



Office of the Mayor

CONSENT CALENDAR
July 25, 2017

To: Honorable Mayor and Members of the City Council

From: Mayor Jesse Arreguín and Councilmembers Sophie Hahn, Cheryl Davila, and Ben Bartlett

Subject: Support SB 169: Strengthening Enforcement of Sex Equity in Schools Receiving State Financial Assistance

RECOMMENDATION

That the Berkeley City Council send a letter of support for SB 169 to Assemblymember Tony Thurmond, State Senator Nancy Skinner, and Governor Jerry Brown.

BACKGROUND

Title IX of the Education Amendments Act is a federal civil rights law that bans sex discrimination in all educational institutions receiving federal funds. Currently, this statute and implementation guidance requires schools to respond immediately to sexual violence and address the hostile learning environment it creates. Among other mandates, institutions must distribute notices of nondiscrimination, fund a sex equity coordinator position, inform students and families of grievance procedures, ensure equity in grievance proceedings, and protect complainants from retaliation. This landmark legislation is fundamental to the promotion of equity in education, given that sexual harassment and assault overwhelmingly impacts women, particularly women of color, and LGBTQ+ people.

However, the federal administrators responsible for implementing Title IX have demonstrated a lack of commitment to enforcing the act's requirements. Secretary of Education Betsy DeVos has already withdrawn certain Title IX guidance, and has failed to support the 2011 Dear Colleague Letter (DCL) from the Department of Education that outlined schools' responsibilities to address campus sexual assault and proactively prevent sexual harm.

Given that federal agencies cannot be relied upon to combat sex discrimination, it is essential that new measures be taken to protect students' rights. SB 169, introduced by Senators Jackson and De León, will codify Title IX and supported sex equity policies on the state level so that enforcement can continue in California regardless of federal priorities. The bill requires educational institutions receiving state funding to follow Title IX and the DCL guidance by including sexual violence in the definition of sexual harassment, adopting and publicizing fair and effective grievance procedures, creating or maintaining at least one sex equity coordinator position, and otherwise encouraging accountability to existing federal regulations. Students need the continued enforcement

of their civil rights in order to access the equal educational opportunities promised to them by the State of California.

On June 28, 2017, SB 169 passed the Senate Committee on Judiciary Hearing and now heads to the Committee on Higher Education.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

No adverse effects to the environment.

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

Attachments:

- 1: Letter of Support
- 2: Text of SB 169

The Honorable Tony Thurmond
California State Assembly
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0015

Dear Assemblymember Thurmond,

The Berkeley City Council requests your support of Senate Bill 169 introduced by Senators Jackson and De León. SB 169 codifies the federal sex equity regulations of Title IX at the state level in the absence of adequate federal enforcement. We are proponents of state legislation that proactively combats discrimination and promotes equal and unimpeded educational opportunities for all students per the mission of the California Department of Education.

Given that the federal government has failed to act on Title IX regulations, we must move forward with a state mandate to move forward on these much needed regulations. As home to the University of California Berkeley (which in the past has come under criticism for its handling of sexual harassment cases), our City takes an especially strong stance on this issue.

Respectfully
The Berkeley City Council

CC:
The Honorable Nancy Skinner, State Senator
The Honorable Jerry Brown, Governor

AMENDED IN SENATE MAY 26, 2017

AMENDED IN SENATE MARCH 30, 2017

AMENDED IN SENATE MARCH 20, 2017

SENATE BILL

No. 169

Introduced by Senators Jackson and De León

(Coauthor: Senator Beall)

(Coauthors: Assembly Members Chiu and Cristina Garcia)

January 23, 2017

An act to amend Sections 212.5 and 231.5 of, and to add Sections 212.7, 212.81, and 66281.8 to, the Education Code, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

SB 169, as amended, Jackson. Education: sex equity.

Existing federal law, known as Title IX, prohibits a person, on the basis of sex, from being excluded from participation in, being denied the benefits of, or being subject to discrimination, which includes sexual harassment, under any education program or activity receiving federal financial assistance. Existing federal regulations issued by the United States Department of Education's Office of Civil Rights on April 4, 2011, explain that the requirements of Title IX pertaining to sexual harassment also cover sexual violence, and lays out the specific Title IX requirements applicable to sexual violence. A portion of the Donahoe Higher Education Act, known as the Equity in Higher Education Act, and the Sex Equity in Education Act establish, among other things, that it is the policy of the State of California that all persons, regardless of their sex, should enjoy freedom from discrimination of any kind in the educational institutions of the state. Specified provisions of law relating to educational equity in schools, including the Equity in Education Act

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and the Equity in Higher Education Act, define, in the same way, “sexual harassment” for the purposes of their respective provisions.

Based on the federal regulations, this bill would define “sexual harassment” to include “sexual violence,” as defined, for the purposes of those state laws. The bill would, among other things, require the appropriate governing board or body of each elementary and secondary school that receives state financial assistance, and the appropriate governing board or body of each higher education institution that receives state funds for student financial assistance, to, as a condition of receiving that financial assistance, comply with certain requirements, based on the federal regulations, including adopting and publishing *on its Internet Web site* grievance procedures for prompt and equitable resolution of student sexual harassment complaints at the school and designating at least one employee of the school to act as a sex equity coordinator. *The bill would require each local educational agency and the appropriate governing board or body of each higher education institution that receives state funds for student financial assistance to designate at least one employee to act as a sex equity coordinator.* The bill would require, on or before July 1, 2018, the State Department of Education to adopt regulations to, among other things, ensure that implementation of the applicable provisions of the bill at each elementary and secondary school that receives state financial assistance is, to the greatest extent possible, consistent with the federal regulations. The bill would require, on or before July 1, 2018, the appropriate governing board or body of each higher education institution that receives state funds for student financial assistance to, as a condition of receiving that financial assistance, adopt regulations to, among other things, ensure that implementation of the applicable provisions of the bill at the institution is, to the greatest extent possible, consistent with the federal regulations. By imposing new duties on school districts, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Education has long been recognized as the great equalizer
4 in America.

5 (b) The United States Department of Education and its Office
6 for Civil Rights believe that providing all students with an
7 educational environment free from discrimination is extremely
8 important. The sexual harassment of students, including sexual
9 violence, interferes with the right of students to receive an
10 education free from discrimination and, in the case of sexual
11 violence, is a crime.

12 (c) When a student sexually harasses another student, the
13 harassing conduct creates a hostile environment if the conduct is
14 sufficiently serious that it interferes with or limits a student's ability
15 to participate in or benefit from the school's program. The more
16 severe the conduct, the less need there is to show a repetitive series
17 of incidents to prove a hostile environment, particularly if the
18 harassment is physical. A single or isolated incident of sexual
19 harassment may create a hostile environment if the incident is
20 sufficiently severe.

21 (d) Every student has a right to be protected from sexual
22 harassment, including sexual violence, in a school's educational
23 programs and activities, including all of the academic, educational,
24 extracurricular, athletic, and other programs of the school, whether
25 those programs take place in the school's facilities, on a school
26 bus, at a class or training program sponsored by the school at
27 another location, or elsewhere, both on and off campus.

28 (e) Title IX of the Education Amendments of 1972 (20 U.S.C.
29 Sec. 1681 et seq.), and its implementing regulations, Part 106 of
30 Chapter 1 of Subtitle B of Title 34 of the Code of Federal
31 Regulations, prohibit discrimination on the basis of sex in
32 educational programs or activities operated by recipients of federal
33 financial assistance. Sexual harassment of students, which includes
34 acts of sexual violence, is a form of sex discrimination prohibited
35 by Title IX.

36 (f) On April 4, 2011, in order to assist recipient schools of
37 federal financial assistance, which include school districts, colleges,
38 and universities in meeting Title IX obligations, the United States

1 Department of Education’s Office of Civil Rights issued federal
2 regulations explaining that the requirements of Title IX pertaining
3 to sexual harassment also cover sexual violence. These federal
4 regulations lay out the specific Title IX requirements applicable
5 to sexual violence. Sexual violence, as that term is used in the
6 regulations, refers to physical sexual acts perpetrated against a
7 person’s will or where a person is incapable of giving consent due
8 to the victim’s use of drugs or alcohol. An individual also may be
9 unable to give consent due to an intellectual or other disability. A
10 number of different acts fall into the category of sexual violence,
11 including rape.

12 (g) It is critical for California to implement the federal
13 regulations issued by the United States Department of Education’s
14 Office of Civil Rights on April 4, 2011, to ensure that protections
15 are in place to properly prevent and resolve instances of sexual
16 harassment, including sexual violence, at California’s elementary
17 or secondary schools and higher education institutions.

18 (h) It is the intent of the Legislature, based on the federal
19 regulations described in subdivision (f), to define “sexual
20 harassment” to include “sexual violence,” as defined in Section
21 212.7 of the Education Code, for the purposes of Chapter 2
22 (commencing with Section 200) of Part 1 of Division 1 of Title 1
23 of the Education Code and the Equity in Higher Education Act
24 established in Chapter 4.5 (commencing with Section 66250) of
25 Part 40 of Division 5 of Title 3 of the Education Code.

26 (i) It is the intent of the Legislature that each elementary and
27 secondary school that receives state financial assistance, and each
28 higher education institution that receives state funds for student
29 financial assistance, and their respective governing boards or
30 bodies, comply with the requirements of this section as a condition
31 of receiving that financial assistance.

32 SEC. 2. Section 212.5 of the Education Code is amended to
33 read:

34 212.5. (a) “Sexual harassment” means unwelcome sexual
35 advances, requests for sexual favors, and other verbal, visual, or
36 physical conduct of a sexual nature, made by someone from or in
37 the work or educational setting, under any of the following
38 conditions:

1 (1) Submission to the conduct is explicitly or implicitly made
2 a term or a condition of an individual's employment, academic
3 status, or progress.

4 (2) Submission to, or rejection of, the conduct by the individual
5 is used as the basis of employment or academic decisions affecting
6 the individual.

7 (3) The conduct has the purpose or effect of having a negative
8 impact upon the individual's work or academic performance, or
9 of creating an intimidating, hostile, or offensive work or
10 educational environment.

11 (4) Submission to, or rejection of, the conduct by the individual
12 is used as the basis for any decision affecting the individual
13 regarding benefits and services, honors, programs, or activities
14 available at or through the educational institution.

15 (b) "Sexual harassment" also means sexual violence.

16 SEC. 3. Section 212.7 is added to the Education Code, to read:

17 212.7. "Sexual violence" means all of the following:

18 (a) Physical sexual acts perpetrated against a person's will or
19 where a person is incapable of giving consent due to the victim's
20 use of drugs or alcohol. An individual also may be unable to give
21 consent due to an intellectual or other disability.

22 (b) Rape as defined in Chapter 1 (commencing with Section
23 261) of Title 9 of Part 1 of the Penal Code.

24 (c) Sexual assault or sexual battery as defined in Chapter 9
25 (commencing with Section 240) of Title 8 of Part 1 of the Penal
26 Code.

27 (d) Sexual coercion.

28 SEC. 4. Section 212.81 is added to the Education Code, to
29 read:

30 212.81. (a) For the purposes of this section, a "school" is any
31 elementary or secondary school that receives state financial
32 assistance.

33 (b) When an appropriate state enforcement agency finds that a
34 school has not taken prompt and effective steps to respond to sexual
35 harassment pursuant to the requirements of this section, the state
36 enforcement agency shall seek appropriate remedies for both the
37 complainant and the broader pupil population. When conducting
38 enforcement activities, the state enforcement agency shall seek to
39 obtain voluntary compliance from the school. When a school does
40 not come into compliance voluntarily, the state enforcement agency

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1 may initiate proceedings with the department to withdraw state
 2 financial assistance from the school or refer the case to the
 3 Department of Justice.

4 (c) (1) ~~The appropriate governing board or body of each school~~
 5 *local educational agency shall implement all of the following*
 6 ~~requirements at the school; do both of the following:~~

7 ~~(1)~~

8 (A) Disseminate a notice of nondiscrimination to each ~~school~~
 9 ~~employee, including any individual employed by contract to~~
 10 ~~perform any service at the school; local educational agency~~
 11 ~~employee, each pupil, and the parents or legal guardians of each~~
 12 ~~pupil.~~

13 ~~(2)~~

14 (B) Designate at least one ~~school~~ *local educational agency*
 15 ~~employee to act as a sex equity coordinator to coordinate its efforts~~
 16 ~~to comply with and carry out its responsibilities under this section.~~
 17 ~~The sex equity coordinator may be the same individual as the~~
 18 ~~school's federal Title IX coordinator, if one exists.~~

19 (2) *For the purposes of this section, "local educational agency"*
 20 *means a school district, county office of education, or charter*
 21 *school that receives state financial assistance.*

22 (3) ~~Adopt~~ *The appropriate governing board or body of each*
 23 *school shall adopt and publish on its Internet Web site grievance*
 24 *procedures providing for prompt and equitable resolution of sexual*
 25 *harassment complaints filed by a pupil, or by his or her parents or*
 26 *legal guardians, against an employee, another pupil, or a third*
 27 *party. The grievance procedures shall contain all of the following*
 28 *elements:*

29 (A) Provide notice to each ~~individual described in paragraph~~
 30 ~~(1) school employee, including any individual employed by contract~~
 31 ~~to perform any service at the school, of the grievance procedures,~~
 32 ~~including where complaints may be filed.~~

33 (B) Apply the grievance procedures to each complaint alleging
 34 sexual harassment perpetrated by a school employee described in
 35 ~~paragraph (1), subparagraph (A), another pupil, or a third party.~~

36 (C) Ensure adequate, reliable, and impartial investigation of
 37 complaints, including the opportunity for both parties to present
 38 witnesses and other evidence.

39 (D) Designate reasonably prompt timeframes for the major
 40 stages of the complaint process.

1 (E) Provide notice to parties of the outcome of the complaint.

2 (F) Provide an assurance that the school will take steps to
3 prevent recurrence of any harassment and to correct its
4 discriminatory effects on the complainant and others, if appropriate.

5 (G) Specify the timeframes for all of the major stages of the
6 grievance procedures, including, but not necessarily limited to,
7 the process for extending timelines. The grievance procedures
8 shall provide both parties of a complaint periodic status updates
9 and specify the timeframe within which all of the following will
10 occur:

11 (i) The school conducts a full investigation of the complaint.

12 (ii) Both parties receive a response regarding the outcome of
13 the complaint.

14 (iii) The parties may file an appeal.

15 ~~(H) Publish the grievance procedures to provide for the prompt
16 and equitable resolution of sexual harassment complaints.~~

17 (d) This section does not require a school to provide separate
18 grievance procedures for pupil sexual harassment complaints. The
19 school may use pupil disciplinary procedures or other separate
20 procedures to resolve sexual harassment complaints. Any
21 procedures used to adjudicate complaints of sexual harassment,
22 including disciplinary procedures, shall afford a complainant a
23 prompt and equitable resolution. If the school relies on disciplinary
24 procedures for compliance with the requirements of this section,
25 the *appropriate* sex equity coordinator designated pursuant to
26 ~~paragraph (2) subparagraph (B) of paragraph (1)~~ of subdivision
27 (c) shall review the school's disciplinary procedures to ensure that
28 the procedures comply with the requirements of this section.

29 (e) The appropriate governing board or bodies for each school
30 may examine the policies and procedures on sexual harassment in
31 place at the school to determine whether those policies comply
32 with the requirements of this section and implement changes as
33 necessary to ensure compliance with the requirements of this
34 section.

35 (f) A school shall ensure that steps taken to accord due process
36 rights to the alleged perpetrator do not restrict or unnecessarily
37 delay the protections for the complainant.

38 (g) Both parties shall be notified, in writing, about the outcome
39 of both the complaint and any appeal. A school may provide the
40 written determination of the final outcome to the complainant and

1 the alleged perpetrator concurrently. This section does not require
2 the school to notify the alleged perpetrator of the outcome before
3 it notifies the complainant.

4 (h) A school shall take proactive measures to prevent sexual
5 harassment and correct its discriminatory effects on the
6 complainant and others.

7 (i) If a school determines that sexual harassment has created a
8 hostile environment, it shall take immediate action to eliminate
9 the hostile environment, prevent its recurrence, and address its
10 effects. In addition to counseling or taking disciplinary action
11 against the harasser, effective corrective action may require
12 remedies for the complainant and changes to the school's overall
13 services or policies.

14 (j) A school shall take steps to protect the complainant as
15 necessary, including taking interim steps before the final outcome
16 of the investigation. The school shall undertake these steps
17 promptly once it has notice of a sexual harassment allegation. The
18 school shall notify the complainant of his or her options to avoid
19 contact with the alleged perpetrator and allow pupils to change
20 academic or living situations, as appropriate.

21 (k) On or before July 1, 2018, the department shall adopt
22 regulations to ensure that implementation of this section at each
23 school is, to the greatest extent possible, consistent with the federal
24 regulations issued by the United States Department of Education's
25 Office of Civil Rights on April 4, 2011. The department's
26 regulations shall include, to the greatest extent possible, all
27 provisions of these federal regulations not covered in this section

28 (l) The requirements of this section shall be implemented at
29 each school by no later than January 1, 2019, or by another date
30 determined by the department.

31 (m) It is the intent of the Legislature that the requirements of
32 this section be interpreted, to the greatest extent possible, consistent
33 with the federal regulations issued by the United States Department
34 of Education's Office of Civil Rights on April 4, 2011.

35 SEC. 5. Section 231.5 of the Education Code is amended to
36 read:

37 231.5. (a) It is the policy of the State of California, pursuant
38 to Section 200, that all persons, regardless of their sex, should
39 enjoy freedom from discrimination of any kind in the educational
40 institutions of the state. The purpose of this section is to provide

1 notification of the prohibition against sexual harassment as a form
2 of sexual discrimination and to provide notification of available
3 remedies.

4 (b) Each educational institution in the State of California shall
5 have a written policy on sexual harassment. The policy may include
6 examples of the types of conduct prohibited. It is the intent of the
7 Legislature that each educational institution in this state include
8 this policy in its regular policy statement rather than distribute an
9 additional written document.

10 (c) The educational institution's written policy on sexual
11 harassment shall include information on where to obtain the
12 specific rules and procedures for reporting charges of sexual
13 harassment and for pursuing available remedies.

14 (d) A copy of the educational institution's written policy on
15 sexual harassment shall be displayed in a prominent location in
16 the main administrative building or other area of the campus or
17 schoolsite. "Prominent location" means that location, or those
18 locations, in the main administrative building or other area where
19 notices regarding the institution's rules, regulations, procedures,
20 and standards of conduct are posted.

21 (e) A copy of the educational institution's written policy on
22 sexual harassment, as it pertains to students, shall be provided as
23 part of any orientation program conducted for new students at the
24 beginning of each quarter, semester, or summer session, as
25 applicable.

26 (f) A copy of the educational institution's written policy on
27 sexual harassment shall be provided for each faculty member, all
28 members of the administrative staff, and all members of the support
29 staff at the beginning of the first quarter or semester of the school
30 year, or at the time that there is a new employee hired.

31 (g) A copy of the educational institution's written policy on
32 sexual harassment shall appear in any publication of the institution
33 that sets forth the comprehensive rules, regulations, procedures,
34 and standards of conduct for the institution.

35 SEC. 6. Section 66281.8 is added to the Education Code, to
36 read:

37 66281.8. (a) For the purposes of this section, "school" means
38 a campus of the University of California, the California State
39 University, or the California Community Colleges, a private
40 postsecondary educational institution, or an independent institution

1 of higher education, that receives state funds for student financial
2 assistance.

3 (b) The governing board of each community college district,
4 the Trustees of the California State University, the Regents of the
5 University of California, and the governing boards or bodies of
6 each independent institution of higher education and each private
7 postsecondary educational institution, in addition to the provisions
8 set forth in Section 67386, shall comply with the requirements of
9 this section to prevent and address sexual harassment, involving
10 a student, both on and off campus.

11 (c) The appropriate governing board or body of each school
12 shall implement all of the following requirements at the school:

13 (1) Disseminate a notice of nondiscrimination to each school
14 employee, including any individual employed by contract to
15 perform any service at the school, each student, and the parents or
16 legal guardians of each student if he or she is under 18 years of
17 age.

18 (2) Designate at least one school employee to act as a sex equity
19 coordinator to coordinate its efforts to comply with and carry out
20 its responsibilities under this section. The sex equity coordinator
21 may be the same individual as the school's federal Title IX
22 coordinator, if one exists.

23 (3) Adopt and publish *on its Internet Web site* grievance
24 procedures providing for prompt and equitable resolution of student
25 sexual harassment complaints filed by a student against a school
26 employee, another student, or a third party. The grievance
27 procedures shall contain all of the following elements:

28 (A) Provide notice to each individual described in paragraph
29 (1) of the grievance procedures, including where complaints may
30 be filed.

31 (B) Apply the grievance procedures to each complaint alleging
32 sexual harassment perpetrated by a school employee described in
33 paragraph (1), another student, or a third party.

34 (C) Ensure adequate, reliable, and impartial investigation of
35 complaints, including the opportunity for both parties to present
36 witnesses and other evidence.

37 (D) Designate reasonably prompt timeframes for the major
38 stages of the complaint process.

39 (E) Provide notice to parties of the outcome of the complaint.

1 (F) Provide an assurance that the school will take steps to
2 prevent recurrence of any harassment and to correct its
3 discriminatory effects on the complainant and others, if appropriate.

4 (G) Specify the timeframes for all of the major stages of the
5 grievance procedures, including, but not necessarily limited to,
6 the process for extending timelines. The grievance procedures
7 shall provide both parties of a complaint periodic status updates
8 and specify the timeframe within which all of the following will
9 occur:

10 (i) The school conducts a full investigation of the complaint.

11 (ii) Both parties receive a response regarding the outcome of
12 the complaint.

13 (iii) The parties may file an appeal.

14 ~~(H) Publish the grievance procedures to provide for the prompt
15 and equitable resolution of sex discrimination complaints.~~

16 (d) This section does not require a school to provide separate
17 grievance procedures for student sexual harassment complaints.
18 The school may use student disciplinary procedures or other
19 separate procedures to resolve sexual harassment complaints. Any
20 procedures used to adjudicate complaints of sexual harassment,
21 including disciplinary procedures, shall afford a complainant a
22 prompt and equitable resolution. If the school relies on disciplinary
23 procedures for compliance with the requirements of this section,
24 the sex equity coordinator designated pursuant to paragraph (2) of
25 subdivision (c) shall review the school's disciplinary procedures
26 to ensure that the procedures comply with the requirements of this
27 section.

28 (e) The appropriate governing board or bodies of each school
29 may examine the policies and procedures on sexual harassment
30 and sexual violence in place at the school to determine whether
31 those policies comply with the requirements of this section and
32 implement changes as necessary to ensure compliance with the
33 requirements of this section.

34 (f) A school shall ensure that steps taken to accord due process
35 rights to the alleged perpetrator do not restrict or unnecessarily
36 delay the protections for the complainant.

37 (g) Both parties shall be notified, in writing, about the outcome
38 of both the complaint and any appeal. A school may provide the
39 written determination of the final outcome to the complainant and
40 the alleged perpetrator concurrently. This section does not require

1 the school to notify the alleged perpetrator of the outcome before
2 it notifies the complainant.

3 (h) A school shall take proactive measures to prevent sexual
4 harassment and violence and correct its discriminatory effects on
5 the complainant and others.

6 (i) If a school determines that sexual harassment has created a
7 hostile environment, it shall take immediate action to eliminate
8 the hostile environment, prevent its recurrence, and address its
9 effects. In addition to counseling or taking disciplinary action
10 against the harasser, effective corrective action may require
11 remedies for the complainant and changes to the school's overall
12 services or policies.

13 (j) A school shall take steps to protect the complainant as
14 necessary, including taking interim steps before the final outcome
15 of the investigation. The school shall undertake these steps
16 promptly once it has notice of a sexual harassment allegation. The
17 school shall notify the complainant of his or her options to avoid
18 contact with the alleged perpetrator and allow students to change
19 academic or living situations, as appropriate.

20 (k) When an appropriate state enforcement agency finds that a
21 school has not taken prompt and effective steps to respond to sexual
22 harassment or violence, the state enforcement agency should seek
23 appropriate remedies for both the complainant and the broader
24 student population. When conducting enforcement activities, the
25 state enforcement agency should seek to obtain voluntary
26 compliance from institutions. When an institution does not come
27 into compliance voluntarily, the state enforcement agency may
28 initiate proceedings for the Student Aid Commission to withdraw
29 state funding for student financial assistance from the institution.

30 (l) On or before July 1, 2018, the appropriate governing board
31 or body of each school shall adopt regulations to ensure that
32 implementation of this section at the school is, to the greatest extent
33 possible, consistent with the federal regulations issued by the
34 United States Department of Education's Office of Civil Rights
35 on April 4, 2011. The regulations adopted by the appropriate
36 governing board or body of the school shall include, to the greatest
37 extent possible, all provisions of these federal regulations that are
38 not covered in this section.

1 (m) The requirements of this section shall be implemented at
2 each school by no later than January 1, 2019, or by another date
3 determined by the Student Aid Commission.

4 (n) It is the intent of the Legislature that the requirements of
5 this section be interpreted, to the greatest extent possible, consistent
6 with the federal regulations issued by the United States Department
7 of Education’s Office of Civil Rights on April 4, 2011.

8 SEC. 7. If the Commission on State Mandates determines that
9 this act contains costs mandated by the state, reimbursement to
10 local agencies and school districts for those costs shall be made
11 pursuant to Part 7 (commencing with Section 17500) of Division
12 4 of Title 2 of the Government Code.

13
14 _____

15 **REVISIONS:**
16 **Heading—Line 3.**

17 _____