

Analysis of SB 1146 as amended August 11, 2016 (Section 3 was removed)
http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160SB1146

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 66290.1 is added to the Education Code, to read:

66290.1. (a) Each postsecondary educational institution in this state that claims an exemption pursuant to Section 901(a)(3) of the federal Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681(a)(3)) or Section 66271 shall disclose to current and prospective students, faculty members, and employees the basis for claiming the exemption and the scope of the allowable activities provided by the exemption.

EFFECT: This is a new state government mandate upon religious colleges, universities, seminaries, and bible schools in California that requires public disclosure of their biblical policies, including a comprehensive list of moral standards (“scope of the allowable activities”) that these institutions enforce for students, employees, and faculty members.

(b) The disclosure required in subdivision (a) shall be made in all of the following ways:

(1) The disclosure shall be displayed in a prominent location of the campus or school site. “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.

(2) The disclosure shall be included in written materials sent to prospective students seeking admission to the institution.

(3) The disclosure shall be provided as part of orientation programs conducted for new students at the beginning of each quarter, semester, or summer session, as applicable.

(4) The disclosure shall be provided to each faculty member, member of the administrative staff, and member of the support staff at the beginning of the first quarter or semester of each school year. The disclosure shall be provided to each new employee upon his or her hire.

(5) The disclosure shall be included in any publication of the institution that sets forth the comprehensive rules, regulations, procedures, and standards of conduct for the institution.

EFFECT: The mandatory posting and distribution both on campus and to current and prospective students, employees, and faculty members is a comprehensive new state mandate that subjects religious institutions to new inspections and compliance enforcement by the State.

SEC. 2. Section 66290.2 is added to the Education Code, to read:

66290.2. (a) Each postsecondary educational institution in this state that claims an exemption pursuant to Section 901(a)(3) of the federal Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681(a)(3)) or Section 66271 shall submit to the Student Aid Commission copies of all materials submitted to, and received from, a state or federal agency concerning the granting of the exemption.

EFFECT: The State strongly implies that a faith-based college, university, seminary, or bible school cannot have and hold scriptural standards on marriage, sex, and natural genders unless it is proven to the California state government that a federal government exemption to Title IX exists for that institution.

(b) The Student Aid Commission shall collect the information received pursuant to subdivision (a) and post and maintain a list on the commission's Internet Web site of the institutions that have claimed the exemption with their respective bases for claiming the exemption.

EFFECT: Under SB 1146, the state government will now manage a public list of religious institutions -- and their religious activities -- if they claim a federal exemption, which also exempts them from all of the State of California's pro-homosexuality-bisexuality-transsexuality laws. According to the Los Angeles Times*, another regulatory effect of the amended SB 1146 "requires colleges to notify the state Student Aid Commission, which oversees Cal Grants, each time a student is expelled for violating a school's moral code of conduct. ... He said the requirement for schools to report expulsions based on morality codes to the state Commission on Student Aid will give him information on how common such cases are." If this indeed will be a regulatory effect of the amended SB 1146, a self-reporting requirement would be imposed upon religious institutions whenever a student is expelled for violating biblical standards for conduct as set forth in the school's policy. Religious institutions must report themselves to the State.

* "State senator drops proposal that angered religious universities in California," Los

Angeles Times, August 10, 2016 <http://www.latimes.com/politics/essential/la-pol-sac-essential-politics-updates-senator-drops-proposal-that-had-angered-1470853912-htmlstory.html>

SEC. 4. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.