

Federal and State Anti-Discrimination Protections for High School and College Students Based on Sex and Gender

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Issue

Provide a legislative history for Connecticut's passage of anti-discrimination protections based on sex and gender for Connecticut high school and college students.

Summary

Both federal and state law protect Connecticut high school and college students from sex- and gender-based discrimination. Federal law, specifically Title IX of the Education Amendments of 1972, prohibits sex discrimination (including sexual harassment) in federally funded education programs such as schools, public and private colleges, libraries, and museums.

Beginning in 1975, Connecticut built upon the federal Title IX protections by enacting several separate K-12 and postsecondary education laws. Specifically, Connecticut has passed provisions in state law that do the following:

1. prohibit discrimination in K-12 public schools based on sex or gender identity and expression;
2. require public higher education system governing boards to establish policies to ensure no qualified person be denied higher education based on sex or gender identity and expression; and
3. require colleges and universities to establish policies and procedures to address incidents of sexual assault, sexual harassment, and intimate partner violence.

This report provides a legislative history of these Connecticut laws, including relevant background on the associated public testimony and floor debate in both legislative chambers when available.

Title IX

Although Title IX is often cited in relation to athletic programs, this federal law applies to the entire educational experience including admissions and recruitment, housing, access to course offerings, and employment. It also protects against sexual harassment, sexual assault, dating violence, domestic violence, and stalking.

The law (codified at [20 U.S.C. §§ 1681 et seq.](#), and its implementing regulations, [34 C.F.R. Part 106](#)) charges the U.S. Department of Education’s Office for Civil Rights (OCR) with monitoring and enforcement. Each state department of education and local school district (or other recipient of federal funds) must designate a staff person to oversee compliance. Individuals who feel their rights under Title IX have been violated may follow the in-house grievance procedures outlined by their Title IX coordinator, file a complaint with the OCR, or file a private lawsuit.

Connecticut Laws

Connecticut has sex- and gender-based anti-discrimination laws protecting both K-12 public school students and public college and university students.

Anti-discrimination Protections for K-12 Students

In addition to federal requirements under Title IX and Connecticut constitutional provisions providing equality of rights and educational opportunity, Connecticut law requires that each child enrolled in K-12 public schools have an equal opportunity to participate in the activities, programs, and courses of study offered in public schools, when the child becomes eligible to participate, without discrimination on account of race, color, sex, religion, national origin or sexual orientation. Each child must also be advised about this by the appropriate school authorities ([CGS § 10-15c](#)). Table 1 traces the legislative history of this statute.

Table 1: Legislative History of K-12 Protections in CGS § 10-15c

Public Act	Relevant Provision(s)	Relevant Context, Testimony, or Floor Debate
PA 75-284	Adds prohibition against sex-based discrimination to the existing prohibition against race-based discrimination in public school	March 20, 1975, Education Committee public hearing transcript: bill advocates shared knowledge of incidents where boys were not allowed to take home economics, girls were not allowed to take industrial arts, and sports/athletics offerings were discriminatory

Table 1 (continued)

Public Act	Relevant Provision(s)	Relevant Context, Testimony, or Floor Debate
PA 78-218, § 10	Separated the anti-discrimination provisions from the law governing the length of the school year (CGS § 10-15) and created CGS § 10-15c as a stand-alone statute	March 27, 1978, Education Committee public hearing transcript: a special commission empowered to revise and recodify the education statutes created 10-15c as a stand-alone statute to highlight its importance
PA 79-128, §§ 12 & 36	Removes the “within existing expenditures” provision that potentially limited equal educational opportunities for each child irrespective of race, color, sex, religion, or national origin	No relevant testimony available
PA 80-405, §§ 1 & 4	Requires school authorities to inform students, as they become eligible, about their right to participate in all school activities and programs without discrimination on account of race, color, sex, religion, and national origin	No relevant testimony available
PA 97-247 , § 6	Adds “sexual orientation” to the list of discrimination protections	<p>March 17, 1997, Education Committee public hearing transcript: testimony about a student given detention for wearing pink triangle pins and other students who threatened to toss a student into bonfire at a school event due to sexual orientation</p> <p>May 7, 1997, Senate transcript: proponent confirms that there had been some reports of violence or discrimination against students in school due to sexual orientation</p> <p>June 4, 1997, House transcript: proponent confirms that parental testimony revealed that discrimination regarding sexual orientation has occurred in local schools</p>
PA 11-55 , § 8	Adds anti-discrimination protection based on “gender identity and expression”	Part of a larger omnibus act prohibiting discrimination on the basis of gender identity or expression in various contexts, including employment, public accommodations, the sale or rental of housing, the granting of credit, public schools and libraries, electric suppliers, and telephone or telecommunication providers

Protections for College and University Students

In addition to federal requirements under Title IX, since 1975 Connecticut law has required state public higher education policies to ensure that no qualified person be denied the opportunity for higher education based on sex. The legislature added protections based upon gender identity or expression in 2011 ([CGS § 10a-6\(b\)\(1\)\(A\)](#)). Table 2 traces the legislative history of this statute.

Table 2: Legislative History of Postsecondary Protections in CGS § 10a-6

Public Act	Relevant Provision(s)	Relevant Context, Testimony, or Floor Debate
CGS § 10-234 (passed in 1975, but repealed and replaced by PA 77-573, see below)	Adopted the goal for the state’s public higher education system to ensure that no qualified person be denied the opportunity to for higher education on the basis of sex, among other things (see the Program Review and Investigations Committee Report , “Strengthening Higher Education,” April 1977, page 5)	No relevant testimony available, but Article V, an amendment to the Connecticut state constitution prohibiting sex-based discrimination, passed in 1974
PA 77-573, § 6	Maintained the goal codified in 1975 as part of a reorganization of higher education oversight that created the Board of Higher Education to replace the Commission on Higher Education	No discussion of anti-discrimination goals at the committee-level or during House or Senate debate
PA 11-55 , §§ 2, 10 & 37	Added “gender identity or expression” to the discrimination protections, with exceptions for religious educational institutions regarding (1) employment or (2) matters of discipline, faith, internal organization or ecclesiastical rule, custom, or law established by the institution	Part of a larger omnibus act prohibiting discrimination on the basis of gender identity or expression in various contexts, including employment, public accommodations, the sale or rental of housing, the granting of credit, public schools and libraries, electric suppliers, and telephone or telecommunication providers

Furthermore, since 2012 the legislature has enacted a series of protections for college and university students relating to sexual assault, stalking, and intimate partner violence (IPV). Table 3 describes these laws, including the relevant testimony and floor debate.

Table 3: Legislative History of Sexual Assault, Stalking, and IPV Protections: CGS §§ 10a-55m to -55r

Public Act	Relevant Provision(s)	Relevant Context, Testimony, or Floor Debate
PA 12-78	<p>Requires public and private higher education institutions to adopt and disclose policies on sexual assault and IPV that must include provisions for (1) informing students about their options for assistance if they are victims of such violence, (2) disciplinary procedures, and (3) possible sanctions</p> <p>Requires these institutions, within existing budgetary resources, to offer (1) sexual assault and intimate partner violence primary prevention and awareness programming for all students and (2) ongoing prevention and awareness campaigns</p>	<p>March 6, 2012, Higher Education Committee testimony: Connecticut data shows that 19% of college female residents and 26% of women are sexual assault survivors, many victims do not report incidents, and institutional barriers are present (e.g., secret disciplinary proceedings, off-the-record negotiations)</p>
PA 14-11 & PA 14-217 , §§ 163-4	<p>Extends PA 12-78 requirements to (1) for-profit institutions licensed to operate in Connecticut and (2) applies them to (a) stalking and (b) all institutions' employees (except the online Charter Oak State College)</p> <p>Requires all institutions, after a reported incident, to immediately provide concise written notification to each victim about his or her rights and options under the institution's policy or policies; allows all institutions to permit anonymous reporting</p> <p>Requires all institutions to (1) establish a campus resource team to review their policies and recommend protocols for providing support and services to students and employees who report being victims and (2) enter into a memorandum of understanding with at least one community-based sexual assault crisis service center and one community-based domestic violence agency</p>	<p>April 10, 2014, House transcript: students on campus have been working very diligently to raise awareness of this issue; current and former students at the University of Connecticut came forward last fall and told their stories</p> <p>(See CT Mirror story: "UConn students file federal lawsuit over university's handling of sexual assaults," November 1, 2013)</p>

Table 3 (continued)

Public Act	Relevant Provision(s)	Relevant Context, Testimony, or Floor Debate
PA 16-106	<p>Requires higher education institutions to use an affirmative consent standard when determining whether sexual activity is consensual in the context of their required policies on sexual assault and IPV</p> <p>Requires the policies to include clear statements advising students and employees of the affirmative consent standard</p>	<p>March 1, 2016, Education Committee public hearing testimony: “Affirmative consent is a shift from ‘no means no’ to ‘yes means yes.’ While ‘no means no’ places the burden on the victim to actively resist, ‘yes means yes’ engages both partners in a dialogue about what they want and about actively seeking consent.”</p>
PA 21-81 , & PA 21-2 , June Special Session, § 125	<p>Generally prohibits an institution from disciplining students or employees for violating the institution’s drug or alcohol policy, if they reported or disclosed an alleged sexual misconduct incident</p> <p>Establishes a Council on Sexual Misconduct Climate Assessments to develop a list of data points for higher education institutions to collect using sexual misconduct climate assessments</p> <p>Requires higher education institutions to biennially conduct a sexual misconduct climate assessment and distribute it to enrolled students, starting by March 1, 2023</p>	<p>May 25, 2021, House transcript: goal is creating amnesty for students who have been drinking or have been in some way violating the drug and alcohol policies on their campus and are subject to assault or witness an assault; survey looks at sexual violence on campus to see what students think about how well the administration is protecting them and the processes in place; students will have a chance to voice what’s happening on their campus, what they have seen in their own experiences</p>

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