ASSEMBLY BILL No. 620

Introduced by Assembly Member Block
(Coauthors: Assembly Members Ammiano, Blumenfield, Brownley, Galgiani, Gordon, Bonnie Lowenthal, Portantino, and Skinner)
(Coauthors: Senators Kehoe and Yee)

February 16, 2011

An act to amend Sections 66010.2, 66251, 66260.7, 67380, 69433.5, 69762, 87400, and 89307.2 of, to amend the heading of Chapter 4.5 (commencing with Section 66250) of Part 40 of Division 5 of Title 3 of, to add Sections 66027 and 66302 to, and to add Article 3.5 (commencing with Section 66271.2) to Chapter 4.5 of Part 40 of Division 5 of Title 3 of, the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL’S DIGEST


(1) Existing law, known as the Donahoe Higher Education Act, establishes the missions and functions of the 3 segments of public postsecondary education in the state, which are the University of California, the California State University, and the California Community Colleges. The provisions of the Donahoe Higher Education Act apply to the University of California only to the extent that the Regents of the University of California, by resolution, make them applicable.
Existing provisions of the Donahoe Higher Education Act require the Regents of the University of California, the Trustees of the California State University, and the governing boards of community college districts to adopt or provide for the adoption of rules and regulations governing student behavior, known as rules of student conduct.

This bill would require the Trustees of the California State University and the Board of Governors of the California Community Colleges, and would request the Regents of the University of California, to adopt policies on harassment, intimidation, and bullying to be included within the rules of student conduct governing their respective segments of public postsecondary education.

(2) The Equity in Higher Education Act, which is a part of the Donahoe Higher Education Act, provides that it is the policy of the state to afford all persons, regardless of disability, gender, nationality, race or ethnicity, religion, sexual orientation, or other specified bases, equal rights and opportunities in the postsecondary institutions of the state. For these purposes, the act defines “gender” to include gender identity.

This bill would revise the definition of gender to include “gender expression” and require each segment of public postsecondary education to develop and implement professional development and awareness training programs to, among other things, train faculty with respect to generating an inclusive curriculum, address harassment of individuals based on sexual orientation and gender identity, train campus public safety officers about hate crimes and harassment based on sexual orientation and gender identity, and train financial aid advisers with respect to financial assistance for lesbian, gay, bisexual, and transgender students. The bill would request each of the segments to designate an employee at each of their respective campuses to address the needs of lesbian, gay, bisexual, and transgender faculty, staff, and students, and to share demographic information collected by the segments regarding sexual orientation and gender identity with the California Postsecondary Education Commission (CPEC).

The bill would require the CPEC to conduct an assessment of the campuses of each of the segments of public postsecondary education to develop recommendations to improve the quality of life on those campuses for lesbian, gay, bisexual, and transgender faculty, staff, and students, and to publish a summary of those recommendations on its Internet Web site. The bill would require the CPEC to convene focus groups to address student needs and to develop a best practices list for improving quality of life for, and addressing the concerns of, lesbian,
gay, bisexual, and transgender faculty, staff, and students. The bill
would authorize the CPEC to provide training to administrators of each
of the segments based on the best practices list.

The bill would make various conforming changes to existing
nondiscrimination laws affecting postsecondary educational institutions
and programs, and requirements related to reporting hate violence, as
defined, to additionally include sexual orientation, gender identity, and
gender expression within the scope of those programs and requirements.

State-mandated local program: no.

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

SECTION 1. Section 66010.2 of the Education Code is
amended to read:

66010.2. The public elementary and secondary schools, the
California Community Colleges, the California State University,
the University of California, and independent institutions of higher
education share goals designed to provide educational opportunity
and success to the broadest possible range of our citizens, and shall
provide the following:

(a) Access to education, and the opportunity for educational
success, for all qualified Californians. Particular efforts should be
made with regard to those who are historically and currently
underrepresented in both their graduation rates from secondary
institutions and in their attendance at California higher educational
institutions.

(b) Quality teaching and programs of excellence for their
students. This commitment to academic excellence shall provide
all students the opportunity to address issues, including ethical
issues, that are central to their full development as responsible
citizens.

(c) Educational equity not only through a diverse and
representative student body and faculty but also through
educational environments in which each person, regardless of race,
gender, gender identity, gender expression, sexual orientation, age,
disability, or economic circumstances, has a reasonable chance to
fully develop his or her potential.

SEC. 2. Section 66027 is added to the Education Code, to read:
66027. (a) (1) The governing boards of the California State
University and the California Community Colleges shall, and the
Regents of the University of California are requested, in collecting
data relative to gender, race, ethnicity, or other demographics,
from faculty, staff, or students, to allow the faculty, staff, and
students to identify their sexual orientation, gender identity, and
gender expression on any forms used to collect that demographic
data, as appropriate.

(2) A governing board shall not be required to update an existing
form used to collect demographic data for purposes of this
subdivision, but shall provide for the identification of sexual
orientation, gender identity, and gender expression on any new or
updated form used for the collection of demographic data.

(b) The governing boards of the University of California, the
California State University, and the California Community Colleges
are requested to share with the California Postsecondary Education
Commission information collected pursuant to subdivision (a), to
the extent that individuals from whom that information is collected
authorize that information to be released. The information shared
pursuant to this subdivision shall not include any individual
identifying information.

SEC. 3. The heading of Chapter 4.5 (commencing with Section
66250) of Part 40 of Division 5 of Title 3 of the Education Code
is amended to read:

CHAPTER 4.5. EQUITY IN HIGHER EDUCATION ACT

SEC. 4. Section 66251 of the Education Code is amended to
read:

66251. It is the policy of the State of California to afford all
persons, regardless of disability, gender, gender identity, gender
expression, nationality, race or ethnicity, religion, sexual
orientation, or any other basis that is contained in the prohibition
of hate crimes set forth in subdivision (a) of Section 422.6 of the
Penal Code, equal rights and opportunities in the postsecondary
institutions of the state. The purpose of this chapter is to prohibit
acts that are contrary to that policy and to provide remedies
therefor.

SEC. 4.5. Section 66260.7 of the Education Code is amended
to read:
“Gender” means sex, and includes a person’s gender identity and gender-related expression. “Gender expression” means a person’s gender-related appearance and behavior, whether or not stereotypically associated with the person’s assigned sex at birth.

SEC. 5. Article 3.5 (commencing with Section 66271.2) is added to Chapter 4.5 of Part 40 of Division 5 of Title 3 of the Education Code, to read:

Article 3.5. Sexual Orientation and Gender Identity Equity in Higher Education

66271.2. The Board of Governors of the California Community Colleges and the Trustees of the California State University shall, and the Regents of the University of California are requested to, develop and implement professional development and awareness training programs that, at a minimum, meet all of the following requirements:

(a) The programs shall train faculty with respect to generating a curriculum that is inclusive of all students.

(b) The programs shall provide strategies for addressing harassment of lesbian, gay, bisexual, and transgender students in and out of the classroom.

(c) The programs shall provide campus public safety officers with training regarding hate crimes and harassment directed toward lesbian, gay, bisexual, and transgender persons.

(d) The programs shall train financial aid advisers with respect to the availability of scholarships specific to lesbian, gay, bisexual, and transgender persons and provide training on how to assist students with same-sex parents in completing financial aid applications.

(e) The programs shall incorporate other content relevant to lesbian, gay, bisexual, and transgender persons, as appropriate.

66271.3. The Board of Governors of the California Community Colleges and the Trustees of the California State University shall, and the Regents of the University of California are requested to, designate at each of their respective campuses an employee to address the needs of lesbian, gay, bisexual, and transgender faculty, staff, and students at the respective campus. At a minimum, the name and contact information of that designated employee shall
be published on the Internet Web site for the respective campus
and shall be included in any printed and Internet-based campus
directories.

66271.4. (a) The California Postsecondary Education
Commission shall conduct an assessment of the California
Community Colleges, California State University, and University
of California systems with respect to the quality of life at those
campuses for lesbian, gay, bisexual, and transgender faculty, staff,
and students at the campuses of each of those institutions. The
commission shall make recommendations to each of those
institutions based on that assessment.
(b) The California Postsecondary Education Commission shall
convene focus groups to address the needs of lesbian, gay, bisexual,
and transgender students and to develop a best practices list of
recommendations for improving the quality of life at the campuses
of the California Community Colleges, California State University,
and University of California for, and addressing the concerns of,
lesbian, gay, bisexual, and transgender faculty, staff, and students.
The commission may provide training to administrators of each
of the segments of public postsecondary education based on the
recommendations in the best practices list.
(c) The California Postsecondary Education Commission shall
publish a summary of the recommendations developed pursuant
to this section on its Internet Web site.

SEC. 6. Section 66302 is added to the Education Code, to read:
66302. The Trustees of the California State University and the
Board of Governors of the California Community Colleges shall,
and the Regents of the University of California are requested to,
adopt policies on harassment, intimidation, and bullying to be
included within the rules and regulations governing student
behavior within their respective segments of public postsecondary
education.

SEC. 7. Section 67380 of the Education Code is amended to
read:
67380. (a) The governing board of each community college
district, the Trustees of the California State University, the Board
of Directors of the Hastings College of the Law, the Regents of
the University of California, and the governing board of any
postsecondary institution receiving public funds for student
financial assistance shall do all of the following:
(1) Require the appropriate officials at each campus within their respective jurisdictions to compile records of both of the following:
(A) All occurrences reported to campus police, campus security personnel, or campus safety authorities of, and arrests for, crimes that are committed on campus and that involve violence, hate violence, theft, destruction of property, illegal drugs, or alcohol intoxication.
(B) All occurrences of noncriminal acts of hate violence reported to, and for which a written report is prepared by, designated campus authorities.
(2) Require any written record of a noncriminal act of hate violence to include, but not be limited to, the following:
(A) A description of the act of hate violence.
(B) Victim characteristics.
(C) Offender characteristics, if known.
(3) (A) Make the information concerning the crimes compiled pursuant to subparagraph (A) of paragraph (1) available within two business days following the request of any student or employee of, or applicant for admission to, any campus within their respective jurisdictions, or to the media, unless the information is the type of information exempt from disclosure pursuant to subdivision (f) of Section 6254 of the Government Code, in which case the information is not required to be disclosed. Notwithstanding paragraph (2) of subdivision (f) of Section 6254 of the Government Code, the name of a victim of any crime defined by Section 261, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, or 422.75 of the Penal Code shall not be disclosed without the permission of the victim, or the victim’s parent or guardian if the victim is a minor.
(B) For purposes of this paragraph and subparagraph (A) of paragraph (1), the campus police, campus security personnel, and campus safety authorities described in subparagraph (A) of paragraph (1) shall be included within the meaning of “state or local police agency” and “state and local law enforcement agency,” as those terms are used in subdivision (f) of Section 6254 of the Government Code.
(4) Require the appropriate officials at each campus within their respective jurisdictions to prepare, prominently post, and copy for distribution on request, a campus safety plan that sets forth all of the following: the availability and location of security personnel,
methods for summoning assistance of security personnel, any special safeguards that have been established for particular facilities or activities, any actions taken in the preceding 18 months to increase safety, and any changes in safety precautions expected to be made during the next 24 months. For the purposes of this section, posting and distribution may be accomplished by including relevant safety information in a student handbook or brochure that is made generally available to students.

(5) Require the appropriate officials at each campus within their respective jurisdictions to report information compiled pursuant to paragraph (1) relating to hate violence to the governing board, trustees, board of directors, or regents, as the case may be. The governing board, trustees, board of directors, or regents, as the case may be, shall, upon collection of that information from all of the campuses within their jurisdiction, transmit a report containing a compilation of that information to the California Postsecondary Education Commission no later than January 1 of each year, commencing January 1, 1993. The commission shall make these reports available to the Legislature and the general public on its Internet Web site. It is the intent of the Legislature that the governing board of each community college district, the Trustees of the California State University, the Board of Directors of the Hastings College of the Law, the Regents of the University of California, and the governing board of any postsecondary institution receiving public funds for student financial assistance establish guidelines for identifying and reporting occurrences of hate violence. It is the intent of the Legislature that the guidelines established by these institutions of higher education be as consistent with each other as possible. These guidelines shall be developed in consultation with the Department of Fair Employment and Housing and the California Association of Human Rights Organizations.

(b) Any person who is refused information required to be made available pursuant to subparagraph (A) of paragraph (1) of subdivision (a) may maintain a civil action for damages against any institution that refuses to provide the information, and the court shall award that person an amount not to exceed one thousand dollars ($1,000) if the court finds that the institution refused to provide the information.
(c) For purposes of this section, “hate violence” means any act of physical intimidation or physical harassment, physical force or physical violence, or the threat of physical force or physical violence, that is directed against any person or group of persons, or the property of any person or group of persons because of the ethnicity, race, national origin, religion, sex, sexual orientation, gender identity, gender expression, disability, or political or religious beliefs of that person or group.

(d) This section does not apply to the governing board of a private postsecondary institution receiving funds for student financial assistance with a full-time enrollment of less than 1,000 students.

(e) This section shall apply to a campus of one of the public postsecondary educational systems identified in subdivision (a) only if that campus has a full-time equivalent enrollment of more than 1,000 students.

(f) Notwithstanding any other provision of this section, this section shall not apply to the California Community Colleges unless and until the Legislature makes funds available to the California Community Colleges for the purposes of this section.

SEC. 8. Section 69433.5 of the Education Code is amended to read:

69433.5. (a) Only a resident of California, as determined by the commission pursuant to Part 41 (commencing with Section 68000), is eligible for an initial Cal Grant award. The recipient shall remain eligible for award renewal only if he or she is a California resident, in attendance, and making satisfactory academic progress at a qualifying institution, as determined by the commission.

(b) A part-time student shall not be discriminated against in the selection of Cal Grant Program award recipients, and an award to a part-time student shall be approximately proportional to the time the student spends in the instructional program, as determined by the commission. A first-time Cal Grant Program award recipient who is a part-time student shall be eligible for a full-time renewal award if he or she becomes a full-time student.

(c) Cal Grant Program awards shall be awarded without regard to race, religion, creed, sex, sexual orientation, gender identity, gender expression, or age.
(d) An applicant shall not receive more than one type of Cal Grant Program award concurrently. Except as provided in Section 69440, an applicant shall not:

1. Receive one or a combination of Cal Grant Program awards in excess of the amount equivalent to the award level for a total of four years of full-time attendance in an undergraduate program, except as provided in Section 69433.6.

2. Have obtained a baccalaureate degree prior to receiving a Cal Grant Program award, except as provided in Section 69440.

(e) A Cal Grant Program award, except as provided in Section 69440, may only be used for educational expenses of a program of study leading directly to an undergraduate degree or certificate, or for expenses of undergraduate coursework in a program of study leading directly to a first professional degree, but for which no baccalaureate degree is awarded.

(f) The commission shall, for students who accelerate college attendance, increase the amount of award proportional to the period of additional attendance resulting from attendance in classes that fulfill requirements or electives for graduation during summer terms, sessions, or quarters. In the aggregate, the total amount a student may receive in a four-year period may not be increased as a result of accelerating his or her progress to a degree by attending summer terms, sessions, or quarters.

(g) The commission shall notify Cal Grant award recipients of the availability of funding for the summer term, session, or quarter through prominent notice in financial aid award letters, materials, guides, electronic information, and other means that may include, but not necessarily be limited to, surveys, newspaper articles, or attachments to communications from the commission and any other published documents.

(h) The commission may require, by the adoption of rules and regulations, the production of reports, accounting, documents, or other necessary statements from the award recipient and the college or university of attendance pertaining to the use or application of the award.

(i) A Cal Grant Program award may be utilized only at a qualifying institution.

SEC. 9. Section 69762 of the Education Code is amended to read:
69762. Loans made pursuant to this chapter shall be made without regard to race, religion, creed, sex, sexual orientation, gender identity, or gender expression.

SEC. 10. Section 87400 of the Education Code is amended to read:

87400. Governing boards of community college districts shall employ for academic positions, only persons who possess the qualifications therefor prescribed by regulation of the board of governors. It is contrary to the public policy of this state for any person or persons charged, by those governing boards, with the responsibility of recommending persons for employment by those boards to refuse or to fail to do so for reasons of race, color, religious creed, sex, sexual orientation, gender identity, gender expression, or national origin of those applicants for that employment.

SEC. 11. Section 89307.2 of the Education Code is amended to read:

89307.2. (a) A legislative body shall not conduct a meeting in a facility that prohibits the admittance of any person, or persons, on the basis of race, religious creed, color, national origin, ancestry, sex, sexual orientation, gender identity, or gender expression, or which is inaccessible to disabled persons, or where members of the public may not be present without making a payment or purchase. This section shall apply to every legislative body as defined in Section 89305.1.

(b) A notice, agenda, announcement, or report required under this article need not identify any victim or alleged victim of tortious sexual conduct or child abuse unless the identity of the person has been publicly disclosed.