

Senate Bill No. 169

Passed the Senate September 14, 2017

Secretary of the Senate

Passed the Assembly September 13, 2017

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2017, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 212.5, 221.6, 221.8, 230, 231.5, 260, and 66262.5 of, and to add Sections 212.7 and 66281.8 to, the Education Code, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

SB 169, Jackson. Education: sex equity.

Existing federal law, known as Title IX, prohibits a person, on the basis of sex, from being excluded from participation in, being denied the benefits of, or being subject to discrimination, which includes sexual harassment, under any education program or activity receiving federal financial assistance. A portion of the Donahoe Higher Education Act, known as the Equity in Higher Education Act, and the Sex Equity in Education Act establish, 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. Specified provisions of law relating to educational equity in schools, including the Equity in Education Act and the Equity in Higher Education Act, define, in the same way, “sexual harassment” for the purposes of their respective provisions.

Based on federal regulations, this bill would define “sexual harassment” to include “sexual violence,” as defined, for the purposes of those state laws. The bill would, among other things, require the appropriate governing board or body of each elementary and secondary school that receives state financial assistance, and the appropriate governing board or body of each higher education institution that receives state funds for student financial assistance, to, as a condition of receiving that financial assistance, comply with certain requirements, based on federal regulations. The bill would express the intent of the Legislature that each local educational agency, and would require the appropriate governing board or body of each higher education institution that receives state funds for student financial assistance to, designate at least one employee to act as a sex equity coordinator or officer, as applicable. The bill would require, on or before July 1, 2018, the appropriate governing board or body of each higher education

institution that receives state funds for student financial assistance to, as a condition of receiving that financial assistance, adopt regulations to, among other things, ensure that implementation of the applicable provisions of the bill at the institution is, to the greatest extent possible, consistent with federal regulations. By imposing new duties on school districts, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) Education has long been recognized as the great equalizer in America.

(b) The Legislature believes that providing all students with an educational environment free from discrimination is extremely important. The sexual harassment of students, including sexual violence, interferes with the right of students to receive an education free from discrimination and, in the case of sexual violence, is a crime.

(c) When a student sexually harasses another student, the harassing conduct creates a hostile environment if the conduct is sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from the school's programs or activities. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical. A single or isolated incident of sexual harassment, including sexual violence, may create a hostile environment if the incident is sufficiently severe.

(d) Every student has a right to be protected from sexual harassment, including sexual violence, in a school's educational programs and activities. Each school has a responsibility to make

reasonable efforts to respond effectively when sexual harassment is reported or observed by school employees.

(e) Sexual harassment of students, including acts of sexual violence, is a form of sex discrimination prohibited by Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.), and its implementing regulations, Part 106 of Chapter 1 of Subtitle B of Title 34 of the Code of Federal Regulations.

(f) The requirements of this act pertaining to sexual harassment also cover sexual violence.

(g) It is critical for California to implement legislation to ensure that protections are in place to properly prevent and resolve instances of sexual harassment, including sexual violence, at California's elementary or secondary schools and higher education institutions.

(h) It is the intent of the Legislature that each local educational agency designate at least one local educational agency employee to act as a gender equity coordinator to coordinate its efforts to comply with and carry out its responsibilities under this act. The gender equity coordinator may be the same individual as the school's federal Title IX coordinator. It is the intent of the Legislature that the local educational agency post the identity of the gender equity coordinator in a prominent location on its, and each of its schools', Internet Web sites.

(i) It is the intent of the Legislature, based on the federal regulations described in subdivision (e), to define "sexual harassment" to include "sexual violence," as defined in Section 212.7 of the Education Code, for the purposes of Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code and the Equity in Higher Education Act established in Chapter 4.5 (commencing with Section 66250) of Part 40 of Division 5 of Title 3 of the Education Code.

(j) It is the intent of the Legislature that each elementary and secondary school that receives state financial assistance, and each higher education institution that receives state funds for student financial assistance, and their respective governing boards or bodies, comply with the requirements of this act as a condition of receiving that financial assistance.

(k) It is the intent of the Legislature that the requirements of this act be interpreted, to the greatest extent possible, consistent with the federal guidelines issued by the United States Department

of Education’s Office for Civil Rights on April 4, 2011, as it read on January 1, 2017.

SEC. 2. Section 212.5 of the Education Code is amended to read:

212.5. (a) “Sexual harassment” means unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:

(1) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual’s employment, academic status, or progress.

(2) Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.

(3) The conduct has the purpose or effect of having a negative impact upon the individual’s work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.

(4) Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

(b) “Sexual harassment” also means sexual violence.

SEC. 3. Section 212.7 is added to the Education Code, to read:

212.7. “Sexual violence” means physical sexual acts perpetrated against a person without the person’s consent. An individual may be unable to give consent due to an intellectual or other disability. Physical sexual acts include, but are not limited to, either of the following:

(a) Rape as defined in Chapter 1 (commencing with Section 261) of Title 9 of Part 1 of the Penal Code.

(b) Sexual assault, defined as an act or attempt made punishable by Section 220, 261, 261.5, 262, 264.1, 266c, 269, 285, 286, 288, 288.5, 288a, 289, or 647.6 of the Penal Code, or sexual battery as defined in Chapter 9 (commencing with Section 240) of Title 8 of Part 1 of the Penal Code.

SEC. 4. Section 221.6 of the Education Code is amended to read:

221.6. (a) On or before July 1, 2006, the department shall post on its Internet Web site, in both English and Spanish and at a reading level that may be comprehended by pupils in high school, the information set forth in the federal regulations implementing Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.).

(b) On or before July 1, 2018, the department shall update the Internet Web site post described in subdivision (a) to include information on the provisions of the federal guidance letter issued by the United States Department of Education's Office for Civil Rights on April 4, 2011, as it read on January 1, 2017.

(c) The Superintendent of Public Instruction shall consider incorporating the provisions of the federal guidance letter issued by the United States Department of Education's Office for Civil Rights on April 4, 2011, as it read on January 1, 2017, into the next revision of the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.

(d) It is the responsibility of the appropriate governing body for each local educational agency, as applicable, to ensure that the policies and procedures in place at the local educational agency comply with the requirements of this article.

SEC. 5. Section 221.8 of the Education Code is amended to read:

221.8. The following list of rights, which are based on the relevant provisions of the federal regulations implementing Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.), including the federal Title IX regulations concerning sexual harassment and sexual violence, may be used by the department for purposes of Section 221.6:

(a) You have the right to fair and equitable treatment and you shall not be discriminated against based on your sex.

(b) You have the right to be provided with an equitable opportunity to participate in all academic extracurricular activities, including athletics.

(c) You have the right to inquire of the athletic director of your school as to the athletic opportunities offered by the school.

(d) You have the right to apply for athletic scholarships.

(e) You have the right to receive equitable treatment and benefits in the provision of all of the following:

- (1) Equipment and supplies.
- (2) Scheduling of games and practices.
- (3) Transportation and daily allowances.
- (4) Access to tutoring.
- (5) Coaching.
- (6) Locker rooms.
- (7) Practice and competitive facilities.
- (8) Medical and training facilities and services.
- (9) Publicity.

(f) You have the right to have access to a gender equity coordinator to answer questions regarding gender equity laws.

(g) You have the right to contact the State Department of Education and the California Interscholastic Federation to access information on gender equity laws.

(h) You have the right to file a confidential discrimination complaint with the United States Office of Civil Rights or the State Department of Education if you believe you have been discriminated against or if you believe you have received unequal treatment on the basis of your sex.

(i) You have the right to pursue civil remedies if you have been discriminated against.

(j) You have the right to be protected against retaliation if you file a discrimination complaint.

(k) You have the right to be free from sexual harassment, including sexual violence.

SEC. 6. Section 230 of the Education Code is amended to read:

230. For purposes of this chapter, harassment and other discrimination on the basis of sex include, but are not limited to, sexual harassment, including sexual violence, and the following practices:

(a) On the basis of sex, exclusion of a person or persons from participation in, denial of the benefits of, or subjection to harassment or other discrimination in, any academic, extracurricular, research, occupational training, or other program or activity.

(b) On the basis of sex, provision of different amounts or types of student financial aid, limitation of eligibility for student financial aid, or the application of different criteria to applicants for student financial aid or for participation in the provision of student financial aid by others. Nothing in this subdivision shall be construed to

prohibit an educational institution from administering, or assisting in the administration of, scholarships, fellowships, or other forms of student financial aid, established pursuant to domestic or foreign wills, bequests, trusts, or similar legal instruments or by acts of a foreign government, which require that awards be made to members of a particular sex; provided, that the overall effect of the award of these sex-restricted scholarships, fellowships, and other forms of student financial aid does not discriminate on the basis of sex.

(c) On the basis of sex, exclusion from participation in, or denial of equivalent opportunity in, athletic programs. For purposes of this subdivision, “equivalent” means equal or equal in effect.

(d) An educational institution may be found to have effectively accommodated the interests and abilities in athletics of both sexes within the meaning of Section 4922 of Title 5 of the California Code of Regulations as that section exists on January 1, 2003, using any one of the following tests:

(1) Whether interscholastic level participation opportunities for male and female pupils are provided in numbers substantially proportionate to their respective enrollments.

(2) Where the members of one sex have been and are underrepresented among interscholastic athletes, whether the school district can show a history and continuing practice of program expansion that is demonstrably responsive to the developing interest and abilities of the members of that sex.

(3) Where the members of one sex are underrepresented among interscholastic athletes, and the institution cannot show a history and continuing practice of program expansion as required in paragraph (2), whether the school district can demonstrate that the interest and abilities of the members of that sex have been fully and effectively accommodated by the present program.

(e) If an educational institution must cut its athletic budget, the educational institution shall do so consistently with its legal obligation to comply with both state and federal gender equity laws.

(f) It is the intent of the Legislature that the three-part test articulated in subdivision (d) be interpreted as it has been in the policies and regulations of the Office of Civil Rights in effect on January 1, 2003.

(g) On the basis of sex, harassment or other discrimination among persons, including, but not limited to, students and nonstudents, or academic and nonacademic personnel, in employment and the conditions thereof, except as it relates to a bona fide occupational qualification.

(h) On the basis of sex, the application of any rule concerning the actual or potential parental, family, or marital status of a person, or the exclusion of any person from any program or activity or employment because of pregnancy or related conditions.

SEC. 7. Section 231.5 of the Education Code is amended to read:

231.5. (a) It is the policy of the State of California, pursuant to Section 200, that all persons, regardless of their sex, should enjoy freedom from discrimination of any kind in the educational institutions of the state. The purpose of this section is to provide notification of the prohibition against sexual harassment as a form of sexual discrimination and to provide notification of available remedies.

(b) Each educational institution in the State of California shall have a written policy on sexual harassment. The policy may include examples of the types of conduct prohibited. It is the intent of the Legislature that each educational institution in this state include this policy in its regular policy statement rather than distribute an additional written document.

(c) The educational institution's written policy on sexual harassment shall include information on where to obtain the specific rules and procedures for reporting charges of sexual harassment and for pursuing available remedies.

(d) A copy of the educational institution's written policy on sexual harassment shall be displayed in a prominent location in the main administrative building or other area of the campus or schoolsite. "Prominent location" means that location, or those locations, in the main administrative building or other area where notices regarding the institution's rules, regulations, procedures, and standards of conduct are posted.

(e) A copy of the educational institution's written policy on sexual harassment, as it pertains to students, shall be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session, as applicable.

(f) A copy of the educational institution's written policy on sexual harassment shall be provided for each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or at the time that there is a new employee hired.

(g) A copy of the educational institution's written policy on sexual harassment shall appear in any publication of the institution that sets forth the comprehensive rules, regulations, procedures, and standards of conduct for the institution.

(h) Each elementary and secondary school that is subject to the requirements of this article shall use a "preponderance of the evidence" standard to decide whether an incident of sexual harassment or sexual violence occurred. The school shall make a determination regarding what, if any, disciplinary action or actions are appropriate, including suspension or expulsion pursuant to Article 1 (commencing with Section 48900) of Chapter 6 of Part 27 of Division 4 of Title 2.

SEC. 8. Section 260 of the Education Code is amended to read:

260. The governing board of a school district shall have the primary responsibility for ensuring that school district programs and activities are free from discrimination based on age, the characteristics listed in Section 220, and sexual harassment, including sexual violence, and for monitoring compliance with any and all rules and regulations promulgated pursuant to Section 11138 of the Government Code.

SEC. 9. Section 66262.5 of the Education Code is amended to read:

66262.5. (a) Except for the definition of "sexual violence," which for the purposes of this chapter is defined in subdivision (b), and "sexual exploitation," which for the purposes of this chapter is defined in paragraph (4) of subdivision (b), "sexual harassment" has the same meaning as defined in Section 212.5.

(b) For purposes of this chapter, "sexual violence" means physical sexual acts perpetrated against a person without the person's consent. An individual may be unable to give consent due to an intellectual or other disability. Physical sexual acts include all of the following:

(1) Rape as defined in Chapter 1 (commencing with Section 261) of Title 9 of Part 1 of the Penal Code.

(2) Sexual assault, defined as actual or attempted sexual contact with another person without that person’s consent, regardless of the victim’s affiliation with the higher education institution, including, but not limited to, any of the following:

(A) Intentional touching of another person’s intimate parts without that person’s consent or other intentional sexual contact with another person without that person’s consent.

(B) Using duress, forcing, or attempting to use duress or force a person to touch another person’s intimate parts without that person’s consent.

(3) Sexual battery as defined in Chapter 9 (commencing with Section 240) of Title 8 of Part 1 of the Penal Code.

(4) Sexual exploitation, defined as a person taking sexual advantage of another person for the benefit of anyone other than that person without that person’s consent, regardless of the victim’s affiliation with the higher education institution, including any of the following:

(A) Prostituting another person.

(B) Recording images, including video or photograph, or audio of another person’s sexual activity, intimate body parts, or nakedness without that person’s consent.

(C) Distributing images, including video or photograph, or audio of another person’s sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure and objected to the disclosure.

(D) Viewing another person’s sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person’s consent, and for the purpose of arousing or gratifying sexual desire.

SEC. 10. Section 66281.8 is added to the Education Code, to read:

66281.8. (a) For the purposes of this section, “higher education institution” means a campus of the University of California, the California State University, or the California Community Colleges, a private postsecondary educational institution, or an independent institution of higher education that receives state funds, including state funds for student financial assistance.

(b) The governing board of each community college district, the Trustees of the California State University, the Regents of the University of California, and the governing boards or bodies of each independent institution of higher education and each private postsecondary educational institution, in addition to the provisions set forth in Section 67386, shall comply with the requirements of this section to prevent and address sexual harassment involving a student, which could create a hostile environment on campus.

(c) The appropriate governing board or body of each higher education institution shall implement, and at all times comply with, all of the following requirements at the institution:

(1) Disseminate a notice of nondiscrimination to each higher education institution employee and volunteer, including any individual employed by contract to perform any service at the institution.

(2) Designate at least one employee of the institution to act as a gender equity officer to coordinate its efforts to comply with and carry out its responsibilities under this section. The gender equity officer may be the same individual as the institution's federal Title IX coordinator. The gender equity officer shall have adequate training on what constitutes sexual harassment and understand how the institution's grievance procedures operate.

(3) Adopt rules and procedures for the prevention of sexual harassment that include all of the following elements:

(A) When a student sexually harasses another student, the harassing conduct creates a hostile environment on campus for the purposes of this section if the conduct is sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from the institution's programs or activities. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment on campus, particularly if the harassment is physical. A single or isolated incident of sexual harassment, including sexual violence, may create a hostile environment on campus if the incident is sufficiently severe.

(B) The institution's primary concern is student safety. The use of alcohol, or drugs, or both shall not constitute grounds for determining that a complainant is at fault for sexual harassment or sexual violence. All disciplinary measures imposed by the institution for violations of the institution's student conduct policy

at or near the time of the incident shall be made pursuant to paragraph (10) of subdivision (b) of Section 67386.

(C) The institution shall take reasonable steps to ensure that students are protected in connection with all academic, educational, extracurricular, athletic, and other programs of the institution, whether those programs take place in the institution's facilities, on a schoolbus, at a class or training program sponsored by the institution at another location, or elsewhere.

(D) If a student files a complaint with the institution, regardless of where the conduct occurred, the institution shall process the complaint in accordance with this section. Because students often experience the continuing effects of off-campus sexual harassment in the educational setting, the institution shall consider the effects of the off-campus conduct when evaluating whether there is a hostile environment on campus. The institution may have an obligation to respond to student-on-student sexual harassment that initially occurred off campus grounds, outside of the institution's educational programs or activities.

(E) If the institution knows, or reasonably should know, about possible sexual harassment that could create a hostile environment on campus, the institution shall promptly determine whether to investigate. If the institution investigates and determines that sexual harassment creating a hostile environment on campus has more likely than not occurred, it must take immediate action to eliminate the hostile environment, prevent its recurrence, and address its affects, regardless of whether or not a complaint has been filed under the institution's grievance procedures.

(4) Adopt and publish on its Internet Web site grievance procedures that provide for prompt and equitable resolution of student sexual harassment complaints filed by a student against an employee, another student, or a third party. The grievance procedures shall contain all of the following elements:

(A) Provide notice to each individual described in paragraph (1) and each student of the grievance procedures, including where and how complaints may be filed.

(B) Apply the grievance procedures to each complaint alleging sexual harassment perpetrated by an employee described in paragraph (1), another student, or a third party.

(C) Ensure adequate, reliable, and impartial investigation of complaints, including the opportunity for both parties to present witnesses and other evidence.

(D) Designate reasonably prompt timeframes for the major stages of the complaint process.

(E) Provide notice to parties of the outcome of the complaint in writing. The written outcome shall explain to the parties the reason for the decision.

(F) Provide an assurance that the institution will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate.

(G) Specify the timeframes for all of the major stages of the grievance procedures, including, but not necessarily limited to, the process for extending timelines. The grievance procedures shall provide both parties to a complaint periodic status updates and specify the timeframe within which all of the following will occur:

(i) The institution conducts an investigation appropriate to the complaint.

(ii) Both parties receive a response regarding the outcome of the complaint.

(iii) The parties may file an appeal, if the institution's grievance procedures include an appeals process.

(H) If both the complainant and respondent are students at the institution, provide information regarding the rights of a sexual harassment complainant and respondent. All of the following rights shall be afforded to student parties, both the complainant and the respondent, in the same manner and, except under extenuating circumstances, such as the unavailability of a party or if it would impede an investigation, at the same time:

(i) To receive notice that the institution is conducting an investigation. The notice shall include sufficient information to ensure that the parties understand the allegations and the alleged institutional policy violations under review.

(ii) To receive information on the institution's investigative process, decisionmaking procedures, and grievance procedures established pursuant to the requirements of this section. Each higher education institution may create reasonable procedures to clarify and manage the investigation process, including instituting reasonable and equitable evidentiary guidelines, deadlines, and

page or word limitations on student party submissions. The institution shall include, but is not limited to including, a statement regarding the limitations on the use of past sexual history within the scope of a sexual harassment investigation.

(iii) To receive information about reasonably prompt timeframes for the major stages of the complaint process.

(iv) To have the investigation and decision of responsibility made by a neutral decisionmaker or decisionmaking body.

(v) To have the opportunity to give information, identify witnesses, and provide documentary information during the course of the investigation and the opportunity to respond to any evidence upon which any findings will be based.

(vi) To have a support person or adviser accompany the student during key stages of the investigation and hearing processes, if requested.

(vii) To receive a written outcome of the findings, including disciplinary outcomes.

(viii) If the institution has an appeals process, to have equal opportunity to appeal the outcome of the disciplinary proceedings.

(ix) To have appropriate disciplinary outcomes, remedial measures, and systemic remedies put in place following a final finding of responsibility.

(5) Adopt and publish investigation procedures on its Internet Web site providing for prompt and equitable resolution of student sexual harassment complaints filed by a student, or initiated by the higher education institution itself, against an institution employee, another student, or a third party. The procedures shall contain all of the following elements:

(A) Information describing the obligations of all staff designated by the institution to report concerns of sexual harassment to the gender equity officer designated pursuant to paragraph (2). An individual who has a confidential relationship with a student or students by law, or other relationship designated by the institution as confidential, is exempt from having to report sexual harassment concerns to the gender equity officer pertaining to the confidential relationship or relationships.

(B) A requirement that the gender equity officer designated pursuant to paragraph (2), or his or her designee, assess each report of sexual harassment and provide outreach, as appropriate, to each identifiable student who is alleged to be the victim of the reported

conduct. The outreach shall include all of the following information:

(i) The institution has received a report that the student may have been a victim of sexual harassment.

(ii) The prohibition of retaliation.

(iii) Behavioral health services at the institution or in the community.

(iv) If there is the possibility of a criminal act, notice that the student has the right, but not the obligation, to report the matter to law enforcement.

(v) The institution's investigation procedures established pursuant to the requirements of this section.

(vi) Potential interim measures, such as no contact directives, housing changes, and academic schedule changes, where applicable.

(vii) The importance of preserving evidence.

(viii) A request for the student to meet with the gender equity officer, or his or her designee, to discuss options for responding to the report.

(ix) The manner in which the institution responds to reports of sexual harassment and a description of potential disciplinary consequences.

(d) This section does not require a school to provide separate grievance procedures for student sexual harassment complaints. The school may use student disciplinary procedures or other separate procedures to resolve sexual harassment complaints. Any procedures used to adjudicate complaints of sexual harassment, including disciplinary procedures, shall afford a complainant and a respondent a prompt and equitable resolution. If the school relies on disciplinary procedures for compliance with the requirements of this section, the gender equity officer designated pursuant to paragraph (2) of subdivision (c) shall review the school's disciplinary procedures to ensure that the procedures comply with the requirements of this section.

(e) To the extent that the student rights listed in this article do not otherwise exist by statute or agreement, nothing in this section requires schools to provide nonstudent parties with those rights.

(f) It is the responsibility of the appropriate governing board for each higher education institution to ensure that the policies and procedures in place at the institution comply with the requirements

of this section, and to implement changes, as necessary, to ensure compliance with the requirements of this section.

(g) On or before July 1, 2018, the appropriate governing board or body of each school shall adopt regulations to ensure that implementation of this section at the school is, to the greatest extent possible, consistent with federal Title IX regulations.

(h) The requirements of this section shall be implemented at each higher education institution by no later than January 1, 2019.

SEC. 11. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved _____, 2017

Governor