
SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

Bill No: AB 809 **Hearing Date:** June 12, 2019
Author: Santiago
Version: May 23, 2019
Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

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

SUMMARY

This bill requires public postsecondary educational institutions to notify, as specified, pregnant or parenting students of protections provided by Title IX. It also encourages child development programs established by the public postsecondary educational institutions to give priority to children of students who are single parents.

BACKGROUND

Existing law:

- 1) Under, federal law provides that, in part, "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 educational program of activity receiving Federal financial assistance." (20 U.S.C. § 1681 et seq.)
- 2) Sets forth the missions and functions of the public institutions of higher education in the state, which includes the California Community Colleges (CCC), the California State University (CSU), and the University of California (UC). (Education Code (EC) § 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 establishes, 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. (EC § 66250 and § 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. (EC § 66281.7)
- 5) Authorizes public postsecondary institutions to establish and maintain child development programs on or near their campuses. (EC § 66060)

ANALYSIS

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, policies or protections for students with children or pregnant students and when otherwise appropriate.
- 3) Encourages a child development program established by the California Community Colleges, the California State University, or the University of California to give priority to children of students who are single parents and who meet income criteria as established by the institution.
- 4) Makes other technical changes.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “despite Title IX protections, pregnant and parenting students still face difficult hurdles when obtaining a college degree. According to the National Women’s Law Center, only about 50 percent of teen mothers will earn a high school diploma or GED by age 22. Even less of these women go on to attend a college or university because of the overwhelming demands of parenthood.

Once in college, many pregnant or single parents are unaware of their protections under Title IX as only 39.4% of California universities explicitly include pregnancy and parenting rights in their published Title IX information. Some of the Title IX rights include having pregnancy-related absences excused by instructors and providing pregnant students with the same special services provided to students with temporary medical conditions.

Another challenge facing pregnant and single parents in college is finding affordable childcare that fits within their school schedule. Nearly half of single parent students work full-time while attending college or university. On-campus childcare programs can help ease some of this burden, but, while 97 percent of universities in California offer childcare, space is often limited and children can be waitlisted for months. This leaves single parents with the struggle of securing alternative childcare while attending school, which is costly and can disrupt their education. For these reasons, having flexible childcare is crucial to educational success.”

- 2) ***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 of

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.

This bill seeks to raise awareness of the rights provided by current law to pregnant and parenting students.

- 3) ***Related research regarding single parents in college.*** 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 report also found that, “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.”

This bill additionally, aims to help increase access to childcare for certain parents in college by encouraging campus childcare centers to grant priority to children of single parents.

- 4) ***Related budget activity.*** The Governor’s 2019-20 budget directs funding to support student parents increase their likelihood of degree completion by proposing an increase to the Cal Grant Access awards for those attending a public postsecondary institution and proposes on-time general fund dollars for the California State University to help address its deferred maintenance backlog and improve and expand on-campus childcare centers.

SUPPORT

American Association of University Women - California
 California Alternative Payment Program Association
 California Catholic Conference
 California Faculty Association
 Fresno Pro-Life Future
 Students for Life at Berkeley
 Para Los Niños

OPPOSITION

None received