



Idaho K-12 Title IX PLC #1

Title IX District Requirements and Functional Compliance





Road Map

- Introduction
- Regulations
- General Title IX District requirements
- How to set up a functional system





PLC Format

- Second Tuesday of the Month
- 60 minutes - with time for questions
- Slides will be distributed within the week





Title IX - Federal Law

- 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.
- Enforced by the Office for Civil Rights (OCR)

Which Regulations Apply?

- 2020 Regulations - 34 CFR Part 106
 - Subsequent revisions have been blocked by Federal Court.
- Federal Resources
 - [2020 Title IX Regulations](#)
 - [Title IX Dear Colleague Letter Enforcement of 2020 Regulations](#)
 - [Title IX and Sex Discrimination – U.S. Department of Education](#)





District Requirements

- **Implement District Policy and Procedure**
 - A functional system for receiving and investigating complaints of sexual harassment.
- **Designate Title IX Coordinator**
- **Train Staff**
- **Notify Students**
- **Stop, Remediate, Mitigate**



District Policy

- ...actually two.
 - #1 prohibits and defines
 - #2 procedure
- Idaho School Boards Association [draft policy](#)
- Regulations have the force of law - don't waiver
 - Examples:
 - [West Ada School District](#)
 - [Boise School District](#)
 - Email me
 - skinnerlawidaho@gmail.com





Title IX Coordinator

- **Training**
 - [ATIXA](#)
 - [ICS](#)
- **Notice and Post:**
 - Must notify staff and students who the Title IX Coordinator is and provide address, phone, email
 - Can be “title” and not specific person.
- **Responsibilities**
 - Point of Contact
 - Initial screening
 - Assign roles
 - Monitor compliance of investigations
 - Document EVERYTHING





Staff Training

- Title IX Team:
 - Investigator
 - Decision Maker
 - Title IX Coordinator
 - Informal Resolution facilitator
 - Appellate decision maker
- All staff
 - Mandatory reporters
 - All reports of sexual harassment made to any employee must be promptly reported to the Title IX coordinator.
 - Sexual assault/abuse - law enforcement
- Post materials and training online



Notice to Patrons

- **Who?**
 - students, parents, guardians, employees, applicants and unions.
- **Where?**
 - Staff Training
 - Email
 - Handbook
 - Website
- **What?**
 - The school does not discriminate on the basis of sex and prohibits sexual harassment in any education program or activity
 - Reports may be made to the T9 coordinator - title, address, email, phone
 - Link to policy and complaint procedure
 - How to report
- **Be Ready!**
 - If you build it, they will come.





Functional Overview

- When does Title IX apply?
- What is sexual harassment?
- How to respond?
 - Tracking Sheet
 - Supportive Measures.
 - Other policies?
 - Informally Resolve!
 - Timeline for each case



When does Title IX apply?

- Programs or activities
 - Any property owned.
 - Any event organized.
 - “locations, events, or circumstances over which [the school/district] exercised substantial control over both the respondent and the context in which the sexual harassment occurs . . .”
 - Social Media?
 - Was it posted while at school?
 - Shared at school?
- Outside events:
 - Allowed to have a separate policy that applies to events that happen outside school programs and activities.



Sexual Harassment Defined

Conduct **on the basis of sex** that satisfies one or more of the following:

1. Quid pro quo
2. **Unwelcome** conduct determined by a reasonable person to be so **severe, pervasive AND objectively offensive** that it effectively denies a person equal access to the recipient's education program or activity; or
3. "Sexual Assault," "Dating Violence," "Domestic Violence" or "Stalking" as defined in the Clery Act.
 - a. Look at the definitions.
 - b. Includes any sex for humans under the age of consent (15 and under).



How to Respond?

- Intake form for your staff.
- Notice of rights every time.
 - create a simple document that provides notice of rights to the family.
- Supportive Measures.
 - Candy - hand them out!
 - NO complaint needed
 - No Contact Orders
- Other policies?
 - Can you solve the problem with another policy?
- Informally Resolve!
 - A negotiated settlement often leads to the same resolution.
- Timeline
 - Keep a spreadsheet of every action and point of contact





Questions?





Next Training:

Investigations 101 - November 10

