

Title IX Committee Updates

September 15, 2020

Updates

- **8/14/20 – Adopted New Title IX policies**
 - 1720/4030/7235 (*Title IX Nondiscrimination on the Basis of Sex*)
 - 1725/4035/7236 (*Title IX Sexual Harassment – Prohibited Conduct and Reporting Process*)
 - 1726/4036/7237 (*Title IX Sexual Harassment Grievance Process*)
 - Note
 - Training development and presenting currently ongoing

Updates

- **Title IX Website Update**
 - Increased accessibility
 - Goal = One stop shop for all district Title IX information

Title IX Legal Updates

- *Gavin Grimm v. Gloucester County School Board* **(8/26/20)**
 - High school sophomore Gavin Grimm is a transgender male and requested that his school call him by his transgender name and pronouns, as well as, allow him to use the bathroom of his gender identity. Public backlash ensued and the Board enacted policy that stated students must use restroom/locker room matching a student's biological sex. Mr. Grimm sued the Board claiming that the Board policy was unconstitutional.
 - ***United States Court of Appeals (4th Circuit)***: Ruled that the Board's policy violated US Constitution and Title IX

Title IX Legal Updates

- August 31, 2020 – OCR issued a “Notice of Investigation” letter against Shelby County Schools
- Complainant alleged Title IX discrimination regarding sexual orientation by a school action or school policy
- Issue: Whether Shelby County Schools discriminated against the Complainant due to Complainant’s sexual orientation via school policy or action?
- Relevance: Confirms that alleged discrimination based on sexual orientation or transgender status due to a school’s action or policy may violate Title IX
 - Not including restroom/locker room & athletics

Title IX Legal Updates

- August 31, 2020 - OCR issued a “Letter of Impending Enforcement Action” against six Connecticut school districts (Transgender female students in athletics)
- Complainants alleged that six Connecticut school districts & the Connecticut Interscholastic Athletic Conference discriminated against female athletes by allowing transgender females to compete in single sex girls track
- Issue: Whether allowing transgender female athletes to compete in single sex female sports violates Title IX
- Outcome: Yes, allowing transgender females athletes to compete in single sex female sports does violate Title IX
- Note:
 - Confirmed OCR’s position that schools violate Title IX by allowing transgender females in single sex female sports
 - Confirmed OCR’s position that Title IX does not allow students to use single occupancy restrooms/locker rooms that match gender identity
 - Dept. of Education preparing to withhold 6 million in grants to Connecticut schools unless compliance with transgender athlete OCR regulations

Title IX Legal Updates

- Sexual orientation & transgender discrimination complaints (against a school policy or action) are Title IX issues. Excluding athletics & restrooms (OCR)
- Transgender students are allowed to use multi occupancy restroom/locker room of the gender they identify with (4th Circuit)
- Transgender students may request educational records (transcripts & new documents) be amended to match gender identity (4th Circuit)

Bathrooms/Locker rooms (4th Circuit)

- May offer single occupancy bathroom but use cannot be required

FAQ (4th Circuit)

- Will my child be required to use the bathroom with a transgender student?
- How will we prevent students from pretending to be transgender in order to go into another bathroom?
- What if a transgender student requests that their parent not be involved?
- What if a parent does not agree with their child's transgender status/accommodation?
- How do we grade transgender students in classes with physical activity?
- What about other students mistreating a transgender student due to their transgender status?
- What about my religious rights/beliefs as an employee?

Unknown (4th Circuit)

- Transgender students in athletics
- Dress code
- Overnight field trips

Legal Conflict

- *US Dept. of Ed. (OCR) v. 4th Circuit*
 - OCR = No protection for trans students in athletics and multi occupancy restroom/locker room matters
 - 4th Circuit = Includes protection for trans students in restroom/locker room
 - Still researching NCHSAA rules on transgender students in NC sports

Steps After Transgender Accommodation Request

- Contact administration
- Contact Title IX Coordinator
- Gender Support Plan Meeting (Title IX Coordinator, administrator, counselor, parent, student)
 - Review accommodations requested and develop written plan
 - Respond on case by case basis