The 2024 Title IX Team and Process for K-12 Districts



October 14, 2024

Presented by:

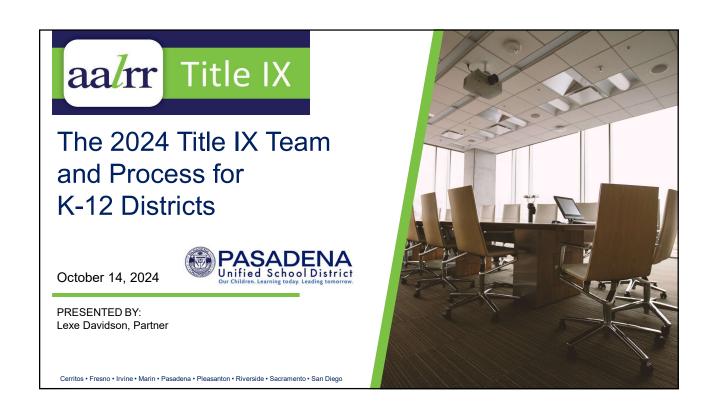
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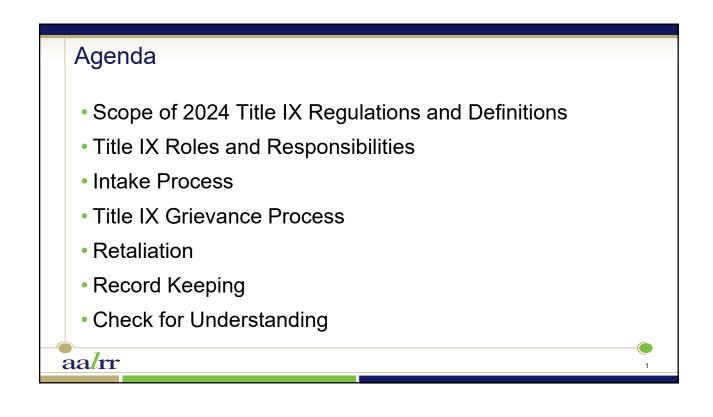
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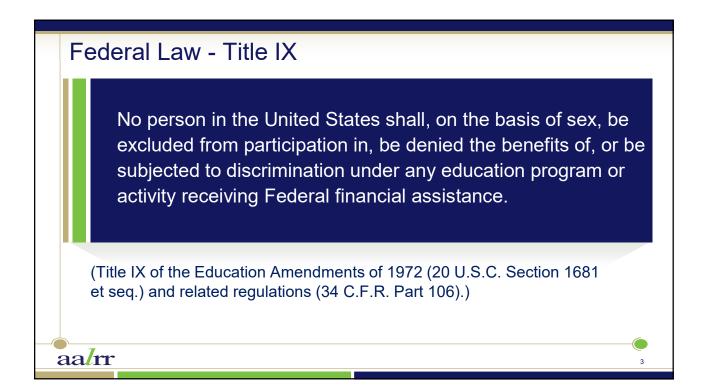




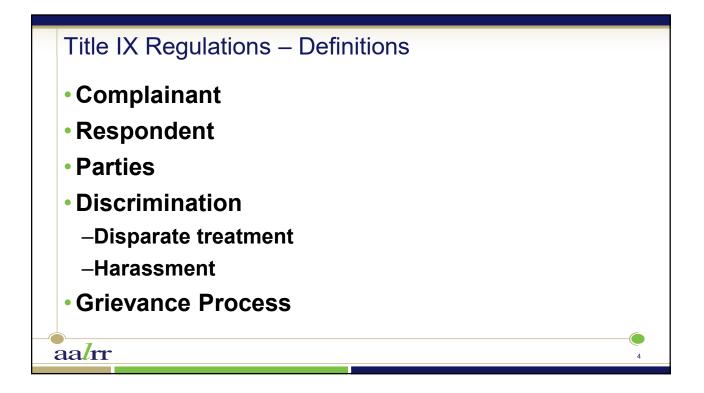


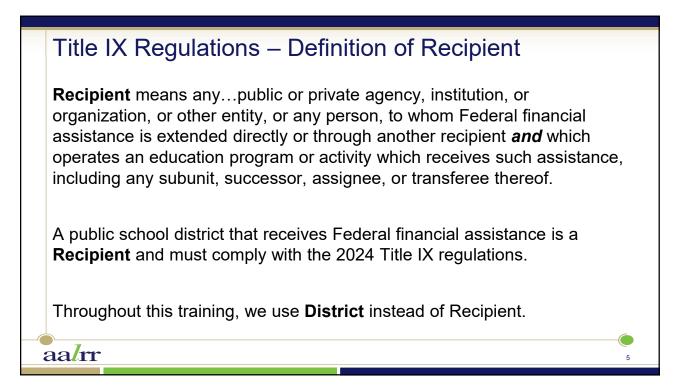




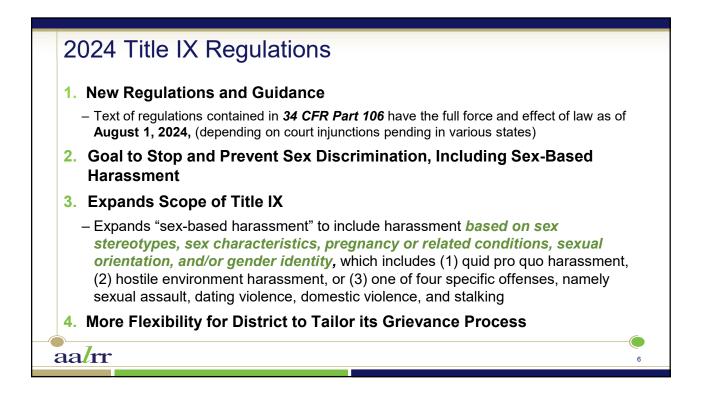


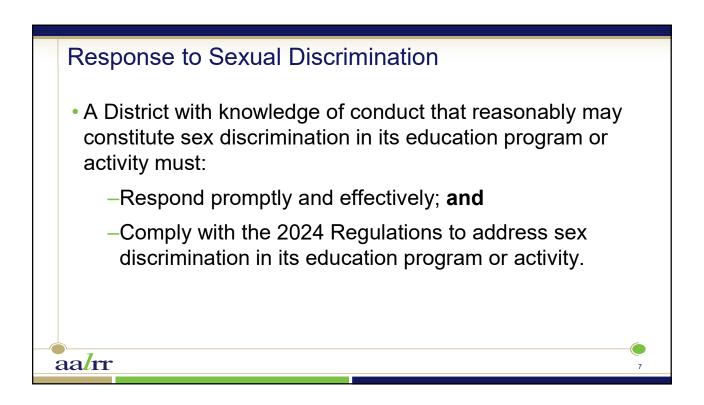










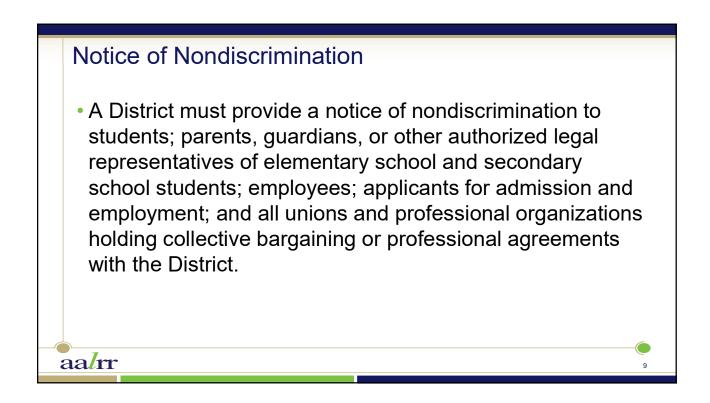


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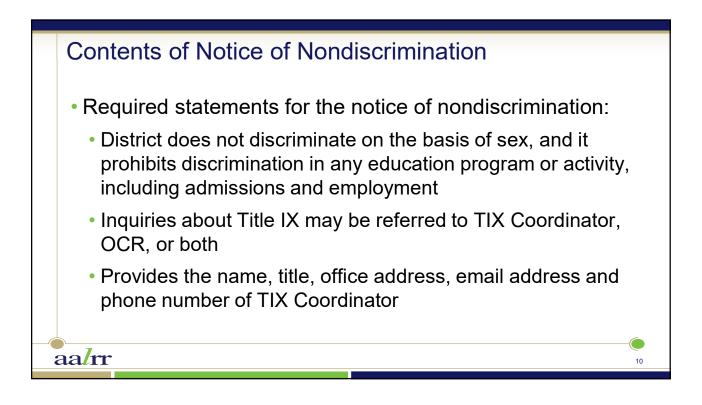


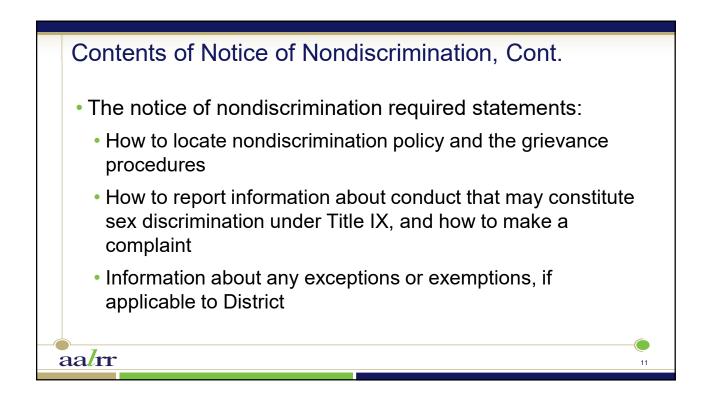
Nondiscrimination Policy

 A District must adopt, publish, and implement a policy stating that the recipient does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates as required by Title IX and [these regulations], including in admission and employment.

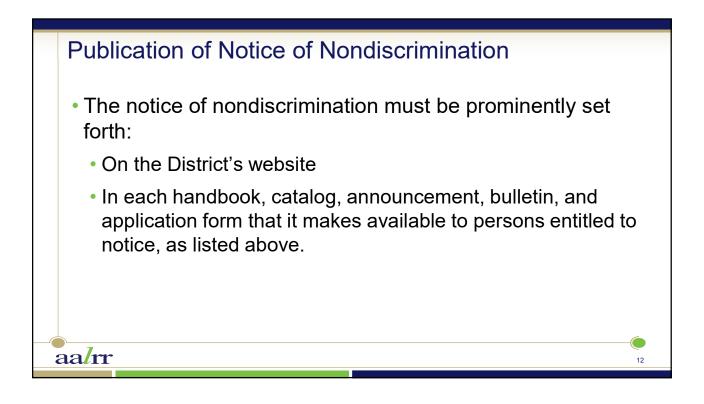


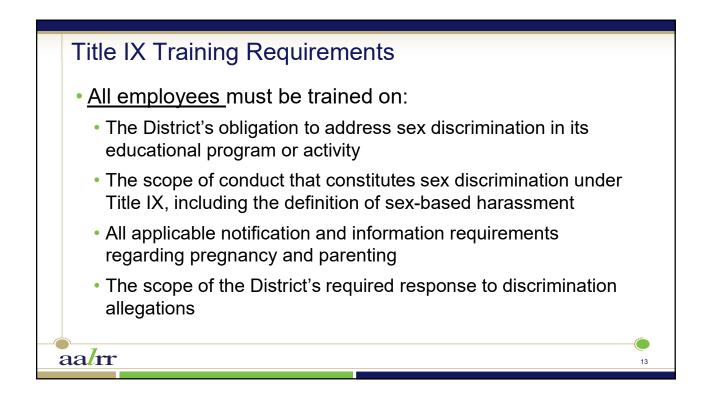




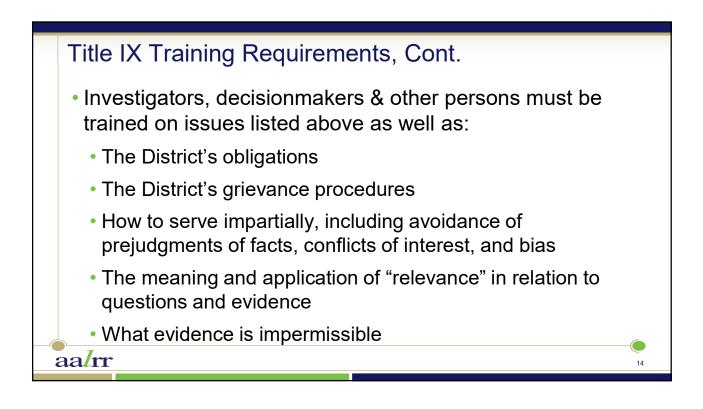


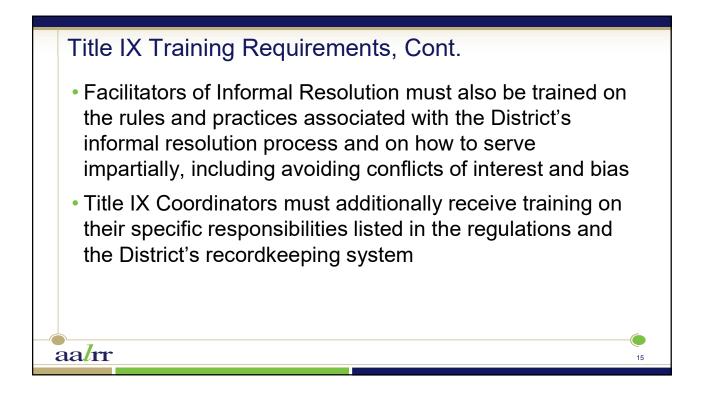




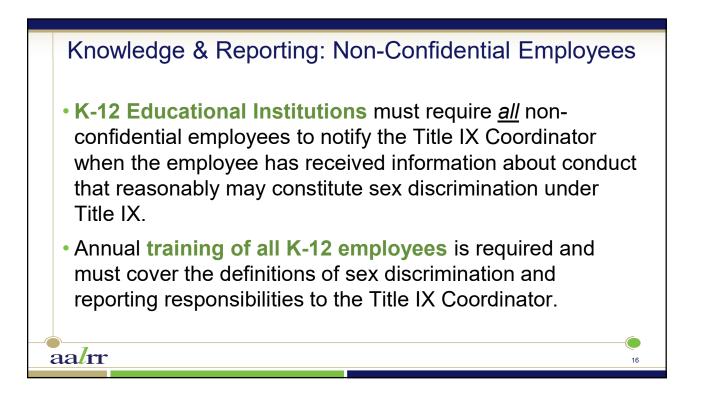


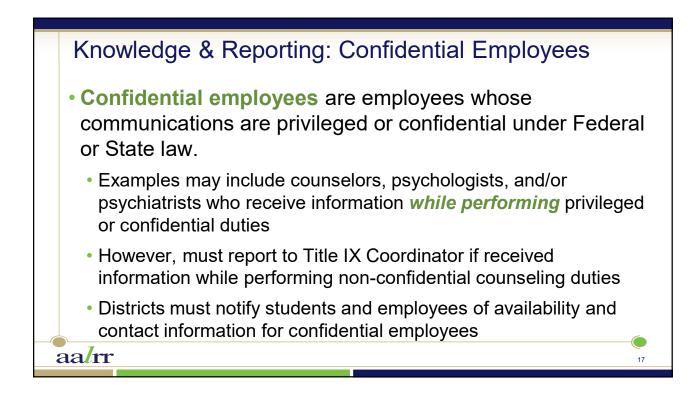




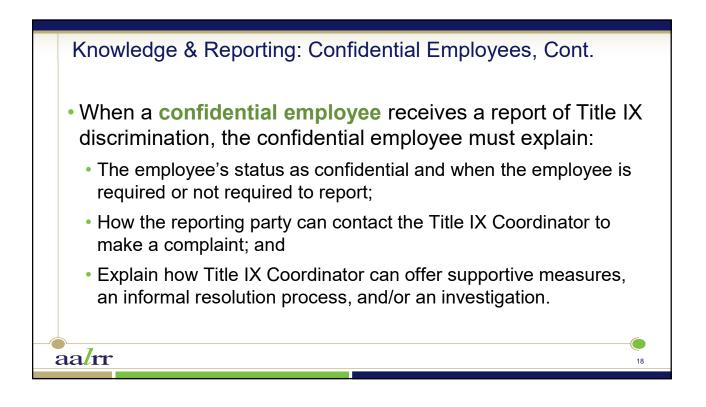


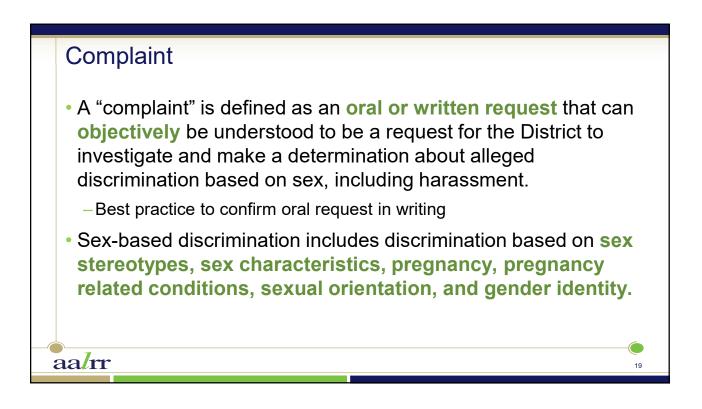




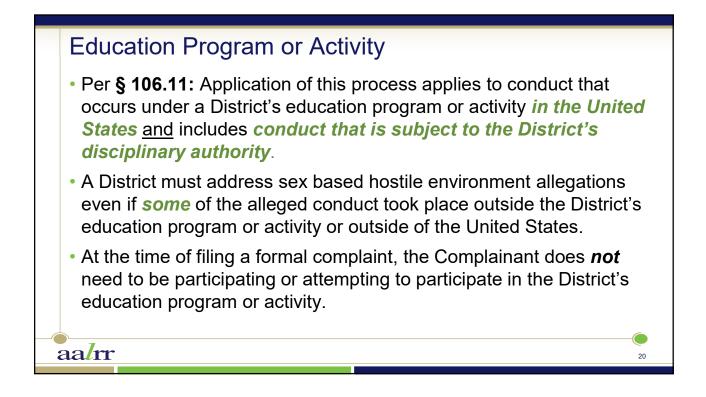


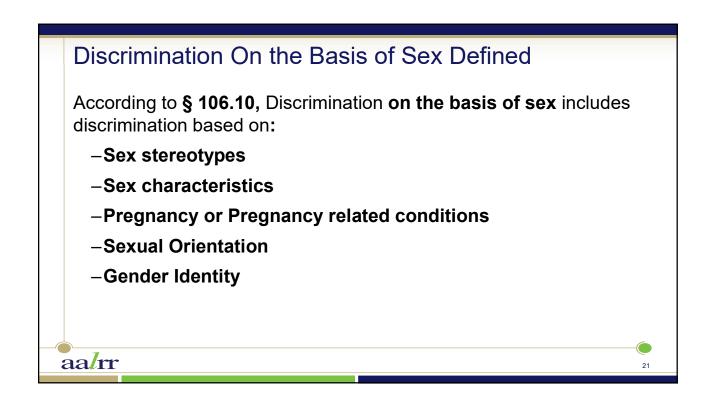




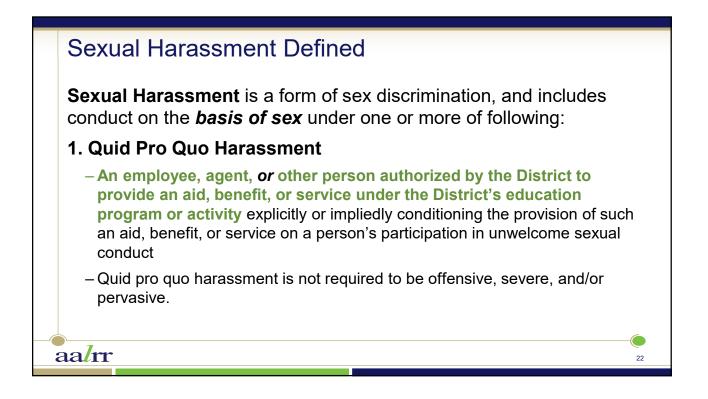


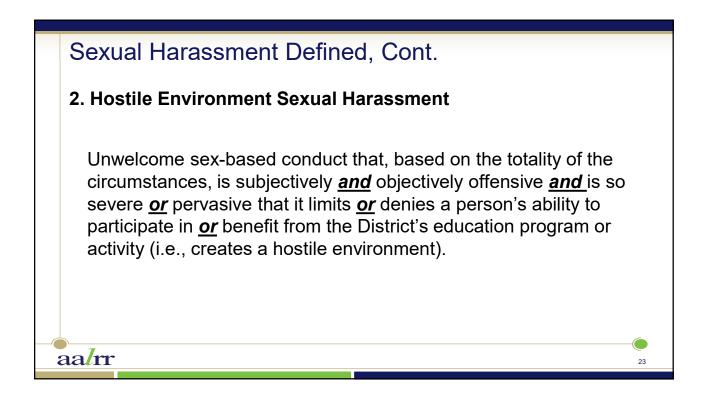




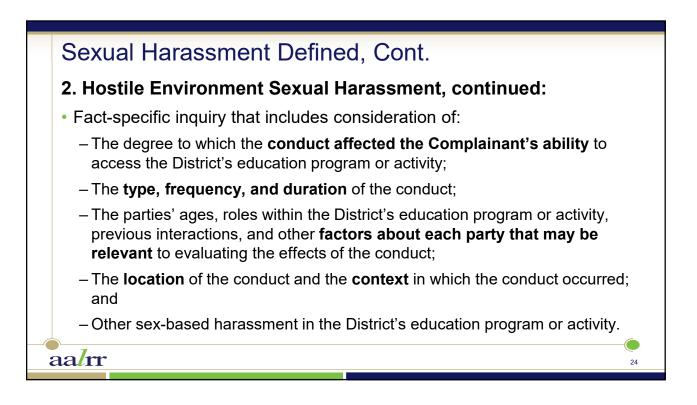


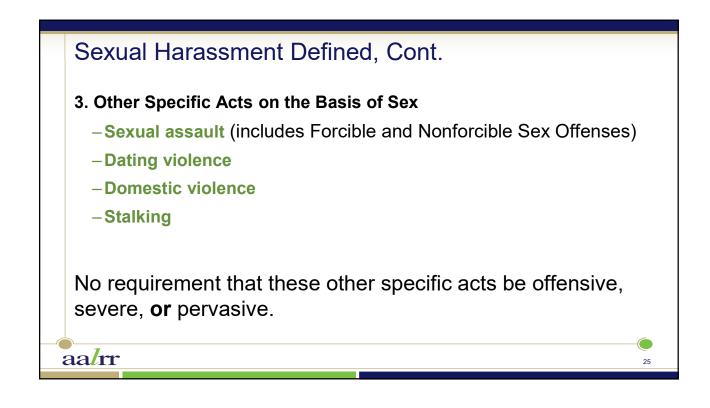




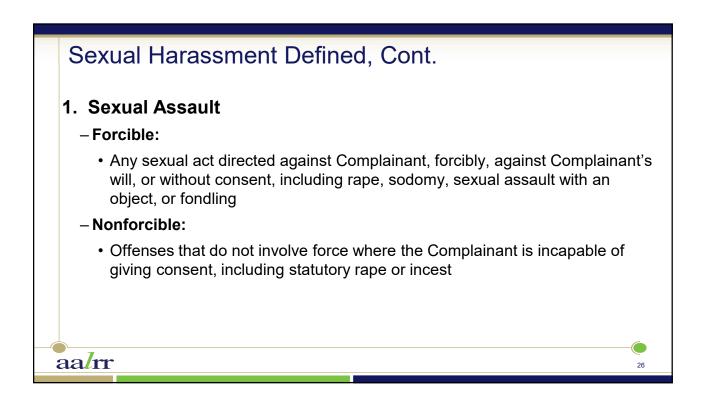


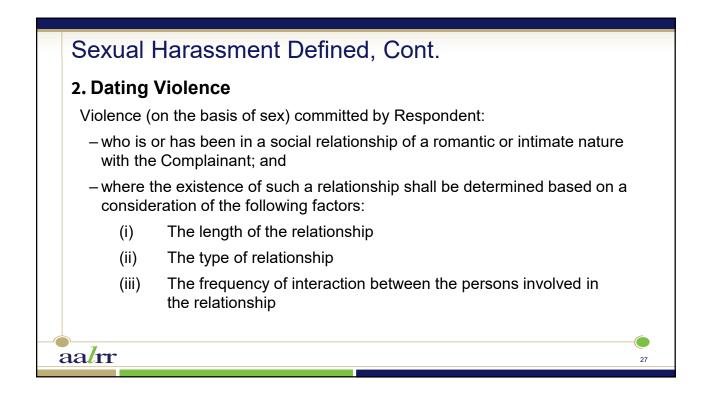




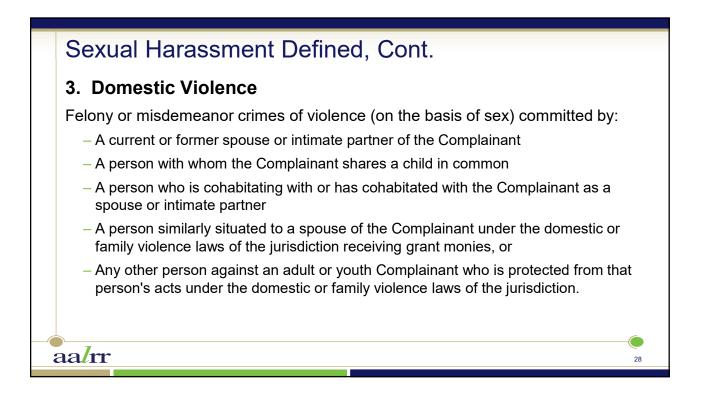


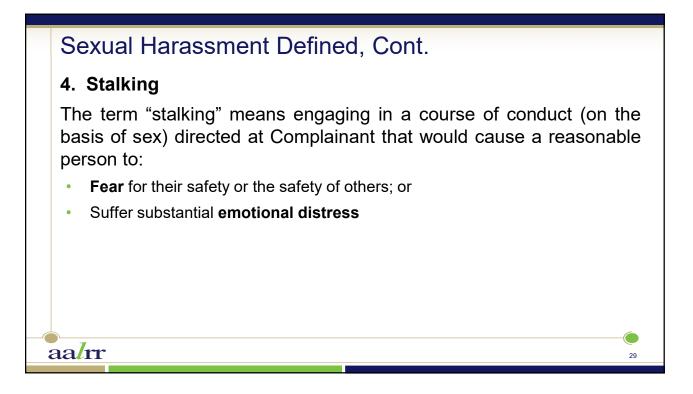




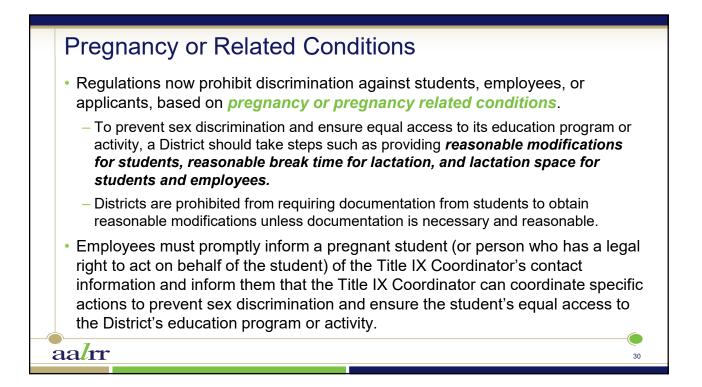
















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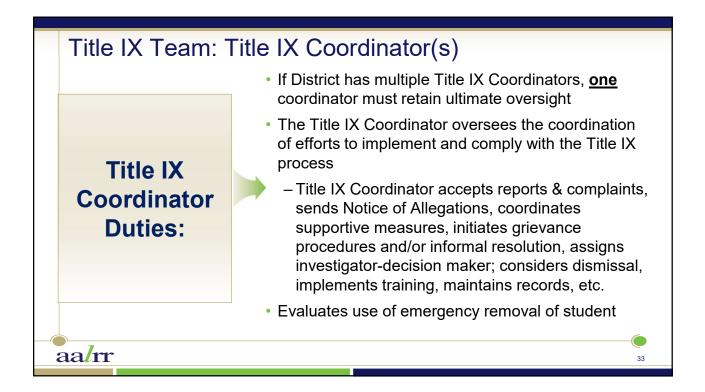
Title IX Roles

- 1. Title IX Coordinator
- 2. Supportive Measure Reviewer
- 3. Investigator/ Decision Maker
- 4. Informal Resolution Process Facilitator
- 5. Appeal Officer

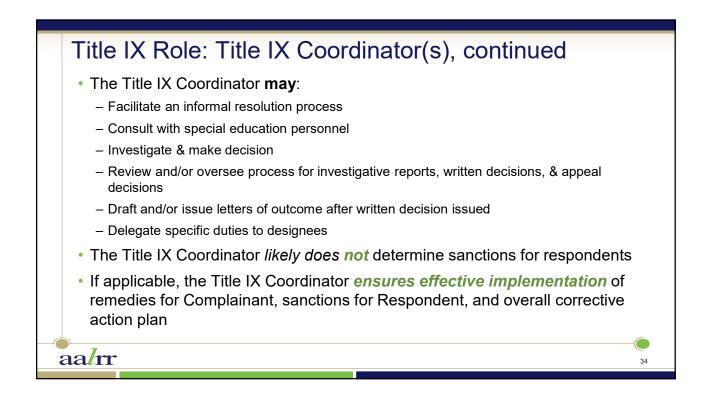
All Title IX team members must be trained on the obligation to address sex discrimination in its education program or activity, the scope of conduct that constitutes sex discrimination, § 106.45 Grievance Process, and all applicable notification and information requirements, including §106.40(b)(2) (pregnancy related notice) and §106.44 (employee reporting requirements).

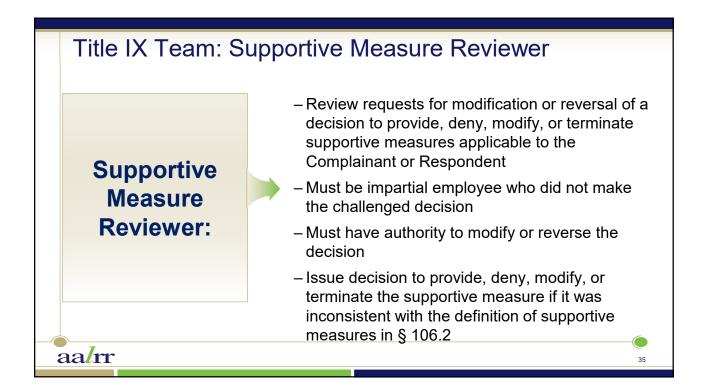
All team members must be impartial, unbiased, and free from conflicts.





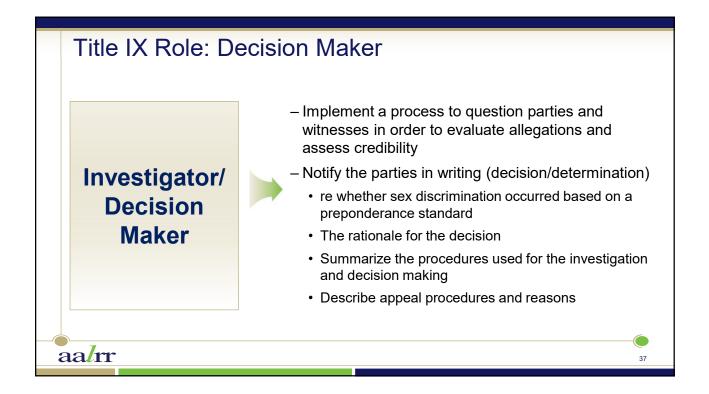




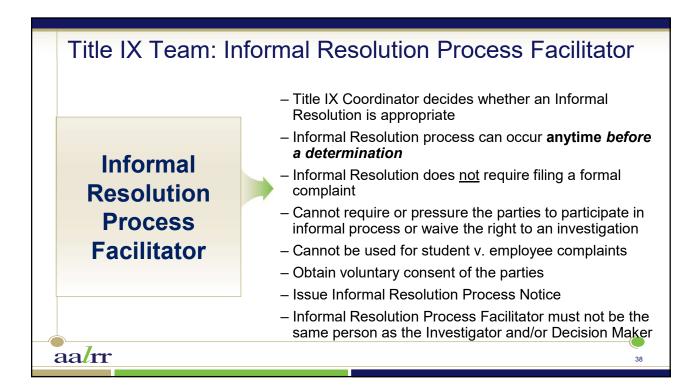


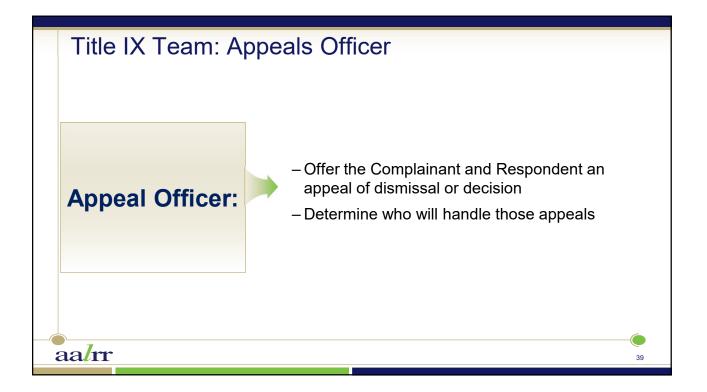




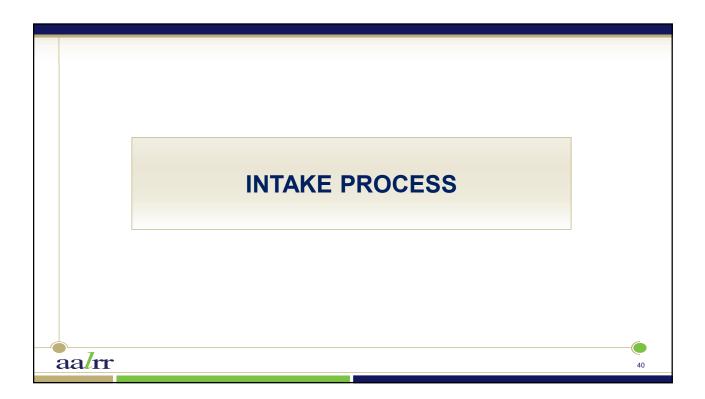






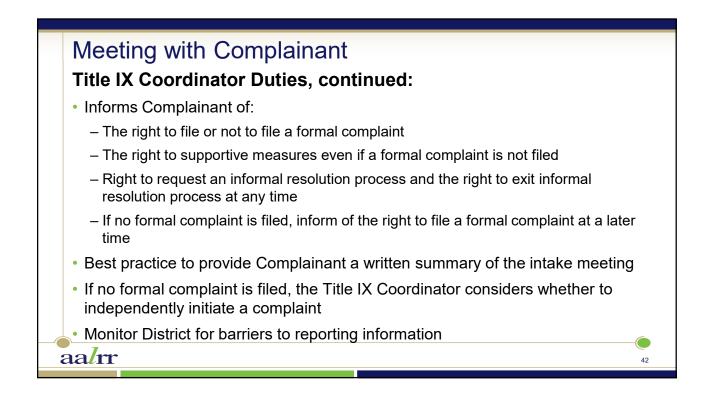






Meeting with Complainant Title IX Coordinator Duties: The Title IX Coordinator should promptly schedule a meeting with Complainant and listen to allegations and concerns after there is an oral or written request that can objectively be understood to be a request to investigate and prepare a decision regarding responsibility If Complainant describes sexual discrimination or sex harassment allegations, the Title IX Coordinator explains the Title IX grievance process Pregnancy Related Complaint. Promptly schedules a meeting with a pregnant student/employee or student/employee with a pregnancy related condition to review the nondiscrimination policy and the requirement to ensure equal access to its education program or activity, such as by providing reasonable modifications for students





Supportive Measures

Supportive Measures Defined per §106.2

- Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to Complainant or Respondent
- The purpose is to restore or preserve that party's access to the education program or activity, including measures designed to protect the safety of the parties or the District's educational environment, or
- Provide support during the District's grievance procedures under or during the informal resolution process under §106.44(k)
- Examples of Supportive Measures may include counseling, course-related adjustments, modified schedule or "partial removal," extended deadlines, campus escort, increased security and monitoring, and/or mutual restrictions on contact between the parties

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Supportive Measures Defined per §106.2 (cont.) If a student has a disability, Title IX Coordinators must coordinate with the department responsible for student supports to determine how to comply with IDEA and Section 504 (29 USC 794) requirements throughout the implementation of the Title IX Grievance Procedures, including, but not limited to, the implementation of Supportive Measures. Parties may now request review of any decisions regarding supportive measures immediately after the decision and upon a change in circumstances to an impartial employee.

Emergency Removal Option for Students

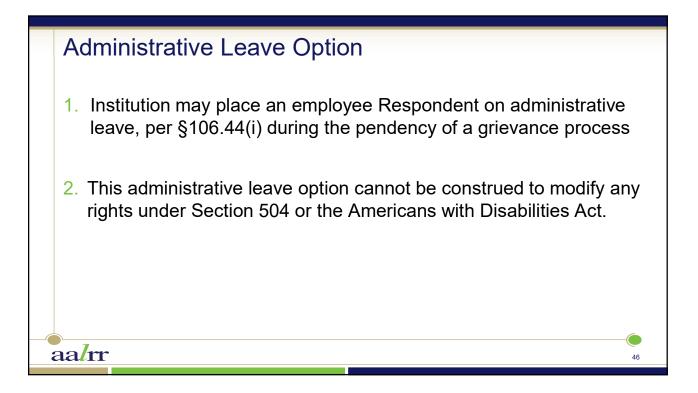
1. Institution *may* remove Respondent on an emergency basis per §106.44(h) by undertaking an individualized safety & risk analysis, determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal, **and** provides Respondent with notice and an opportunity to challenge the decision immediately following removal.

- 2. Cannot modify student rights under IDEA, Section 504, and/or ADA
- **3.** Provide education to Respondent while removed based on federal and/or state laws
- 4. Consider "partial removal" in appropriate circumstances?

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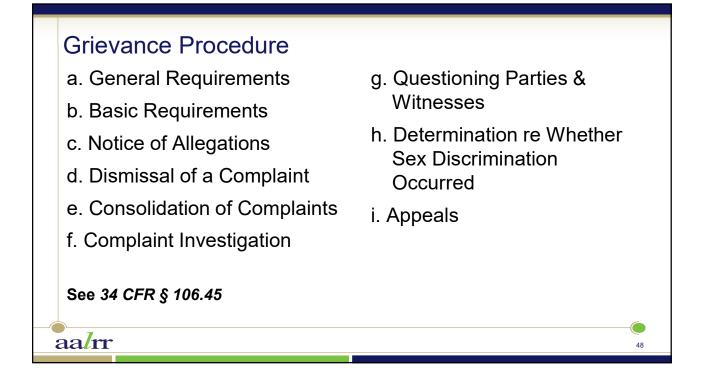
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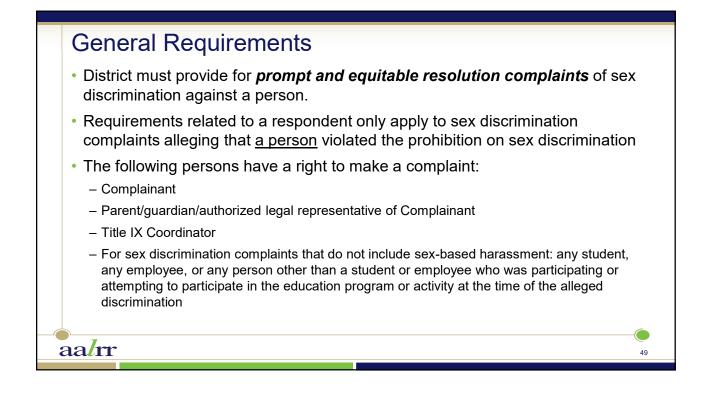




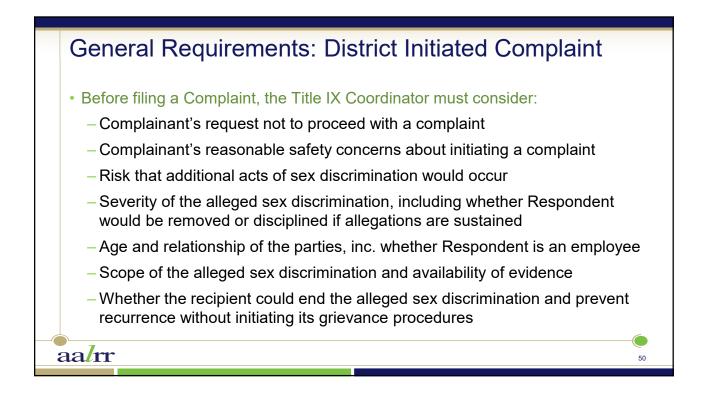


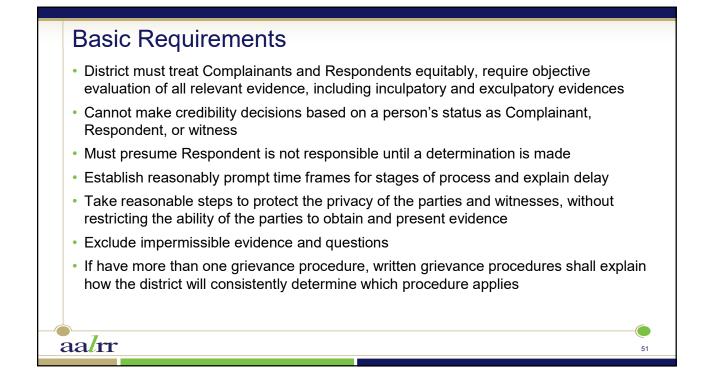




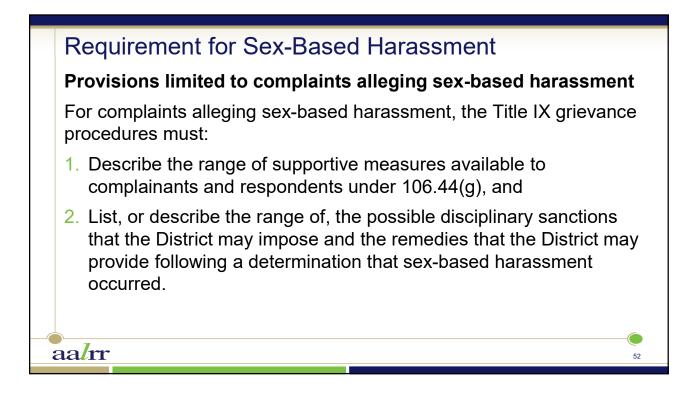


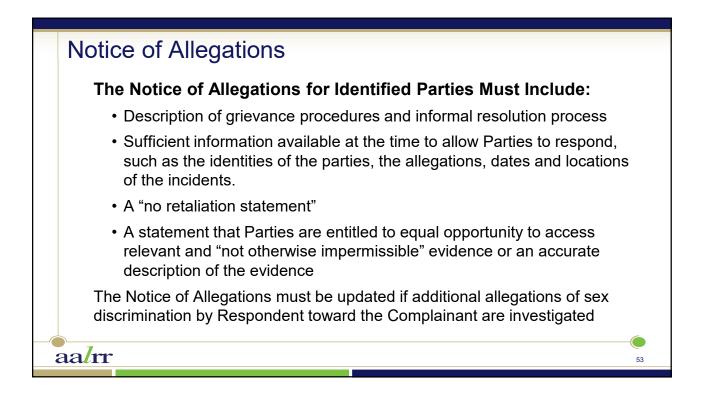




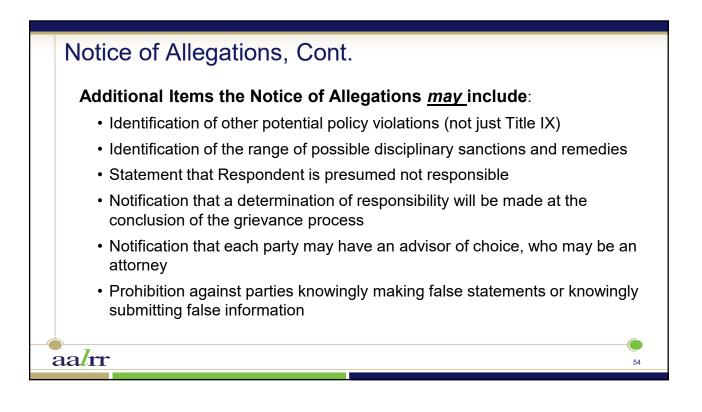


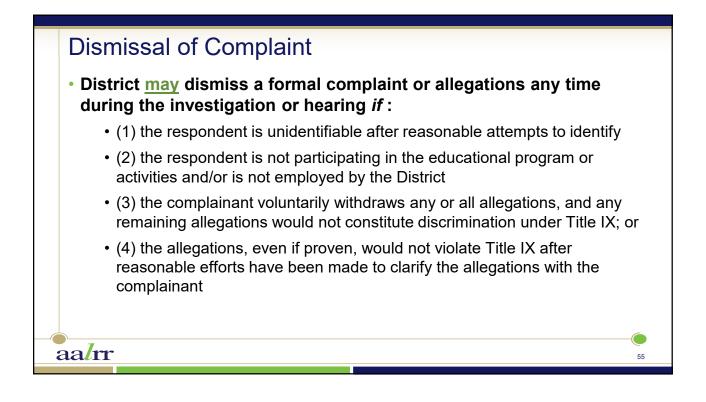




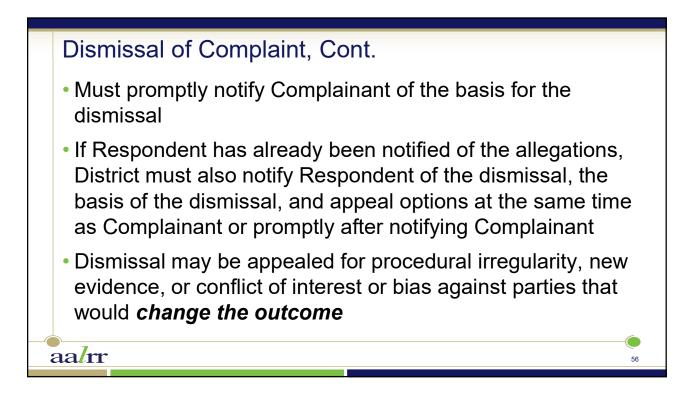


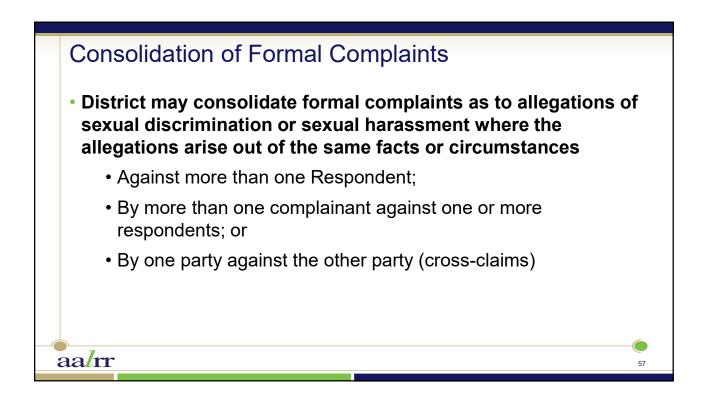




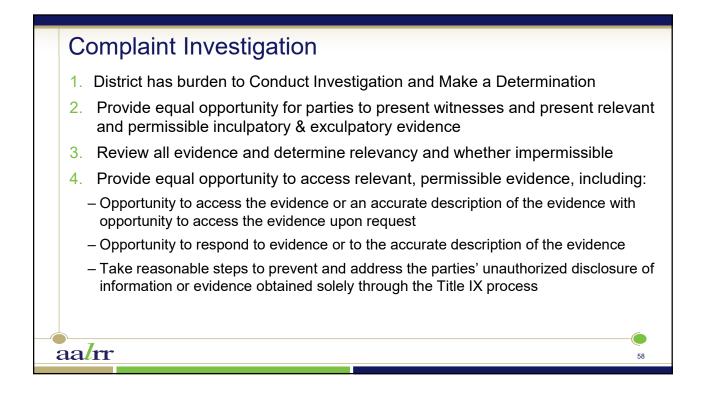


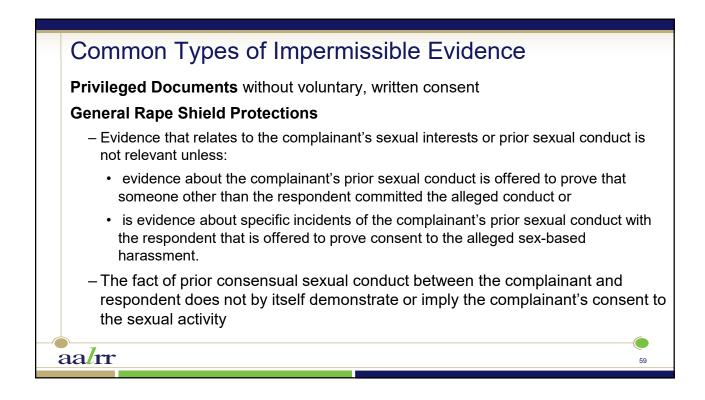




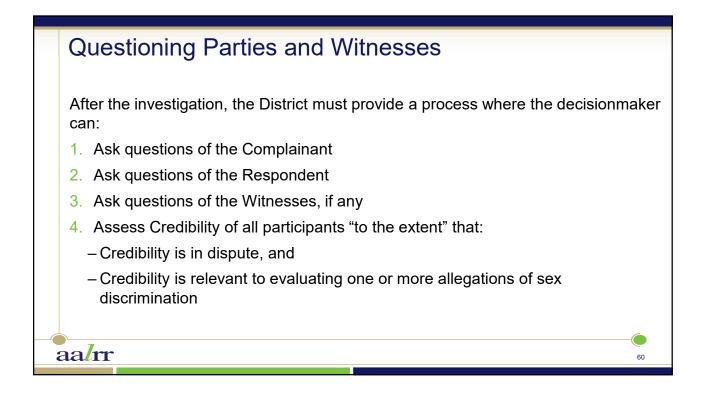


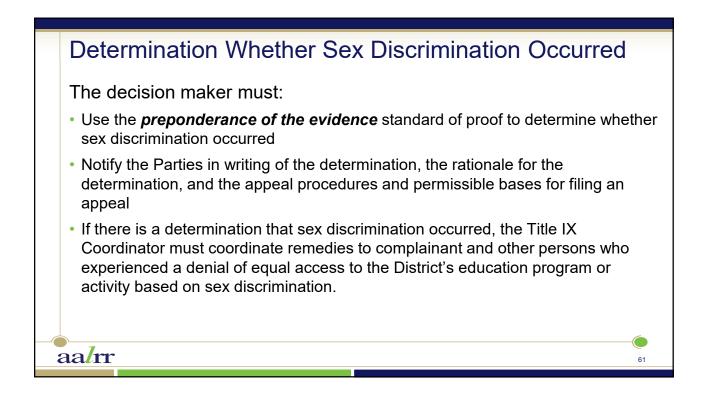




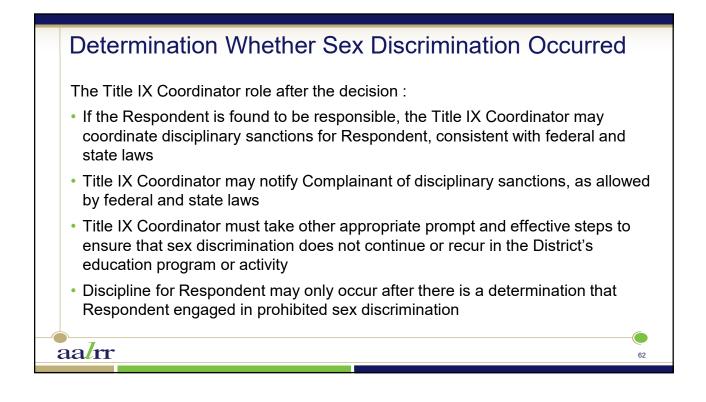


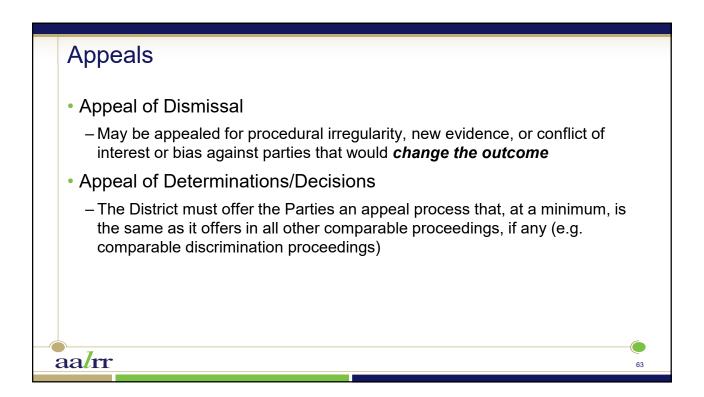




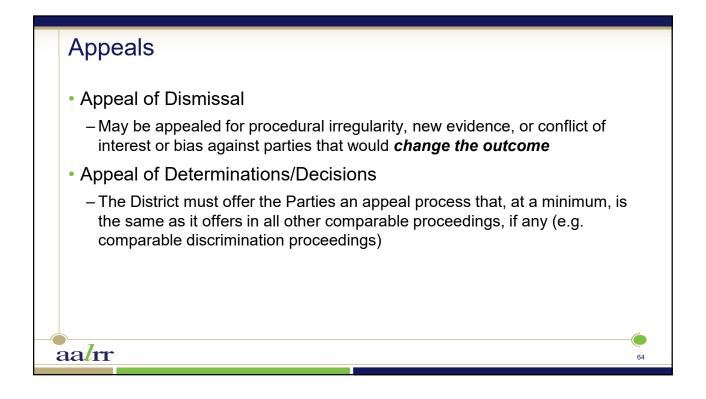






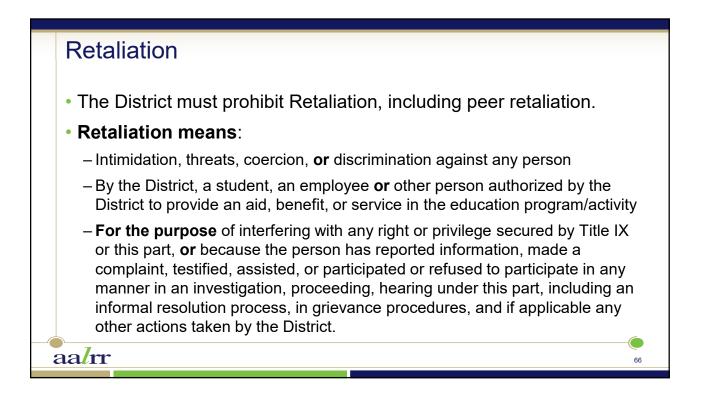


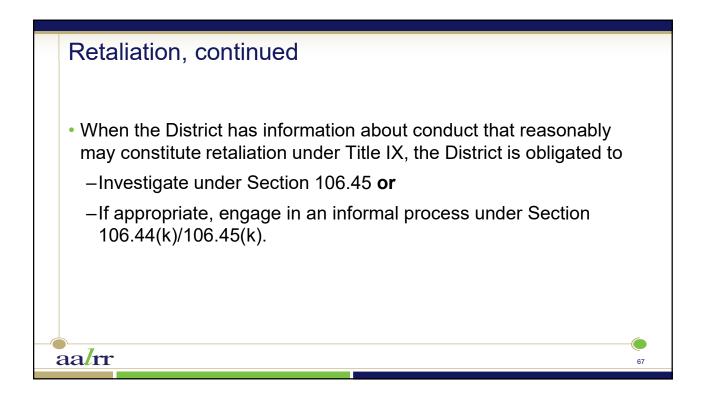






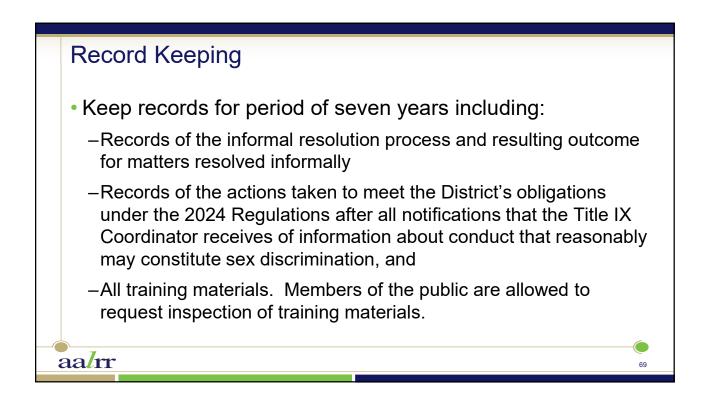




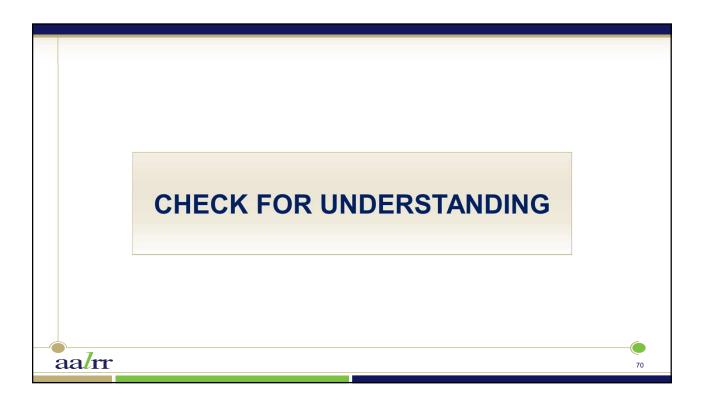


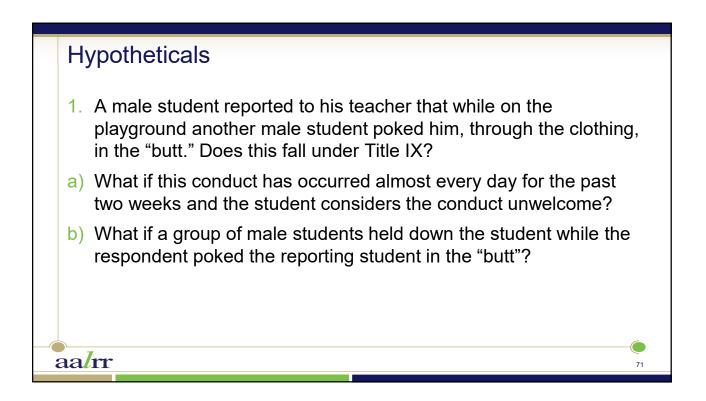












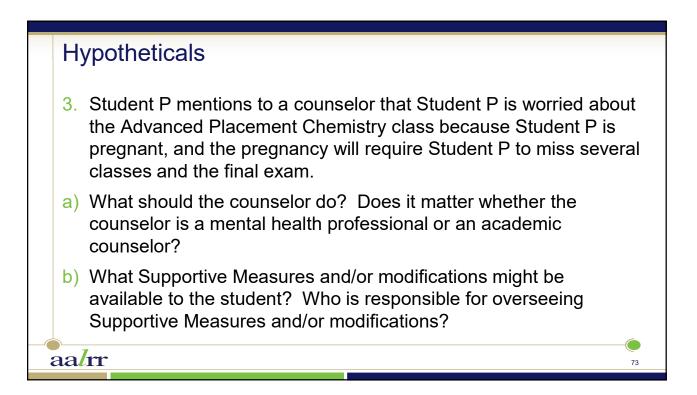


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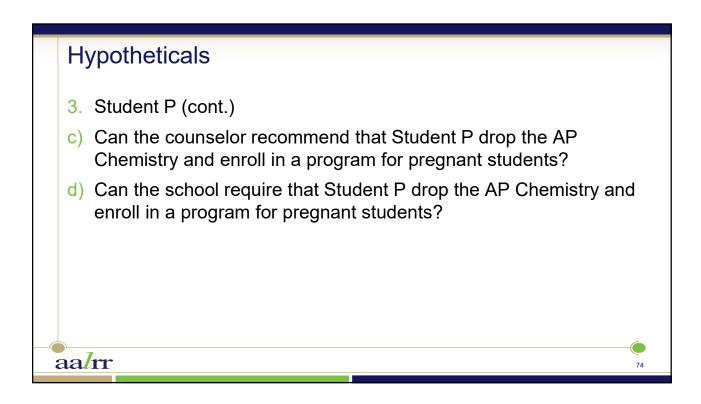
Hypotheticals

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- 2. A female student has come to report to you, the Title IX Coordinator, that during PE class a male student has grabbed her breast and smacked her "butt." The conduct has occurred at least three times over the last two months. Does this fall under Title IX?
- a) What if the male student responds that this can't be sexual harassment because he is gay?
- b) If the conduct is reported to a counselor instead of the Title IX Coordinator, what should the counselor do? Does it matter whether the counselor is a mental health professional or an academic counselor?













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Alexandria Davidson represents California public school districts as general counsel. She has experience with employment-related matters, including certificated and classified employee discipline, reductions of force, certificated layoffs, and collective bargaining agreement interpretation. Ms. Davidson's practice also includes student discipline and general student matters, complaint processes, including Title IX, and well as general governance issues, the California Public Records Act, and the Brown Act. She has represented employers before the Public Employment Relations Board, Department of Fair Employment and Housing, California Department of Education, Office for Civil Rights, and the Office of Administrative Hearings. Ms. Davidson is an experienced trainer, including in FRISK, PROOF, and Title IX.

While attending Chapman University, Ms. Davidson received the CALI Award of Excellence in Client Counseling.

Events & Speaking Engagements

Ms. Davidson has spoken at CSBA (California School Boards Association) conferences and has conducted $\mathsf{PROOF}^{\texttt{®}}$ and $\mathsf{FRISK}^{\texttt{®}}$ trainings.

Publications

Ms. Davidson contributes to the firm's publications and blog posts.

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