SPONSOR: Rep. Ross Levin & Sen. Sturgeon
Reps. Berry, Gorman, Heffernan, Lambert, Morrison, Neal, Phillips, Romer, Snyder-Hall, Michael Smith, Lynn, S. Moore, Kamela Smith, Griffith, K. Williams, Harris; Sens. Cruce, Hoffner, Pinkney, Seigfried, Sokola, Lockman, Huxtable

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 300
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF A TITLE IX COORDINATOR WITHIN THE DEPARTMENT OF EDUCATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Subchapter II, Chapter 1, Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 136. Title IX Coordinator.

(a) There is established within the Department of Education the position of Title IX Coordinator.

(b) The purpose of the Title IX Coordinator is statewide support, guidance, and oversight related to and providing for compliance with Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq. ("Title IX") as it pertains to interscholastic athletics in Delaware's public schools serving grades 6 through 12.

(c) Delaware's public schools serving grades 6 through 12 may not exclude a person from participation in, deny the benefits of, treat a person differently from another person in, or otherwise discriminate against a person in, an interscholastic, club, or intramural athletics, on the basis of sex.

(d) The Title IX Coordinator has the following duties:

(1) Offer annual Title IX training for school district and charter school Title IX coordinators, administrators, athletic directors, and coaches. The training must at minimum address the following:

a. History and purpose of Title IX.

b. How Title IX specifically applies to interscholastic athletics in grades 6 through 12 and its requirements affecting athletics in public schools serving grades 6 through 12.

c. Participation opportunities for students.

d. Treatment and benefits.

e, Data collection, analysis, and monitoring.

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f. Handling grievances, complaints, and investigations at the school level.

g. Inclusion and equity in interscholastic athletics programs.

(2) Provide Title IX non-legal technical assistance to school districts and charter schools that are DIAA member schools, including model policies and best practices.

(3) Collect and analyze data from school districts and charter schools necessary to evaluate statewide compliance with Title IX.

(4) Identify, create, and maintain model Title IX policies and procedures, including nondiscrimination policies and complaint procedures that are compliant with Title IX and state law.

(5) Act as a liaison between public schools and federal agencies on updated rules and guidance.

(6) Prepare a written report by December 1 of each year, summarizing training activities, technical assistance, data analysis, findings, and recommendations for improving Title IX interscholastic athletics compliance across the State. The report must be submitted to the Governor, the Director and Librarian of the Division of Legislative Services, the Secretary of the Senate, and the Chief Clerk of the House of Representatives for distribution to all members of the General Assembly, and posted publicly on the Department's website.

(e) School districts and charter schools are required to publicly post individual school data from the prior school year on their websites and report the data to the Department of Education no later than September 30 of each year. The data must include the following:

(1) Participation rates by sex in interscholastic and intramural athletics.

(2) Budget and expenditure information for boys' and girls' sports programs, including but not limited to equipment, facilities, travel, and coaching.

(f) The Title IX Coordinator may issue systemic or school-specific non-legal guidance or request a school district, school, or charter school to engage in a strategic plan for improvement to address Title IX compliance concerns. Nothing in this subsection limits an individual's right to file a grievance with their school district, school, or charter school or to file a complaint with the U.S. Office for Civil Rights within the applicable federal statute of limitations.

(g) The Department of Education, in collaboration with the Delaware Interscholastic Athletic Association, will establish rules and regulations to implement and enforce this section.

(h) The Department of Education must request, through the annual budget process, sufficient funding to support the Title IX Coordinator position and the necessary upgrades to the Department's data systems to enable collection and analysis of athletics budget and expenditure data disaggregated by sex.