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

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

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Patsy T. Mink Gender Equity in Education Act of 2016”.

SEC. 2. FINDINGS.

Findings.—Congress finds the following:

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

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

(3) Although title IX ensures gender equity in career and technical education, women are severely underrepresented in nontraditional fields. The American Association for the University of Women reports that females make up more than 70 percent of students enrolled in classes that prepare students for
low-paying and historically female jobs, such as caregivers and cosmetologists and only 20 percent of students enrolled in classes that prepare students for high-paying and historically male jobs, such as energy technicians and electricians.

(4) Although title IX ensures gender equity in the fields of science, technology, engineering, and mathematics (in this section referred to as “STEM”) education, women are disproportionately lost at nearly every stage of the STEM pipeline. The National Student Clearinghouse reports that the percentage of women earning STEM degrees has decreased over the past decade, with women earning 19 percent of engineering bachelor’s degrees, 18 percent of computing bachelor’s degrees, 42 percent of mathematics bachelor’s degrees, and 39 percent of physical science bachelor’s degrees. In 2013, women of color earned only 6 percent of computing bachelor’s degrees and 3 percent of engineering bachelor’s degrees.

(5) Although title IX prohibits sex discrimination in employment in federally funded education programs, women comprise only 37.5 percent of tenured faculty and 22 percent of university presidents, and female representation in STEM drops at
every faculty and leadership level. The National Science Foundation reports that women hold only 25 percent of all tenured and tenure-track positions and 17 percent of full professor positions in STEM fields, Black and Hispanic women together hold only 4.4 percent of all tenured and tenure-track positions and 1.5 percent of full professor positions in STEM fields, and Asian-American women hold only 6.1 percent of all tenured and tenure-track positions and 1.9 percent of full professor positions in STEM fields.

(6) Although title IX protects against sexual and sex-based harassment and violence, more than 50 percent of girls in grades 7 through 12 experience sexual harassment each year and approximately 10 percent of high school students experience dating violence each year. A 2013 study by the Gay Lesbian Straight Education Network reports that 55 percent of lesbian, gay, bisexual, and transgender youth report feeling unsafe at school because of their sexual orientation and 38 percent report feeling unsafe because of their gender expression. Research has shown that students who experience harassment at school are more likely to experience depression and anxiety, to engage in unhealthy and antisocial
behaviors, and to have more unexcused absences from school.

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

(8) Although title IX protects against discrimination based on stereotypes of actual or perceived sex, gender, gender identity, or sexual orientation, many people carry implicit or unconscious biases that can unintentionally influence attitudes, beliefs, behaviors, and decisionmaking processes. Research has shown that unconscious biases can impact classroom environments, teaching methods, student evaluations, disciplinary practices, and career and coun-
seling guidance, particularly for students who are
pursuing nontraditional fields.

SEC. 3. DEFINITIONS.

In this Act:

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

(2) COMPOUND DISCRIMINATION.—The term “compound discrimination” means discrimination based on sex, and 1 or more other characteristic, including race, ethnicity, national origin, disability status, religion, or age.

(3) DIRECTOR.—The term “Director” means the Director of the Officer for Gender Equity established under section 5(a).

(4) EDUCATIONAL ENTITY.—The term “educational entity” means any of the following entities that receive Federal funds:

(A) A State educational agency.

(B) A local educational agency.

(C) An institution of higher education.
(D) An elementary school or secondary school.

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

(6) SEX DISCRIMINATION.—The term “sex discrimination” means bias, discrimination, harassment, or violence based on:

(A) Actual or perceived sex, sexual orientation, gender, or gender identity.

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

(C) A stereotype associated with any characteristic described in subparagraphs (A) or (B).

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

SEC. 4. PURPOSES.

The purposes of this Act are to—

(1) promote gender equity in education in the United States;
(2) support educational entities so that such entities have the support to fully implement title IX;

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

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

(5) identify, implement, and disseminate best practices for reducing and preventing sex discrimination in all areas of education;

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

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

SEC. 5. ESTABLISHMENT OF AN OFFICE FOR GENDER EQUITY.

(a) IN GENERAL.—The Secretary shall establish an Office for Gender Equity. The Director of the Office for Gender Equity shall be the Special Assistant for Gender Equity, as authorized under section 202(b)(3) of the Department of Education Organization Act (20 U.S.C. 3412(b)(3)). The Director of the Office for Gender Equity shall report directly to the Secretary.
(b) DUTIES.—The Office for Gender Equity shall be responsible for the following:

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

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

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

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

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

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

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

(1) the Office for Civil Rights of the Department of Education;

(2) the Institute of Education Sciences;
(3) the White House Council on Women and Girls;
(4) the Women’s Bureau of the Department of Labor;
(5) the Office on Women’s Health of the Department of Health and Human Services;
(6) the Civil Rights Division of the Department of Justice;
(7) the Office on Violence Against Women of the Department of Justice;
(8) the Centers for Disease Control and Prevention;
(9) the Office of Safe and Healthy Students of the Department of Education; and
(10) other entities determined relevant for carrying out the purposes of this Act.

SEC. 6. SUPPORT FOR TITLE IX COORDINATORS.

(a) In General.—The Director shall provide coordination, training, technical assistance, and support for title IX coordinators to ensure that educational entities are able to fully implement title IX and reduce and prevent sex discrimination in all areas of education.

(b) Title IX Coordinator Training.—

(1) In General.—Not less than once a year, the Director shall conduct a training for all title IX
11 coordinators. The training may be conducted in partnership with a national organization with relevant expertise, and may be completed online or in person.

(2) CONTENTS OF TRAINING.—The training described in paragraph (1) shall include the following information:

(A) The role and responsibility of title IX 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.—

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

(i) are adapted, as necessary, to address issues of sex discrimination at all levels of education;

(ii) are updated with the latest evidence-based best practices; and

(iii) address recent trends in sex discrimination.

(B) ATTENTION TO COMPOUND DISCRIMINATION.—The Director shall take steps to ensure that such trainings include attention to students who face compound discrimination.

(C) EVALUATION.—The Director shall—
13

(i) develop and conduct pre- and post-training evaluations to assess the effectiveness of such trainings in improving the knowledge of the roles and responsibilities of title IX coordinators; and

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

(c) HANDBOOK FOR CONDUCTING TITLE IX COMPLIANCE SELF-EVALUATIONS.—The Director shall develop a handbook for conducting self-evaluations of compliance with title IX in all areas of education, as described in subsection (b)(2)(D).

(d) ASSESSMENT OF TITLE IX COORDINATOR SUPPORT.—The Director shall collect relevant data and statistics on all title IX coordinators, including salary information, budgets, and primary roles, in order to make recommendations for improving title IX coordinator support.

(e) DISSEMINATION.—The Director shall ensure that the workplace contact information of all title IX coordinators and any training materials or information developed under this section are made available on the Office of Gender Equity resource center website, described in section 5(b)(5).

SEC. 7. SUPPORT FOR LOCAL IMPLEMENTATION.

(a) GRANTS AUTHORIZED.—
(1) In general.—The Secretary, acting through the Director, is authorized to award grants to educational entities to support such educational entities in fully implementing title IX and reducing and preventing sex discrimination in all areas of education.

(2) Eligible entity.—In this section, the term “eligible entity” means—

(A) a State educational agency;

(B) a local educational agency;

(C) an institution of higher education;

(D) an elementary school or secondary school; or

(E) a partnership consisting of—

(i) an entity described in subparagraphs (A) through (D); and

(ii) a national organization with relevant expertise, or another entity that the Secretary determines has relevant expertise.

(b) Use of funds.—An eligible entity receiving a grant shall use such funds to carry out programs and activities designed to fully implement title IX and prevent and reduce sex discrimination, including programs and activities that—
(1) increase awareness of and counteract sex stereotypes, biases, and discrimination;

(2) include trainings for students, teachers, faculty, and all personnel to learn about best practices for reducing and preventing sex discrimination in all areas of education;

(3) increase access to campus resources, facilities, and course offerings;

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

(5) are aimed at identifying patterns or systemic problems in compliance with title IX;

(6) strengthen prevention education and awareness programs regarding sexual and sex-based harassment and violence;

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

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

(9) make efforts to improve progress on gender equity indicators as described in subsection (e)(2)(A); and
(10) make efforts to improve accuracy in measurement, data collection, and reporting of gender equity indicators as described in subsection (c)(2)(A).

(c) APPLICATIONS.—

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

(2) CONTENTS OF APPLICATION.—Each application submitted by an eligible entity under this section shall include the following:

(A) A description of locally defined and documented gender equity needs and priorities, which may include any of the following indicators:

(i) Academic indicators, including performance on State assessments, enrollment, admission, attrition, time to completion, and graduation rates.

(ii) Civil rights data, including statistics on bullying, harassment, violence, discipline and expulsion.

(iii) Campus climate and victimization data.
(iv) Employment data.

(v) Attendance and absenteeism data.

(vi) Evidence of burden on title IX co-

ordinators, including coordinator to stu-

dent ratio and competing responsibilities.

(vii) Other documentation of need

that the Secretary determines is relevant.

(B) A description of the evidence that will

serve as the basis for the activities that the eli-

gible entity proposes to carry out using grant

funds under this section.

(C) A description of the activities that the

eligible entity proposes to carry out using grant

funds under this section.

(D) A description of how the proposed ac-

tivities will be adapted, as necessary, to meet

the needs of students who face compound dis-

crimination.

(E) A description of how the proposed ac-

tivities will help the educational entity fully im-

plement title IX.

(F) A description of a plan for how the

proposed activities under this section will con-

tinue with local support following completion of
the grant period and termination of Federal funding.

(G) A description of how the proposed activities are a significant component of a comprehensive plan for gender equity in education and full implementation of title IX.

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

(e) AWARD BASIS.—

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

(2) PRIORITIES.—

(A) IN GENERAL.—The Secretary shall establish criteria for determining which eligible entities shall have priority in receiving a grant under this section.

(B) LEVEL OF PRIORITY.—The criteria described in subparagraph (A) may include a consideration of the extent to which the application demonstrates that the eligible entity—

(i) has demonstrated a high need for gender equity assistance based on indicators described in subsection (c)(2)(A) and
a high commitment to addressing these
issues;
(ii) will address the needs of students
who face compound discrimination;
(iii) has not previously received assist-
ance under this section;
(iv) will address relevant issues of na-
tional significance through solutions that
can be replicated;
(v) will implement an institutional
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 education; and

(V) adult education;

(ii) all regions of the United States;

and

(iii) urban, rural, and suburban educational entities.

(f) EVALUATION AND DISSEMINATION.—

(1) EVALUATION.—

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

(B) ASSESSMENT.—An eligible entity may work in partnership with Institute of Education Sciences to conduct such assessment.

(C) USE BY SECRETARY.—Not later than 1 year after receiving the grant award, the eligible entity shall submit a report to the Secretary containing the results of such assessment. The Secretary shall use those reports in order to build the knowledge base on promising
models for preventing and reducing sex discrimina-
tion across all areas and levels of education.

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

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

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

SEC. 8. RESEARCH AND DEVELOPMENT.

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

(1) the reduction and prevention of sex stereo-
typing, bias, and discrimination in curricula, text-
books, software, and other educational materials;
(2) the development of policies and programs to—

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

(B) ensure that campuses are free from threats to the safety of students, teachers, faculty, and personnel;

(3) the development and evaluation of—

(A) counseling and career guidance training; and

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

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

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

(6) other activities that the Secretary determines are consistent with the purposes of this Act.

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

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

(1) support educational entities in fully implementing title IX and reducing and preventing sex discrimination;

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

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

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

SEC. 10. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed—
(1) as modifying any provision of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.); or

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

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act $80,000,000 for each of fiscal years 2017 through 2021.

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