in all areas of education;

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

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

3 **SEC. 5. ESTABLISHMENT OF AN OFFICE FOR GENDER EQ-**
4 **UITY.**

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

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

14 (1) Supporting educational entities in the full
15 implementation of title IX.

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

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

22 (4) Identifying and disseminating best practices
23 for reducing and preventing sex discrimination in all
24 areas of education.

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

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

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

9 (1) the Office for Civil Rights of the Depart-
10 ment of Education;

11 (2) the Institute of Education Sciences;

12 (3) the White House Council on Women and
13 Girls;

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

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

18 (6) the Civil Rights Division of the Department
19 of Justice;

20 (7) the Office on Violence Against Women of
21 the Department of Justice;

22 (8) the Centers for Disease Control and Preven-
23 tion;

24 (9) the Office of Safe and Healthy Students of
25 the Department of Education; and

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

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

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

9 (b) TITLE IX COORDINATOR TRAINING.—

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

16 (2) CONTENTS OF TRAINING.—The training de-
17 scribed in paragraph (1) shall include the following
18 information:

19 (A) The role and responsibility of title IX
20 coordinators.

21 (B) Best practices for increasing aware-
22 ness about rights and obligations under title
23 IX.

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

- 1 (D) Best practices for identifying and pre-
2 venting implicit and explicit sex discrimination
3 in all areas of education, including—
- 4 (i) recruitment and admissions;
 - 5 (ii) teaching practices, textbooks, and
6 curricula;
 - 7 (iii) campus safety and security;
 - 8 (iv) financial assistance;
 - 9 (v) access to facilities, resources, and
10 housing;
 - 11 (vi) access to course offerings;
 - 12 (vii) student health services and insur-
13 ance benefits;
 - 14 (viii) counseling and career guidance;
 - 15 (ix) athletics;
 - 16 (x) discipline policies;
 - 17 (xi) employment; and
 - 18 (xii) other areas that the Director de-
19 termines are relevant for such purposes.
- 20 (3) APPLICATION OF TRAINING.—
- 21 (A) IN GENERAL.—The Director shall take
22 steps to ensure that the trainings described in
23 paragraph (1)—

1 (i) are adapted, as necessary, to ad-
2 dress issues of sex discrimination at all lev-
3 els of education;

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

6 (iii) address recent trends in sex dis-
7 crimination.

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

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 ties 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 (1) IN GENERAL.—The Secretary, acting
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 secondary
25 school; or

- 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;

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

4 (7) conduct and analyze campus climate and
5 victimization surveys;

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

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

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

14 (c) APPLICATIONS.—

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

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

23 (A) A description of locally defined and
24 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.

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

5 (E) A description of how the proposed ac-
6 tivities will help the eligible entity fully imple-
7 ment title IX.

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

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

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

21 (e) AWARD BASIS.—

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

24 (2) PRIORITIES.—

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

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

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

14 (ii) will address the needs of students
15 who face compound discrimination;

16 (iii) has not previously received assist-
17 ance under this section;

18 (iv) will address relevant issues of na-
19 tional significance through solutions that
20 can be replicated;

21 (v) will implement an institutional
22 change strategy with a long-term impact
23 that will continue to be a central activity
24 of the eligible entity upon termination of
25 the grant; and

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

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

7 (i) all levels of education, including—

8 (I) elementary and secondary
9 education;

10 (II) undergraduate and graduate
11 education;

12 (III) postdoctoral education and
13 research;

14 (IV) career and technical edu-
15 cation; and

16 (V) adult education;

17 (ii) all regions of the United States;

18 and

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

21 (f) EVALUATION AND DISSEMINATION.—

22 (1) EVALUATION.—

23 (A) IN GENERAL.—Each eligible entity
24 that receives a grant under this section shall
25 conduct an assessment about the extent to

1 which the eligible entity made progress on the
2 indicators under subsection (c)(2)(A).

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

6 (C) USE BY SECRETARY.—Not later than
7 1 year after receiving the grant award, the eli-
8 gible entity shall submit a report to the Sec-
9 retary containing the results of such assess-
10 ment. The Secretary shall use those reports in
11 order to build the knowledge base on promising
12 models for preventing and reducing sex dis-
13 crimination across all areas and levels of edu-
14 cation.

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

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

23 (B) widely disseminate the results de-
24 scribed in subparagraph (A) to relevant Federal

1 offices, and agencies, educational entities and
2 the general public.

3 **SEC. 8. RESEARCH AND DEVELOPMENT.**

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

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

13 (2) the development of policies and programs
14 to—

15 (A) address and prevent sexual and sex-
16 based harassment and violence; and

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

20 (3) the development and evaluation of—

21 (A) counseling and career guidance train-
22 ing; and

23 (B) programs to reduce and prevent sex
24 stereotyping, bias, and discrimination;

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

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

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

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

12 **SEC. 9. REPORT; DISSEMINATION.**

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

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

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

23 (3) promote equity in education for students
24 who face compound discrimination.

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

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

11 Nothing in this Act shall be construed—

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

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

18 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

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

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