



## **AB 1888 – Cal Grant Disinvestment in Discrimination**

Author: Assemblymember Evan Low, 28th District

Cosponsors: Equality California, National Center for Lesbian Rights

NATIONAL CENTER FOR LESBIAN RIGHTS

### **In Brief**

This bill requires that the publicly funded grants provided through the Cal Grant Program may not be used by academic institutions that have or seek a waiver of non-discrimination requirements under Title IX in order to discriminate on the basis of sex, sexual orientation, gender identity, or gender expression.

### **The Issues**

Title IX is a federal law that prohibits schools receiving federal funds from discriminating based on sex. The federal Department of Education and a growing number of federal courts have held that Title IX's prohibition on sex discrimination includes discrimination based on sexual orientation, gender identity and gender expression. Under current federal law, religious schools may request a waiver of Title IX in order to discriminate based on sex. Historically, very few schools requested such waivers; however, now that the Department of Education and courts have held that Title IX protects LGBT students from discrimination, a growing number of schools are seeking waivers so that they can discriminate against LGBT students.

While federal law gives schools the ability to receive federal funding and yet engage in discrimination based on sex, California law prohibits any recipient of state financial assistance from discriminating on the basis of sex and other categories. Despite that prohibition, at least six California schools (four of which participate in the Cal Grant Program) are seeking Title IX waivers. The applications for these waivers show that schools want them in order to discriminate against LGBT people.

### **The Solution**

This bill would ensure that educational institutions that seek to discriminate against LGBT people will not receive tax-payer funded Cal Grants. It would require any academic institution receiving Cal Grant funding to certify that it will not engage in unlawful discrimination, including on the basis of sex, sexual orientation, gender identity, and gender expression, and that it will not apply for or receive a Title IX waiver for exemption from federal nondiscrimination requirements while receiving Cal Grant funds. Some exceptions are allowed, including for historically single-sex organizations and for some religious organizations that seek to preference people of a designated faith in admissions or for jobs.

### **Background**

Examples of the discrimination students or employees could face if this law does not go into effect include termination of employees or expulsion of students based on sexual orientation or gender identity, forbidding students from forming clubs or groups where these topics might be discussed, and placing transgender students in separate housing apart from their peers. This institutionalized discrimination harms students and creates an unsafe atmosphere for both students and employees.

### **Support**

Equality California (Cosponsor)  
National Center for Lesbian Rights (Cosponsor)  
American Civil Liberties Union of California  
Attorney General Kamala D. Harris  
Bay Area Municipal Elections Committee  
California Faculty Association  
California Federation of Teachers  
California Teachers Association  
Rainbow Chamber of Commerce, Silicon Valley  
SacLEGAL, Sacramento's LGBT Bar Association  
The Arc and United Cerebral Palsy California  
Collaboration

## For More Information

Jo Michael, Legislative Manager  
Equality California  
619-204-4995  
jo@eqca.org

Geoff Kors, Government Policy Director  
National Center for Lesbian Rights  
415-392-6257  
GKors@NCLRights.org

Tatum Holland, Legislative Director  
Office of Assemblymember Evan Low  
916-319-2028  
Tatum.Holland@asm.ca.gov