

AMENDED IN ASSEMBLY MAY 30, 2017
AMENDED IN ASSEMBLY MARCH 27, 2017
AMENDED IN ASSEMBLY JANUARY 31, 2017
CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 23

Introduced by Assembly Member Ridley-Thomas
(Coauthor: Senator Mitchell)

December 5, 2016

An act to add *and repeal* Article 4.5 (commencing with Section 232) ~~to~~ of Chapter 2 of Part 1 of Division 1 of Title 1 of the Education Code, relating to educational programs, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 23, as amended, Ridley-Thomas. Educational programs: single gender schools and instructional programs.

Existing law authorizes the governing board of a school district to initiate and carry on any program or activity, or to otherwise act in any manner which is not in conflict or inconsistent with, or preempted by, any law and which is not in conflict with the purposes for which school districts are established.

Existing law prohibits discrimination against a person on the basis of, among other things, gender in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls pupils who receive state student financial aid.

~~This bill~~ *bill, until January 1, 2025, would authorize a local educational agency school district with an average daily attendance of*

400,000 or more pupils to establish single gender schools and instructional ~~programs~~ programs, and a charter school authorized by a school district with an average daily attendance of 400,000 or more pupils to be established as a single gender school or to establish single gender instructional programs, if certain requirements are met. The bill would require a ~~local educational agency~~ school district that establishes a single gender school or instructional ~~program~~ program, and a charter school established as a single gender school or that establishes a single gender instructional program, to conduct ~~an evaluation~~ certain evaluations at least once every 2 years, as specified, and to report the findings of those evaluations to the Senate Committee on Education and the Assembly Committee on Education.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
 State-mandated local program: no.

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

1 SECTION 1. Article 4.5 (commencing with Section 232) is
 2 added to Chapter 2 of Part 1 of Division 1 of Title 1 of the
 3 Education Code, to read:

4
 5 Article 4.5. Single Gender Schools and Instructional Programs
 6

7 232. The Legislature finds and declares that there is a need to
 8 increase the diversity of California’s public educational offerings
 9 by making single gender schools and instructional programs
 10 available to pupils of each gender who, because of their unique
 11 educational needs, will benefit from single gender education that
 12 is aligned with Title IX of the Education Amendments of 1972
 13 (20 U.S.C. Sec. 1681 et seq.).

14 232.2. (a) (1) Notwithstanding Section 220 as it relates to
 15 discrimination on the basis of gender, a ~~local educational agency~~
 16 *school district with an average daily attendance of 400,000 or*
 17 *more pupils* may establish single gender schools and instructional
 18 programs pursuant to a policy adopted by the governing board of
 19 the ~~local educational agency, or the governing body if the local~~
 20 ~~educational agency is a charter school,~~ *school district* that addresses
 21 how the ~~local educational agency~~ *school district* will ensure

1 compliance with Title IX regulations (34 C.F.R. Part 106), as they
2 read on October 25, ~~2006, including,~~ 2006.

3 (2) *Notwithstanding Section 220 as it relates to discrimination*
4 *on the basis of gender, a charter school authorized by a school*
5 *district with an average daily attendance of 400,000 or more pupils*
6 *may be established as a single gender school or may establish*
7 *single gender instructional programs pursuant to a policy adopted*
8 *by the governing body of the charter school that addresses how*
9 *the charter school will ensure compliance with Title IX regulations*
10 *(34 C.F.R. Part 106), as they read on October 25, 2006.*

11 (b) A policy adopted pursuant to subdivision (a) shall include,
12 but not necessarily be limited to, all of the following requirements:

13 (a)

14 (1) The single gender aspect of the school or instructional
15 program will serve an important ~~local educational agency school~~
16 *district or charter school* objective to do either of the following:

17 (1)

18 (A) Improve the educational achievement of its pupils through
19 ~~the local educational agency's school district's or charter school's~~
20 overall established policy to provide diverse educational
21 opportunities, provided that the single gender nature of the school
22 or instructional program is substantially related to achieving that
23 objective.

24 (2)

25 (B) Meet the particular, identified educational needs of its pupils,
26 provided that the single gender nature of the school or instructional
27 program is substantially related to achieving that objective.

28 (b)

29 (2) ~~The local educational agency school district or charter~~
30 *school* will implement its objective in an evenhanded manner.

31 (c)

32 (3) Pupil enrollment in a single gender school or instructional
33 program will be voluntary.

34 ~~(d) (1)~~

35 (4) (A) Except as provided in ~~paragraph (2), subparagraph (B),~~
36 ~~the local educational agency school district or charter school~~ will
37 provide to pupils of both genders a substantially equal
38 coeducational class, extracurricular activity, or program in the
39 same subject.

40 (2) ~~Paragraph (1)~~

1 (B) *Subparagraph (A)* shall not apply to a nonvocational charter
 2 school that is a single school ~~local educational agency~~ that is not
 3 part of a network or chain of charter schools or a charter school
 4 management organization that has more than one school.

5 232.4. (a) A ~~local educational agency school district~~ that
 6 establishes a single gender school or instructional ~~program~~
 7 *program, or a charter school that is established as a single gender*
 8 *school or that establishes a single gender instructional program,*
 9 pursuant to Section 232.2 shall conduct ~~an evaluation~~ *the following*
 10 *evaluations* at least once every two ~~years~~ *years*:

11 (1) *An evaluation* to ensure that the single gender aspect of the
 12 school or program is based upon genuine justifications and does
 13 not rely on overly broad generalizations about the different talents,
 14 capacities, or preferences of either gender and that the single gender
 15 nature of the school or program is substantially related to the
 16 achievement of the important objective for the school or program.

17 (2) *An evaluation that examines whether the single gender*
 18 *school or instructional program has been effective as compared*
 19 *to coeducational schools.*

20 (3) *An evaluation of the impact of the single gender school or*
 21 *instructional program on pupils who identify as lesbian, gay,*
 22 *bisexual, transgender, questioning, or gender nonconforming.*

23 (b) *The school district or charter school shall submit the findings*
 24 *of the evaluations required pursuant to subdivision (a) to the Senate*
 25 *Committee on Education and the Assembly Committee on*
 26 *Education.*

27 232.6. *This article shall remain in effect only until January 1,*
 28 *2025, and as of that date is repealed.*

29 SEC. 2. This act is an urgency statute necessary for the
 30 immediate preservation of the public peace, health, or safety within
 31 the meaning of Article IV of the California Constitution and shall
 32 go into immediate effect. The facts constituting the necessity are:

33 In order to authorize, at the earliest possible time, the use of
 34 single gender schools and instructional programs that serve
 35 important ~~local educational agency school district and charter~~
 36 *school* objectives, it is necessary that this act take effect
 37 immediately.