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Gender Equity/Title IX

Gender Equity

It is the policy of the State of California that all persons, regardless of their gender, should enjoy freedom from discrimination of any kind in the educational institution of the state. The laws found in the [California Education Code 221.5-231.5](#) are collectively known as the Sex Equity in Education Act. These laws expand upon gender equity and Title IX laws which provide guidance to California's education system. Each Local Educational Agency (LEA) will be responsible for following the laws in addition to Title IX requirements.

State Bill 1375 ([California Education Code, 221.61](#)), creates new requirements for the Title IX coordinators' informational posts. Title IX coordinators should carefully read and disseminate the following:

California Education Code, 221.61

- a. On or before July 1, 2017, public schools, private schools that receive federal funds and are subject to the requirements of Title IX, school districts, county offices of education, and charter schools shall post in a prominent and conspicuous location on their Internet Web sites all of the following:
 1. The name and contact information of the Title IX coordinator for that public school, private school, school district, county office of education, or charter school, which shall include the Title IX coordinator's phone number and email address.
 2. The rights of a pupil and the public and the responsibilities of the public school, private school, school district, county office of education, or charter school under Title IX, which shall include, but shall not be limited to, Internet Web links to information about those rights and responsibilities located on the Internet Web sites of the department's Office for Equal Opportunity and the United States Department of Education Office of Civil Rights, and the list of rights specified in Section 221.8.
 3. A description of how to file a complaint under Title IX, which shall include all of the following:
 - A. An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred, and how a complaint may

be filed beyond the statute of limitations.


- B. An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including, but not limited to, Internet Web links to this information on the United States Department of Education Office for Civil Rights' Internet Web site.
 - C. An Internet Web link to the United States Department of Education Office for Civil Rights complaints form, and the contact information for the office, which shall include the phone number and email address for the office.
- b. On or before April 1, 2017, and annually thereafter, the Superintendent shall send a letter through electronic means to all public schools, private schools that receive federal funds and are subject to the requirements of Title IX, school districts, county offices of education, and charter schools informing them of the requirement specified in subdivision (a) and of their responsibilities under Title IX.
 - c. A public school that does not maintain an Internet Web site may comply with subdivision (a) by posting the information specified in paragraphs (1) to (3), inclusive, of subdivision (a) on the Internet Web site of its school district or county office of education.
 - d. Nothing in this section shall be construed to require a school or local educational agency to establish an Internet Web site if the school or local educational agency does not already maintain one.

Title IX

Title IX is a federal law that was passed in 1972 to ensure that male and female students and employees in educational settings are treated equally and fairly. It protects against discrimination based on sex (including sexual harassment). In addition, Title IX protects transgender students and students who do not conform to gender stereotypes. State law also prohibits discrimination based on gender (sex), gender expression, gender identity, and sexual orientation. The preamble to Title IX of the Education Amendments of 1972 states that:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Title IX requires that each school district have at least one person designated as the Title IX Coordinator.

From the regulations governing Title IX of the Education Amendments of 1972  (20 U.S.C. 1681, 1682):

106.8 Designation of Responsible Employee and Adoption of Complaint Procedures

- a. *Designation of responsible employee.* Each recipient shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to such recipient alleging its noncompliance with this part or alleging any actions which would be prohibited by this part. The recipient shall notify all its students and employees of the name, office address and telephone number of the employee or employees appointed pursuant to this paragraph.
- b. *Complaint procedure of recipient.* A recipient shall adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action which would be prohibited by this part.

(Authority: 34 C.F.R. Sec 106.8)

106.9 Dissemination of Policy

a. Notification of policy.

1. Each recipient shall implement specific and continuing steps to notify applicants for admission and employment, students and parents of elementary and secondary school students, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient, that it does not discriminate on the basis of sex in the educational program or activity which it operates, and that it is required by Title IX and this part not to discriminate in such a manner. Such notification shall contain such information and be made in such manner as the Assistant Secretary finds necessary to apprise such persons of the protections against discrimination assured them by Title IX and this part, but shall state at least that the requirement not to discriminate in the education program or activity extends to employment therein, and to admission thereto unless Subpart C does not apply to the recipient, and that inquiries concerning the application of Title IX and this part to such recipient may be referred to the employee designated pursuant to Sec. 106.8, or to the Assistant Secretary.
2. Each recipient shall make the initial notification required by paragraph (a)(1) of this section within 90 days of the effective date of this part or of the date this part first applies to such recipient, whichever comes later, which notification shall include publication in:
 - i. Local newspapers;
 - ii. Newspapers and magazines operated by such recipient or by student, alumnae, or alumni groups for or in connection with such recipient; and
 - iii. Memoranda or other written communications distributed to every student and employee of such recipient.

b. Publications.

1. Each recipient shall prominently include a statement of the policy described in paragraph (a) of this section in each announcement, bulletin, catalog, or application form which it

makes available to any person of a type, described in paragraph (a) of this section, or which is otherwise used in connection with the recruitment of students or employees.

2. A recipient shall not use or distribute a publication of the type described in this paragraph which suggests, by text or illustration, that such recipient treats applicants, students, or employees differently on the basis of sex except as such treatment is permitted by this part.
- c. *Distribution.* Each recipient shall distribute without discrimination on the basis of sex each publication described in paragraph (b) of this section, and shall apprise each of its admission and employment recruitment representatives of the policy of nondiscrimination described in paragraph (a) of this section, and require such representatives to adhere to such policy.

(Authority: 34 C.F.R. Sec 106.8)

Title IX Coordinators

California Department of Education's Title IX Coordinator:


Sharon Felix-Campos, Director
Civil Rights, Title IX, ADA/504, MOA Coordinator
Office of Equal Opportunity
1430 N Street, Room 4206
Sacramento, CA 95814
916-445-9174 Telephone
916-324-9818 Facsimile
oeoinfo@cde.ca.gov


[SB 1375 Notification Letter 2017](#)


[Title IX District Notification Letter 2013](#)

[Title IX Coordinator Survey 2013 \(DOC\)](#)

Resources for Coordinators

[Letter to Title IX Coordinators](#)  (PDF) - The United States Department of Education Office of Civil Rights (OCR) sent this letter, on April 24, 2015, as an introduction to all new Title IX coordinators.

[Dear Colleague Letter: Title IX Coordinators](#)  (PDF) - The OCR sent this letter, on April 24, 2015, as a reminder to all Title IX coordinators of their responsibilities.

[Title IX Coordinators Resource Guide](#)  (PDF) - A Title IX booklet published by OCR to assist Title IX coordinators in understanding the scope and procedures.

[Education Equity/Title IX Resources from the Feminist Majority](#) 

Sexual Harassment

State and federal law protects students from all forms of sexual harassment (including sexual violence and sexual abuse). Any student, regardless of their gender, may potentially face sexual harassment which can interfere with a student's academic performance, as well as their emotional and physical well-being. Preventing and remedying sexual harassment in schools is essential to ensuring a safe environment in which students can learn. Title IX coordinators are in the best position to prevent harassment and to lessen the harm to students if, despite their best efforts, acts of sexual harassment do occur.

To assist coordinators in eliminating sexual harassment from schools the United States Department of Education Office of Civil Rights (OCR) has developed a webpage on [Sexual Harassment Resources](#), which includes, but is not limited to, the following:

- [Frequently Asked Questions about Sexual Harassment](#)
- [Revised OCR Sexual Harassment Guidance](#)
- [Checklist for Addressing Harassment](#)
- [Sexual Harassment: It's Not Academic](#)

Single Sex Programs

In 2006, new Title IX regulations for the establishment of single sex programs in schools were adopted by the OCR. Many factors and legal requirements must be addressed if schools are considering the development of single-sex options. The regulations related to single sex programs can be found in [California Education Code 221.5](#) and [34 CFR 106.34](#).

[Guidelines on Title IX Requirements Related to Single-Sex Classes and Schools 2002](#)

[Dear Colleague Letter on Single-Sex Programs and Title IX 2007](#)

Sex Equity in Competitive Athletics

In accordance with [California Education Code 221.9](#), each public elementary, secondary, and charter school in California, that offers competitive athletics, are required to make the following information available to the public at the end of each school year:








- The total enrollment of the school, classified by gender.
- The number of pupils enrolled at the school who participate in competitive athletics, classified by gender.
- The number of male and female teams, classified by sport and by competition level.

Competitive Athletics are defined as sports where the activity has coaches, a governing organization, practices, competes during a defined season, and has competition as its primary goal. The required data as stated above should reflect the total number of players on a team roster on the official first day of competition. Schools should post the information on the school's website. If the school does not maintain a website, the school district or charter operator shall post the information on its website. All materials used by the school to compile the data are to be retained by the school for a minimum of three years after the information has been posted.

Uniform Complaint Procedure

Complaints pertaining to Title IX issues should be filed by utilizing the Uniform Complaint Procedures (UCP) as identified in *California Code of Regulations*, Title 5, Sections 4600 et. seq. For more information on the UCP complaints and appeals visit the CDE's [Uniform Complaint Procedures and Resolution of Discrimination/Harassment Complaint](#) pages.

Other resources

- [Title IX Info](#) 
- [American Association of University Women](#) 
- [Feminist Majority Foundation](#) 
- [National Women's Law Center](#) 
- [OCR: Sex Discrimination](#) 
- [The United States Department of Justice on Title IX](#) 
- [Women's Sports Foundation](#) 

Questions: Office of Equal Opportunity | oeoinfo@cde.ca.gov | 916-445-9174

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