



Association of
Title IX Administrators

Title IX for Charter Schools: Roles, Risks, and Real-World Application

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Today's Presenters



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Content Advisory

The content and discussion in this webinar will necessarily engage with sexual harassment, sex discrimination, violence, and associated sensitive topics that can evoke strong emotional responses.

ATIXA faculty members may offer examples that emulate the language and vocabulary that Title IX practitioners may encounter in their roles, including slang, profanity, and other graphic or offensive language. It is not used gratuitously, and no offense is intended.

Webinar Objectives

- Provide charter school leaders with a practical overview of foundational Title IX compliance responsibilities
- Discuss top compliance topics/concerns along with best practices to learn how to avoid common pitfalls
- Equip you with practical steps to strengthen Title IX compliance, so that your school can support students and employees effectively while managing risk

Back to Basics: Title IX Overview

Title IX

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”

20 U.S.C. § 1681 and 34 C.F.R. Part 106 (1972)



Applicability

- Education program or activity in the United States
- School/District has control over the harasser
- School/District has control over the context of the harassment
- Applies to both students and employees
- Out-of-school jurisdiction may be limited with regard to Title IX



Scope

Title IX

Sex Discrimination

- Disparate Treatment
- Program Access and Equity

Retaliation

Sexual Harassment

- Quid Pro Quo
- Hostile Environment
- Sexual Assault
- Dating Violence
- Domestic Violence
- Stalking

Title IX Compliance Elements

Essential Compliance Elements

The requirement to **Stop, Prevent,** and **Remedy** guides school/district response in their compliance work

1

STOP discriminatory conduct

2

PREVENT recurrence, on both individual and school/district levels

3

REMEDY the effects of discrimination, on both individuals and the school/district

Title IX Compliance Oversight: Charter Schools

- School responses must not be **deliberately indifferent** to known sex discrimination or sexual harassment, **AND**
- Schools must act **reasonably in light of known circumstances** to stop, prevent, and remedy
- Schools are deliberately indifferent when:
 - The school has **actual notice** of harassment,
 - The harassment is **severe, pervasive, and objectively offensive**, and
 - The indifference is **systemic** in nature

Charter Schools Must

- Designate a Title IX Coordinator (TIXC)
- Maintain compliant policies and procedures/grievance process
- Provide options for reporting discrimination and harassment
- Respond promptly to reports and complaints
- Offer supportive measures
- Train employees appropriately

Remember: Receiving federal funds creates Title IX obligations

Employee Training

ATIXA Recommends: All employees complete training upon hiring and annually on:

- School's obligation to address sex discrimination and sexual harassment
- Scope of conduct that constitutes sexual harassment
- Reporting and information sharing requirements
- Consider whether in-person, online/virtual, asynchronous, conducted by internal or external trainer(s)



Title IX Grievance Process Overview

INCIDENT

- Report/
Formal
Complaint/
Notice to TIXC

INITIAL ASSESSMENT

- Jurisdiction
- Dismissal
- Supportive
Measures
- Emergency
Removal
- Referral to
Another
Process
- Informal/
Formal
Resolution

FORMAL INVESTIGATION

- Notice of
Investigation
and
Allegations
- Interviews
- Evidence
Collection
- Draft Report
- Party Review/
Comment
- Follow Up
- Final Report

DECISION- MAKING

- Questioning
- Credibility
Assessment
- Determination
and Rationale
- Sanctions
- Remedies
- Option for
Live Hearing

APPEAL

- Appeal
Grounds
- Determination
and Rationale

Due Process for K-12



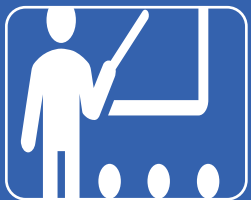
Regulatory requirements under Title IX

- Prescriptive procedures for formal and informal grievance process
- Applies to both students and employees



Fundamental fairness for students in disciplinary procedures

- Flows from Goss v. Lopez
- Specific requirements for students with disabilities



Procedural protections for employees

- State law requirements for some or all positions
- Procedural protections from collective bargaining agreements

Intake Following a Report/Complaint

- TIXC (or designee) should **always reach out to the Complainant** and parents/guardians (for student reports)
 - This is both best practice and a regulatory requirement
- **Outreach includes:**
 - Introduction to Title IX and staff
 - Reason for the outreach
 - Explore facts, but not interviewing
 - Offer to meet/speak over the phone; include right to an Advisor
 - Available resources and resolution options, including how to file Formal Complaint
 - Discuss supportive measures and resources
 - Explain options to report to law enforcement
 - Follow up in writing with resources and information

Downstream Effects

- Always consider what steps the school can take to address in-program effects of out-of-program conduct
- Provide support and resources to the Complainant
- Provide support and education to the school community (when appropriate)
- Determine if there are patterns or systemic variables that contributed to the alleged incident
- Take what action school can (e.g., trespass the person)



Supportive Measures

Provided to parties throughout the process:

- Non-disciplinary, non-punitive
- Individualized
- Restore or preserve equal access
- Without unreasonably burdening other party
- Protect safety of parties or environment, or deter sexual harassment
- At no cost to the party
- Publish the range of supportive measures
- Avoid unnecessary disclosures about supportive measures
- Consult with IEP/504 administrators when appropriate
- If not provided, document the rationale for refusal
- Measures may be continued, modified, or ended at conclusion of the Title IX Grievance Process

Example Supportive Measures

School Counseling/ Health Services	Employee Assistance Program	Community Education	Alternate Work Arrangements
Safety Planning	Safety Escorts	Transportation Assistance	Contact Limitations
Academic Support	Trespass Orders	Emergency Notifications	Increased Security

Tools in Your Title IX Toolbox

- Dismissal of Formal Complaints under Title IX
 - Mandatory (required under Title IX)
 - Discretionary (TIXC discretion)
 - Dismissal procedures and appeals
- Informal Resolution
 - Permitted under your procedures?
 - Not available for employee-on-student harassment
 - Agreed upon by TIXC and all parties/parents/guardians

Supportive Measures, Discipline, and Sanctions

- Charter schools must still provide due process to students and employees before imposing discipline/sanctions
- Understand the distinction between supportive measures and discipline
 - Student-on-student
 - Student-on-employee
 - Employee-on-employee
- Emergency Removal for students vs. Administrative Leave for employees

Special Topics for Charter Schools

How Does Your School Respond to Reports and/or Complaints Under Title IX?

- Where does the Title IX Coordinator “live” at your school?
- Does your school appropriately differentiate between a report and a complaint?
- Who is responsible for receiving and responding to reports/complaints involving:
 - Students
 - Employees
 - Visitors
- Who is on your Title IX Team?
- Are you using the same procedures to address Title IX complaints involving students and employees?

Having a Single Landing Spot for Reports: “Brand” Recognition and Centralization

- Concerns at individual schools can impact a larger charter school network, leading to reputational harm
 - State and local level
 - National level
- Your charter school network can provide support through
 - Centralized mission
 - Compliance framework

Title IX Compliance in Athletics

- Where are your athletes coming from?
 - Do your athletes attend other charter schools?
- Where are your coaches coming from?
 - Are you training and supervising coaches, assistant coaches, and volunteers?
- Is your school complying with the Title IX requirements:
 - Opportunities
 - Treatment of athletes
- June 2026 Supreme Court Decision in **B.P.J.**

Three-Part Test (1979)

Effective accommodation of interests and abilities

1

Opportunities for males and females are **substantially proportionate** to their respective enrollments; **OR**

2

Where one sex has been underrepresented, a **history and continuing practice** of program expansion responsive to the developing interests and abilities of that sex; **OR**

3

Where one sex is underrepresented and cannot show a continuing practice of program expansion, whether it can be demonstrated that the **interests and abilities** of that sex have been **fully and effectively accommodated** by that present program

Title IX and Athletics

Schools should also address cultural issues:

- Sexual harassment within athletic programs
- Coach-athlete boundaries
- Reporting mechanisms for student-athletes
- Retaliation concerns

Practical Reminder:

- Athletics issues often involve multiple legal considerations beyond Title IX. Schools should consult legal counsel when addressing complex participation or eligibility questions.

Pregnancy and Related Conditions

- TIXC is responsible for coordinating and overseeing necessary supportive measures and modifications for those experiencing pregnancy and related conditions
- Schools should **publicize supports available** for pregnancy and pregnancy-related conditions, including **how to request support**
- **Pregnancy includes:**
 - Pregnancy, childbirth, termination of pregnancy, or lactation
 - Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation
 - Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or their related medical conditions

Charter School Obligations

- Allow access to separate and comparable program
- Allow for **voluntary leave of absence**
- Prohibit sex discrimination
- Provide, coordinate, and document **reasonable modifications and supportive measures**
- Provide:
 - Lactation time and space
 - **Grievance procedures** for sex discrimination complaints
 - Comparable treatment to temporary disabilities or conditions

Questions?

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K-12 Community Membership

- Thanks to a generous grant from TNG Consulting, ATIXA's K-12 Community Membership is a free membership tier created specifically for K-12 professionals. This opportunity removes cost barriers so more educators, administrators, and school safety leaders can connect, learn, and grow together in the Title IX field.
- Membership includes:
 - 12 hand-picked resources
 - Preferred pricing on training and webinars
 - Invitations to select virtual events throughout the year
 - ATIXA's K-12 Listserv
- Contact Lindsay.Marks@atixa.org to get started.



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Register for one or multiple courses during our Focus Weeks.

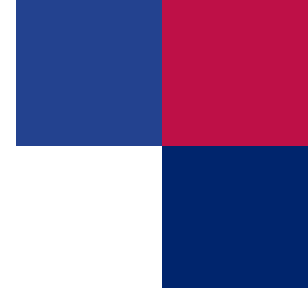
- Title IX Coordinator Foundations Level One
- Title IX Coordinator Foundations Level Two
- Title IX Investigation Foundations Level One
- Title IX Investigation Foundations Level Two
- Informal Resolution Foundations for K-12 Education

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