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April 12, 2017

*By electronic mail*

The Honorable Ben Allen  
Chair, Senate Education Committee  
State Capitol, Room 2083  
Sacramento, California 95814

**RE: SB 169 (Jackson) – SUPPORT AS AMENDED  
MARCH 30, 2017**

Dear Senator Allen:

Public Advocates supports SB 169 (Jackson), to codify existing Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.) standards into California law.

Public Advocates is a civil rights legal organization that is committed to reversing inequities and ensuring meaningful access to opportunity for groups most affected by systemic injustices. Our commitment to “making rights real” shapes our vision of building an educational system that prepares all students for college and career readiness. At the forefront of this work are community-wide efforts to identify and challenge barriers to equal opportunities for learning.

The passage of Title IX represented a tremendous and necessary change in the ongoing fight against discrimination. By prohibiting students from, on the basis of sex, being excluded from, denied the benefits of, or subject to discrimination under any education program receiving federal funding, this law provides explicit protection against gender-based differential treatment. As a result of its enactment, Title IX has significantly increased gender equity in schools, leading to higher rates of graduation and enrollment in colleges and universities. Not only have incidences of sexual harassment within schools lowered following Title IX’s passage, but girls and women are participating in athletics, science, and mathematics at higher rates.

In 2011, the United States Department of Education Office for Civil Rights issued a detailed guidance document in the form of a “Dear Colleague” letter updating the interpretation of Title IX and explaining that sexual harassment covers all physical sexual acts perpetuated against a person’s will or where a person is incapable of giving consent, including forms of sexual violence such as rape, sexual assault, sexual

battery, and sexual coercion. The guidance document reminds schools of their responsibilities to take affirmative steps to respond to sexual violence in accordance with Title IX.

Sexual harassment impedes a student's right to pursue and receive an education in a safe, non-discriminatory environment. The civil rights and protections enshrined in Title IX and its implementing regulations have been an important tool for student victims, survivors, and advocates, helping to make California's campuses a safe space for students. With the strong and focused support of the previous presidential administration and state lawmakers, student advocates have proactively asserted Title IX protections and school administrators have implemented enhanced response policies, education and other prevention initiatives.

The new presidential administration, including the Attorney General, have signaled challenges to Title IX and the protections it provides, as well as a hostility to understanding the underlying nature of gender-based violence and harassment that makes these protections necessary.

The standards codified in federal statute and regulations, or upheld in case law, are in some instances stronger than California's standards. SB 169 would codify the standards articulated in the 2011 OCR Dear Colleague letter and ensure strong state-level enforcement if federal standards or the enforcement of sex equity laws are undermined, amended, or repealed.

For these reasons, we support SB 169. Please do not hesitate to contact me if you have any questions about our position.

Sincerely,



Liz Guillen  
Director of Legislative & Community Affairs  
(916) 803-5596 – cell

Cc: Senate Education Committee  
Senator Hannah-Beth Jackson