

Date of Hearing: April 2, 2019

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 809 (Santiago) – As Introduced February 20, 2019

SUBJECT: Public postsecondary education: child development programs: priority enrollment: Title IX protection: pregnancy and parental status

SUMMARY: Requires public postsecondary institutions to post information regarding federal Title IX protections for pregnant and expecting students. Specifically, **this bill**:

- 1) Requires each public postsecondary educational institution to notify pregnant and parenting students of the protections provided by Title IX through prominently posting a notice of the Title IX protections on the institution's internet website.
- 2) Requires each public postsecondary educational institution with an on-campus medical center to provide notice of the protections provided by Title IX through the medical center to a student who requests information regarding policies or protections for students with children or pregnant students and when otherwise appropriate.
- 3) Encourages child development programs established by the California Community Colleges (CCC), the California State University (CSU), and the University of California (UC) to give specified priority to children of students who are unmarried and meeting specified income requirements.
- 4) Specifies that if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to the Government Code, as specified.

EXISTING LAW:

- 1) Provides, under Title IX of the federal Education Amendments of 1972, that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. (20 U.S.C. Section 1681 et seq.)
- 2) Sets forth the missions and functions of the public institutions of higher education in the state, which includes the CCC, the California State University (CSU), and the University of California (UC). (Education Code (EDC) Section 66000, et seq.).
- 3) 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. (EDC Sections 66250 and EDC 66271.5, et seq.)
- 4) Establishes various requirements for postsecondary educational institutions that are intended to prevent pregnancy discrimination, including the prohibition of requiring a graduate student

to take a leave of absence, withdraw, or limit the student's studies due to pregnancy-related issues, as specified. (EDC Section 66281.7)

- 5) Authorizes public postsecondary institutions to establish and maintain child development programs on or near their campuses. (EDC Section 66060)

FISCAL EFFECT: Unknown.

COMMENTS: *Need for the bill.* According to the author, "Current federal and state law does not require universities to publish information regarding pregnant and parenting students' rights under Title IX. Enactment of AB 809 will make information available to pregnant and single parent students regarding their legal rights under Title IX so that they are aware of all the options available to them to stay in school and finish their degree."

"By simply posting Title IX protections for pregnant and parenting students to their websites, colleges and universities will provide students with information that can help them overcome challenges that otherwise may have caused them to leave school. It will also encourage on-campus childcare programs to prioritize children of single parent students to make it easier for students to secure childcare."

"This legislation is necessary to inform these students of their rights under Title IX to make it possible for them to continue attending school and to excel in their studies despite the challenges of parenting."

Gender equity. Title IX of the Education Amendments of 1972 (U.S.C. Sec. 1681, et seq.) requires gender equity in every educational program or activity receiving federal financial assistance. Specifically, it provides 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.

While it is best known for providing equity to male and female athletics, the regulations implementing Title IX (34 C.F.R. Sec. 106.40(a) and (b), et seq.) prohibits discrimination against a student based on pregnancy, childbirth, false pregnancy, termination or pregnancy, or recovery from any of these conditions. It is illegal for schools to exclude a pregnant student from participating in any part of an educational program, including classes, extracurricular programs, honor societies, and opportunities for student leadership.

Background. AB 809 seeks to better inform pregnant and single parent students of their rights under Title IX while attending college or university. All postsecondary education institutions that receive federal funding are required to publish information regarding students' rights under Title IX- but these institutions do not always include information specifically about pregnancy and parenting.

A March 2018 survey of 33 California public postsecondary institutions by the group Feminists for Life found that only 39.4% of schools surveyed include pregnancy and parenting rights in their Title IX statements. AB 809 would require all public postsecondary institutions to post on each campus' website, and to provide through on-campus health centers, notification of protections for pregnant and parenting students under Title IX.

AB 809 also encourages child development programs established by the CCC, CSU, and UC to give specified priority to children of students who are unmarried and meeting specified income requirements.

The Institute for Women's Policy Research noted in their June 2018 policy report *Investing in Single Mothers' Higher Education: Costs and Benefits to Individuals, Families, and Society* that, "...single mothers, whose families stand to gain disproportionately from the benefits of postsecondary degrees, face substantial obstacles to college completion, including financial insecurity and heavy caregiving burdens. Just 8 percent of single mothers who enroll in college graduate with an associate or bachelor's degree within six years, compared with 49 percent of women students who are not mothers."

"The vast majority of single student mothers have low-incomes (89 percent) and no money of their own or from their families to cover college expenses. They are also likely to incur substantial student debt, in part due to the high cost of child care—which costs the equivalent of roughly one-third of working single mothers' median annual incomes—and their disproportionate enrollment in for-profit institutions. On average, single student mothers spend nine hours each day, or 70 hours each week, caring for their children and doing housework. Child care, in addition to being expensive, can be difficult to access, and has been declining on college campuses around the country."

"Single mothers' low completion rates are particularly concerning given the high proportion who are students of color: 37 percent of Black women, 27 percent of American Indian/Alaska Native women, 19 percent of Hispanic women, and 14 percent of White women in college are single mothers. Addressing their needs while pursuing college degrees is critical to making meaningful progress toward racial/ethnic equity in education."

Arguments in support. The California Catholic Conference writes that, "...single parents comprise a growing percentage of college students, but obtaining a degree while juggling the demands of parenthood causes some students to drop out. According to the Institute for Women's Policy Research, four in ten women attending community college nationwide report that are likely to drop out of school because of parental obligations. While rights and protections for pregnant and parenting students already exist under Title IX, many students are unaware of these rights and protections. By 2012, the number of single mothers in college came close to one in five of all women in college...this bill helps single parents overcome challenges that otherwise may cause them to leave college."

Prior legislation. AB 2350 (Bonilla), Chapter 637, Statutes of 2014, established various requirements for postsecondary educational institutions that are intended to prevent pregnancy discrimination, including the prohibition of requiring a graduate student to take a leave of absence, withdraw, or limit the student's studies due to pregnancy related issues, as specified.

REGISTERED SUPPORT / OPPOSITION:

Support

California Catholic Conference

Opposition

None on file.

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