

EQUAL RIGHTS FOR WOMEN IN EDUCATION SUBCOMMITTEE
OF THE
STANDING COMMITTEES ON EDUCATION

Report to Members of the
Second Session of the Sixty-seventh General Assembly

State of Iowa
1978

FINAL REPORT
OF THE EQUAL RIGHTS FOR WOMEN IN EDUCATION SUBCOMMITTEE
OF THE STANDING COMMITTEES ON EDUCATION

The Legislative Council on July 14, 1977 specially authorized an initial meeting of the Equal Rights for Women in Education Subcommittee to be held July 19. That meeting was attended by the following legislators: Senators Joan Orr, Chairperson, Minnette Doderer, Willard R. Hansen, Bass Van Gilst and John Scott and Representatives Diane Brandt, Sonja Egenes and Patricia Thompson. A large group of persons representing various organizations, committees and state agencies interested in the subject matter of this Subcommittee, a list of whom may be obtained from the minutes on file with the Legislative Service Bureau, heard a presentation by Jean Kennedy, Executive Director of the Task Force on Equal Rights for Women in Education of the Education Commission of the States. Ms. Kennedy described the activities of the Task Force and presented a model act for state legislation which would parallel the Title IX federal legislation. Both legislators and observers held a wide ranging discussion on all aspects of the problems of equal rights for women in education, and the legislators agreed to request authorization of a joint interim subcommittee on the subject.

The Joint Subcommittee, authorized for the 1977 interim by the Legislative Council on August 10, 1977, consisted of the following legislators: Senators Joan Orr, Co-chairperson, Willard Hansen and John Scott, and Representatives John Patchett, Co-chairperson, Opal Miller and Patricia Thompson.

The October 24, 1977 meeting of the Joint Subcommittee began with a presentation by George Garcia and Julia Slick of the Urban Education Division of the Department of Public Instruction regarding efforts of that division to eradicate segregation and various types of discrimination in education. Ms. Clelia Steele, representing the Project for Equal Educational Rights of the NOW Legal Defense and Education Fund, presented her organization's newly developed guide for monitoring Title IX compliance in school systems. Much discussion ensued between Ms. Steele and members of community groups interested in forming a coalition to participate in such a monitoring program.

The final meeting of the Joint Subcommittee was held on November 22, 1977. This meeting was devoted primarily to discussion of proposed legislation to be recommended by the Subcommittee to the Standing Committees on Education in the House and Senate. The Subcommittee discussed, amended and passed LSB 3206, attached, which enacts and enforces federal Title IX provisions on a state level, and which provides that the School Budget Review Committee may permit extra funding or extra allowable growth to a school district to offset unusual expenses incurred in complying with the Act.

The Subcommittee also discussed, amended and approved LSB 3244, attached, which prohibits discrimination in the programs and services of area schools and area education agencies, directs the board of public instruction to enforce antidiscrimination statutes applicable to institutions under its jurisdiction, and requires the board of regents to enforce a prohibition against discrimination.

PROPOSED COMMITTEE ON
EDUCATION BILL #1

By EQUAL RIGHTS FOR WOMEN
IN EDUCATION SUBCOMMITTEE

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to discrimination in programs and services of
2 area education agencies and merged area schools and requir-
3 ing the board of public instruction and the board of regents
4 to enforce discrimination prohibitions in the state's public
5 education institutions.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 Section 1. Section two hundred fifty-seven point ten
2 (257.10), Code 1977, is amended by adding the following new
3 subsection:

4 NEW SUBSECTION. Adopt rules to enforce the provisions
5 of sections two hundred seventy-three point three (273.3),
6 subsection one (1), two hundred eighty point three (280.3),
7 and two hundred eighty A point twenty-three (280A.23),
8 subsection six (6), of the Code relating to the prohibition
9 against discrimination.

10 Sec. 2. Section two hundred sixty-two point nine (262.9),
11 Code 1977, is amended by adding the following new subsection:

12 NEW SUBSECTION. Adopt rules to implement and enforce a
13 prohibition against discrimination on the basis of race,
14 color, creed, sex, marital status, or place of national origin
15 in any educational program under the control of the board.

16 Sec. 3. Section two hundred seventy-three point three
17 (273.3), subsection one (1), Code 1977, is amended to read
18 as follows:

19 1. Determine the policies of the area education agency
20 for providing programs and services. The policies shall
21 prohibit discrimination in any programs and services on the
22 basis of race, color, creed, sex, marital status or place
23 of national origin.

24 Sec. 4. Section two hundred eighty A point twenty-three
25 (280A.23), subsection six (6), Code 1977, is amended to read
26 as follows:

27 6. Establish policy and make rules, not inconsistent with
28 law and administrative rules, regulations, and policies of
29 the state board, for its own government and that of the
30 administrative, teaching, and other personnel, and the students
31 of the school or college, and aid in the enforcement of such
32 laws, rules, and regulations. The policy and rules shall
33 prohibit discrimination in any educational program on the
34 basis of race, color, creed, sex, marital status or place
35 of national origin.

EXPLANATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

This bill prohibits discrimination in the programs and services of area schools and area education agencies, directs the board of public instruction to enforce antidiscrimination statutes applicable to institutions under its jurisdiction, and requires the board of regents to enforce a prohibition against discrimination.

PROPOSED BILL #2
JOINT SUBCOMMITTEE ON EQUAL
RIGHTS FOR WOMEN IN EDUCATION

November, 1977

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act to prohibit discrimination on the basis of sex in
2 educational institutions receiving or benefiting from
3 state financial assistance.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Section 1. NEW SECTION. DECLARATION OF PURPOSE. It is
2 the policy of the state of Iowa to afford to all persons
3 regardless of sex, equal rights and opportunities in the
4 educational institutions of the state.

5 Sec. 2. NEW SECTION. DEFINITIONS. As used in this Act,
6 unless the context otherwise requires:

7 1. "Educational institution" means any preschool,
8 elementary, secondary, or merged area school, or a public
9 board of directors, or other public authority legally
10 constituted for either administrative control or direction
11 of, or to perform a service function for, public elementary,
12 secondary, or merged area schools or area education agencies
13 in any political subdivision of the state.

14 2. "State financial assistance" shall include but not
15 be limited to funds appropriated by the general assembly and
16 state funds received under the provisions of chapters four
17 hundred forty-two (442) and two hundred eighty-six A (286A)
18 of the Code.

19 3. "Department" means the department of public instruction.

20 4. "State board" means the state board of public
21 instruction.

22 Sec. 3. NEW SECTION. PROHIBITION AGAINST SEX DISCRIMINATION.

23 1. A person shall not be subjected to discrimination on
24 the basis of sex in any program or activity of an educational
25 institution receiving or benefiting from state financial
26 assistance.

27 2. For purposes of this Act, discrimination on the basis
28 of sex shall include but not be limited to the following
29 practices:

30 a. On the basis of sex, exclusion of a person or persons
31 from participation in, denial of the benefits of, or subjection
32 to discrimination in any academic, extracurricular, research,
33 occupational training, or other program or activity except
34 athletic programs;

35 b. On the basis of sex, denial of equal opportunity in

1 athletic programs;

2 c. On the basis of sex, provision of different amounts
3 or types of financial assistance to individuals, limitation
4 of eligibility for such assistance, the application of
5 different criteria to applicants for financial assistance
6 or participation in the provision of such financial assistance
7 by others;

8 d. On the basis of sex, discrimination among persons in
9 employment and the conditions thereof;

10 e. On the basis of sex, the application of any rule
11 concerning the actual or potential parental, family or marital
12 status of a person, or the exclusion of any person from any
13 program or activity or employment because of pregnancy or
14 related conditions.

15 Sec. 4. NEW SECTION. IMPLEMENTATION OF MULTI-CULTURAL,
16 NON-SEXIST APPROACH. The department shall further the mandate
17 for a multi-cultural, non-sexist approach to education required
18 by section two hundred fifty-seven point twenty-five (257.25),
19 unnumbered paragraph one (1), of the Code by requiring
20 educational institutions to provide for in-service training
21 for instructional personnel, administrators, counselors and
22 other school personnel on biased textbooks, sex-role stereo-
23 types, and sex discrimination in counseling.

24 Sec. 5. NEW SECTION. FACILITIES. Nothing in this Act
25 shall be construed to prohibit any educational institution
26 from maintaining separate toilet facilities, locker rooms
27 or living facilities for the different sexes so long as
28 comparable facilities are provided.

29 Sec. 6. NEW SECTION. AUTHORITY TO ISSUE RULES. The
30 department shall implement the provisions of this Act by
31 issuing rules of general applicability pursuant to chapter
32 seventeen A (17A) of the Code.

33 Sec. 7. NEW SECTION. COMPLIANCE.

34 1. An educational institution shall provide assurance
35 to the department that each program or activity operated by

1 an educational institution will be operated in compliance
2 with this Act, provided that a single assurance may be provided
3 for all programs under the jurisdiction of any institution.

4 2. An educational institution shall keep such records
5 and submit to the department timely, complete and accurate
6 compliance reports, as may be required by rule, including
7 any such reports required by federal law. Such reports shall
8 be made available by the educational institution for public
9 inspection during regular business hours.

10 3. An educational institution shall permit access by the
11 department during regular business hours to such of its books,
12 records, accounts, and other sources of information, and its
13 facilities, and shall permit the department to make copies
14 of any such written information as may be pertinent to
15 ascertain compliance with this chapter.

16 4. An educational institution shall, within one year of
17 the effective date of this Act:

18 a. Evaluate, in terms of the requirements of this Act
19 and rules issued pursuant thereto, its current policies and
20 practices and the effects thereof concerning admission of
21 students, treatment of students, and employment of both
22 academic and nonacademic personnel.

23 b. Modify any of these policies and practices which do
24 not or may not meet the requirements of this Act; and

25 c. Take appropriate remedial steps to eliminate the effects
26 of any discrimination which resulted or may have resulted
27 from adherence to these policies and practices.

28 5. An educational institution shall maintain on file for
29 at least three years following completion the evaluation
30 required under subsection four (4) of this section, and shall
31 file with the department a report on such evaluation and a
32 report of any modifications made pursuant to subsection four
33 (4), paragraph b of any remedial steps taken pursuant to
34 subsection four (4), paragraph c. Such reports shall be
35 available for public examination during regular office hours

1 at the educational institution and the department.

2 Sec. 8. NEW SECTION. ENFORCEMENT.

3 1. Any person who believes himself or herself or any
4 specific class of persons subjected to discrimination
5 prohibited by this Act, or a third party acting on behalf
6 of a person who believes himself or herself subjected to
7 discrimination prohibited by this Act may file with the
8 department a written complaint, not later than one hundred
9 eighty days from the date of the alleged discrimination.
10 At the same time a copy of the complaint shall be filed with
11 the local board of directors, which shall have fourteen days
12 to resolve the issue. The local board shall report the results
13 of its resolution efforts to the department no later than
14 twenty-one days after the complaint is filed, and the
15 department shall not begin the investigation authorized by
16 this section until receipt of the board's report.

17 Whenever a compliance review, report, complaint or any
18 other information indicates a possible violation of this Act,
19 the department shall complete an investigation within sixty
20 days. If such investigation indicates that a violation has
21 occurred, the department shall promptly issue a notice of
22 probable violation setting forth the facts which constitute
23 the probable violation and prescribing the actions to be taken
24 by the educational institution to terminate the probable
25 violation. The recipient of a notice of probable violation
26 shall respond to such notice within thirty days, admitting
27 or contesting the facts therein and agreeing or objecting,
28 in whole or in part, to the remedial actions requested.
29 Within thirty days after such response, the department shall
30 arrange for a conference with the educational institution
31 to seek agreement to terminate such discriminatory practices
32 as may exist. Notice of such conference shall be provided
33 to the complainant. Any such agreement shall be written and
34 subject to public inspection. No agreement shall be final
35 unless the complainant is a party to any agreement which may

1 result or has specifically waived such right. Any complainant
2 shall have the right to be represented by counsel and other
3 representative.

4 2. If an educational institution receiving a notice of
5 probable violation does not agree to take the remedial actions
6 prescribed therein or does not, in fact, take such action,
7 the department shall issue a notice of violation setting forth
8 the basis for its finding that the educational institution
9 is in violation of this Act. A copy of this notice shall
10 be given to the state board, and the state board may, acting
11 thereupon, terminate any or all state financial assistance
12 to the institution. Any action taken pursuant to this section
13 shall be subject to judicial review as is otherwise provided
14 by law.

15 3. If a complaint filed as provided in subsection one
16 (1) of this section is dismissed by the department or if,
17 within one hundred eighty days from the filing of the
18 complaint, the department has not terminated state financial
19 assistance or taken other action to remedy discrimination,
20 the department shall so notify the complainant and state the
21 reasons therefor and, within one hundred eighty days after
22 the giving of such notice, the complainant may bring a civil
23 action for damages and injunctive and affirmative relief
24 against the educational institution. In the case of any
25 successful action by a complainant to enforce the provisions
26 of this chapter, the court shall award the costs of the action,
27 together with a reasonable attorney's fee as determined by
28 the court, to the complainant.

29 4. The remedies provided by this section shall be in
30 addition to any other rights of a complainant at law or in
31 equity.

32 Sec. 9. SEVERABILITY. If any provision of this Act, or
33 its application to any person or circumstance is held invalid,
34 the remainder of the Act, or the application of the provision
35 to other persons or circumstances, shall not be affected.

