

TacTIX NEWS

FEBRUARY 18

MAY 6

SEPTEMBER 9

NOVEMBER 18

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Extra, extra!! Breaking News!



Just this week, OCR opened two new Title IX investigations:

- ★ May 4th: Investigating Smith College based on its admission policies for transgender students
- ★ May 5th: Investigating the Los Angeles Unified School District based on reassignment of staff accused of sexual misconduct



**PREPARED TITLE IX
COORDINATOR**

Game Categories

-  **Recent OCR Resolutions**
-  **ADA Digital Accessibility**
-  **Preparing for a New School Year**

50:50



OCR Resolutions

- \$ 1,000,000
- \$ 500,000
- \$ 250,000
- \$ 125,000
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- \$ 300
- \$ 200
- \$ 100



In 2026, OCR has issued three resolution agreements under Title IX. Which of the following was not addressed in one of those letters?

A: lack of live hearing as part of grievance process

B: grooming behavior by an elementary school teacher

C: single-sex scholarships discriminate against male students

D: failure to make Title IX training materials available on website

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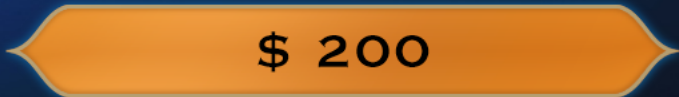
D: failure to make Title IX training materials available on website

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From Jan. 21, 2025 to present, how many resolution agreements did OCR issue addressing sexual harassment or sexual assault claims?

A: 121

B: 84

C: 16

D: 0

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By the Numbers

OCR's Recent Resolutions:

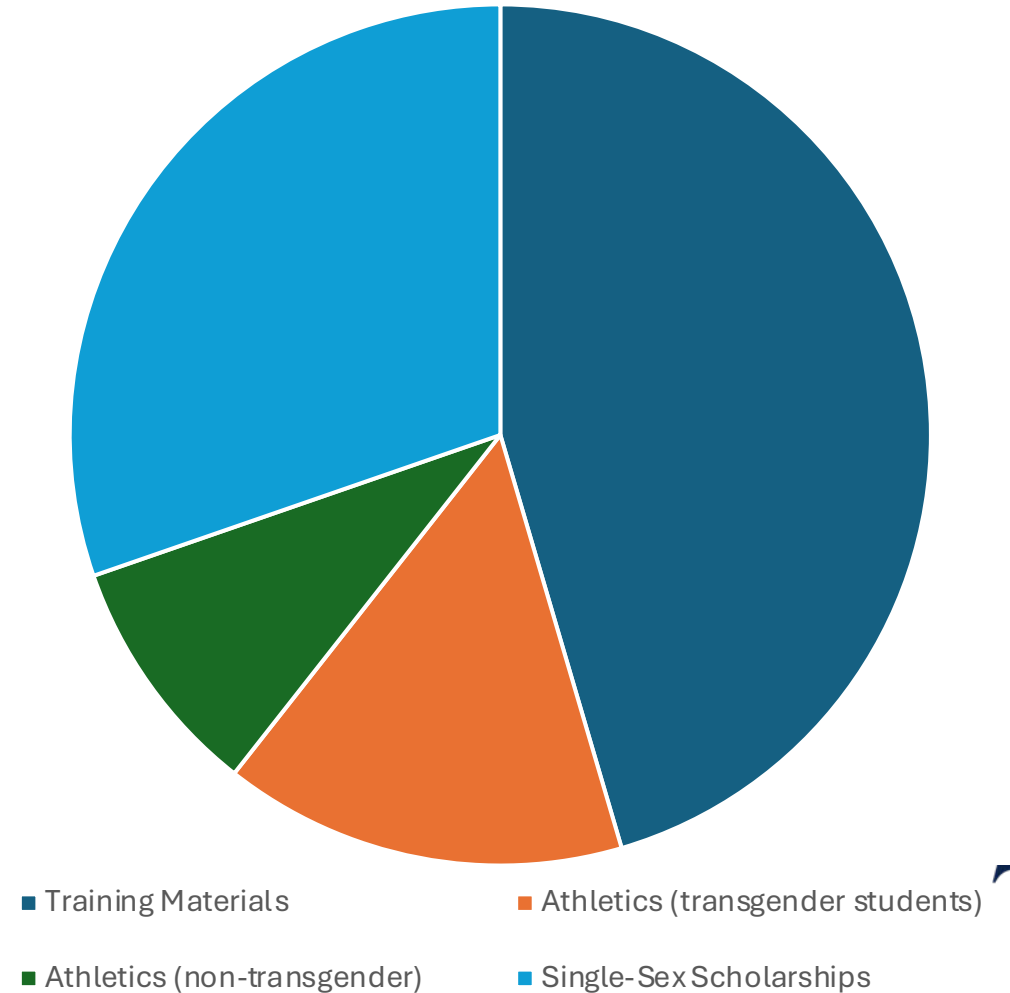
- ▶ Since January 21, 2025, OCR has issued ZERO resolution agreements addressing complaints of sexual harassment or sexual violence
- ▶ 777 sexual harassment complaints pending
- ▶ 334 sexual violence complaints pending



By the Numbers

What Title IX complaints are getting resolved??

Title IX Decisions





OCR Resolutions

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OCR recently issued two RAs regarding single-sex scholarships. Which of the following is true about single-sex scholarships and awards under Title IX?

A: Schools cannot offer single-sex scholarships

B: Title IX only governs athletic scholarships

C: Schools can offer them if they use sex-blind selection to award the scholarship

D: Schools can offer them, but have to give students who don't win a puppy

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Single-Sex Scholarships

(b) Financial aid established by certain legal instruments.

(1) A recipient may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established pursuant to domestic or foreign wills, trusts, bequests, or similar legal instruments or by acts of a foreign government which requires that awards be made to members of a particular sex specified therein; Provided, That the overall effect of the award of such sex-restricted scholarships, fellowships, and other forms of financial assistance does not discriminate on the basis of sex.

34 C.F.R. § 106.37(b)(1)

In practice?



- ▶ Don't assume you have to eliminate single-sex scholarships!
- ▶ The statute provides guidance on how to appropriately mete out those scholarship funds
- ▶ Consider a "pool and match" approach or similar sex-blind selection process



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A: A Letter of Findings explaining the determination

B: A signed Resolution Agreement for each of the school districts

C: A proposed resolution agreement for each of the school districts

D: None of the above

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Website Accessibility

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What does the ADA website accessibility regulation require?

A: Compliance with the most recent WCAG standards.

B: Compliance with WCAG 2.1, Level AA.

C: Provide accessible materials when it is a reasonable accommodation.

D: Compliance with the requirements specified in the regulations.

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How to Meet WCAG (Quick Reference)

A customizable quick reference to Web Content Accessibility Guidelines (WCAG) 2 requirements (success criteria) and techniques. [Show About & How to Use](#)

- Contents
- Filter
- Hide
- 1.3.2 Meaningful Sequence
- 1.3.3 Sensory Characteristics
- 1.3.4 Orientation
- 1.3.5 Identify Input Purpose
- 1.3.6 Identify Purpose
- 1.4 Distinguishable
 - 1.4.1 Use of Color
 - 1.4.2 Audio Control
 - 1.4.3 Contrast (Minimum)
 - 1.4.4 Resize Text
 - 1.4.5 Images of Text
 - 1.4.6 Contrast (Enhanced)
 - 1.4.7 Low or No Background Audio
 - 1.4.8 Visual Presentation
 - 1.4.9 Images of Text (No Exception)
 - 1.4.10 Reflow

Selected Filters: **WCAG 2.1:** all success criteria and all techniques. [Clear filters](#) [Expand all sections](#) [Share](#)

Principle 1 – Perceivable

Information and user interface components must be presentable to users in ways they can perceive.

Guideline 1.1 – Text Alternatives

Provide text alternatives for any non-text content so that it can be changed into other forms people need, such as large print, braille, speech, symbols or simpler language.

1.1.1 Non-text Content — Level A

All non-text content that is presented to the user has a text alternative that serves the equivalent purpose, except for the situations listed below. [Show full description](#)

[Show techniques and failures for 1.1.1](#)

[Understanding 1.1.1](#)



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Which is true about the web accessibility requirements?

A: Require adequate color contrast on websites.

B: Online library resources hosted by third parties are excluded.

C: Must be navigable by keyboard and screen reader.

D: A and C

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Website Accessibility

- ▶ Text alternatives for non-text content (images)
- ▶ Captions for audio
- ▶ Navigable via keyboard
- ▶ Readable text (for screen readers)
- ▶ Identifiable links
- ▶ Adequate color contrast (4.5:1)
- ▶ Zoom capability



Website Accessibility

- ▶ Applies to school website and individual pages
- ▶ Include content provided by third parties
- ▶ Includes online learning resources
- ▶ Includes future social media posts





Website Accessibility

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When is compliance required?

A: April 2027

B: April 2028

C: Now

D: Likely not during this administration.

When is compliance required?

A: April 2027

B: April 2028

C: Now

D: Likely not during this administration.

Web Accessibility Deadline

ADA Regulations:

- ▶ Public universities as well as community colleges and school districts with an attendance zone > 50,000 = April 2027
- ▶ Community colleges and school districts with an attendance zone <50,000 = April 2028
- ▶ DOJ is reviewing the regulation for potential substantive changes; watch for NPRM



DOJ Says

“Regardless of the compliance dates, covered entities have an ongoing obligation to ensure that their services, programs, and activities offered using web content and mobile apps are accessible to individuals with disabilities in accordance with their existing obligations under title II of the ADA.”

A photograph of a stone wall with a central plaque. The plaque is made of a darker stone and features the words "DEPARTMENT OF JUSTICE" in a raised, serif font, arranged in three lines: "DEPARTMENT", "OF", and "JUSTICE". The surrounding wall is made of lighter, rectangular stone blocks.

DEPARTMENT
OF
JUSTICE

HHS Section 504 Regulations

- ▶ HHS Section 504 regulations require WCAG 2.1, Level AA compliance by May 11, 2026, for recipients of HHS funds
- ▶ An interim final rule may push this back, but we have not heard that yet



Statutory Requirements

- ▶ OCR will investigate now:
 - ▶ whether the District's/College's online programs, services, and activities exclude qualified persons with disabilities from participation in, deny them the benefits of, or otherwise subject them to discrimination under any program or activity, in violation of Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. § 104.4 and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35
 - ▶ whether the District/College fails to take appropriate steps to ensure that [online] communications with applicants, participants, members of the public, and companions with disabilities are as effective as its communication with others, in violation of 28 C.F.R. § 35.160(a)



Preparing for a New Year

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You have a few investigations pending.
What should you do?

A: Hit pause. Your deadlines are counted in school days

B: Do what you can, but don't stress. Summer break is good cause to delay.

C: Rush to finish the investigation, even if it means you don't interview everyone

D: Prioritize interviews while witnesses are available. You can then work on the report over summer.

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D: Prioritize interviews while witnesses are available. Work on report over summer.

Investigation Timelines

- ▶ The 2020 regulations require the investigation be completed within “reasonably prompt timeframes” set by the institution in its grievance procedure.
- ▶ Good cause to delay “Good cause may include considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities”
- ▶ ED doesn’t appear particularly concerned about availability of Title IX personnel



Investigation Timelines



- ▶ Preamble explains:
- ▶ Any delays or extensions of the recipient's designated time frames must be “temporary” and “limited” and “for good cause” and the recipient must notify the parties of the reason for any such short-term delay or extension.
- ▶ Delays caused solely by administrative needs, for example, would be insufficient to satisfy this [good cause] standard.



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You have been offering supportive measures to a student under your Title IX procedures, as the end of the year approaches, which is true?

A: You should determine if any supportive measures need to change or transition to a new campus.

B: You must continue providing the exact same supportive measures forever.

C: Supportive measures expire at the end of a school year.

D: The student must opt in to continued supportive measures.

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You're reviewing and updating your policies for pregnant students to be ready for next year. Which of the following are schools required to provide to pregnant or parenting students?

A: Continued access to classes and extracurriculars.

B: Excused absences for as long as medically necessary.

C: Reasonable accommodations like elevator access and frequent breaks.

D: All of the above.

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Pregnant and Parenting Students

Great time to remind schools of their obligations to pregnant and parenting students under Title IX. For example:

- ▶ Must continue to allow students access to classes and extracurriculars without requiring a doctor's note.
- ▶ Make reasonable adjustments (like a larger desk, elevator access, frequent breaks) if necessary because of pregnancy
- ▶ Excuse absences related to pregnancy or childbirth for as long as a doctor says it is necessary (and allow the student to return to the same academic status after medical leave is over)
- ▶ Must provide the same special services available to other students with temporary medical conditions
- ▶ Must protect students from harassment based on the student's pregnancy or related conditions
- ▶ Adopt and publish grievance procedures for students to file complaints of sex discrimination, which includes pregnancy or parental status.



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Student 1 files a formal complaint alleging that a professor repeatedly discriminated against her on the basis of her sex. Student 2 makes the same report but does not file. Best investigation practice is...

A: Interview the students who complained and the professor.

B: Interview other students in the class to see if they experienced discrimination

C: Interview third party witnesses to see if anyone observed discrimination

D: All of the above

A student files a formal complaint alleging that a professor repeatedly discriminated against her on the basis of her sex. Another student later comes forward with the same complaint. Best practice is to...

A: Interview the students who complained and the professor

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Same scenario. The professor is found responsible. Remedies should be provided to...

A: Student 1

B: Student 1 and Student 2

C: Everyone in the class who was affected by the discrimination

D: Terminating the professor is sufficient

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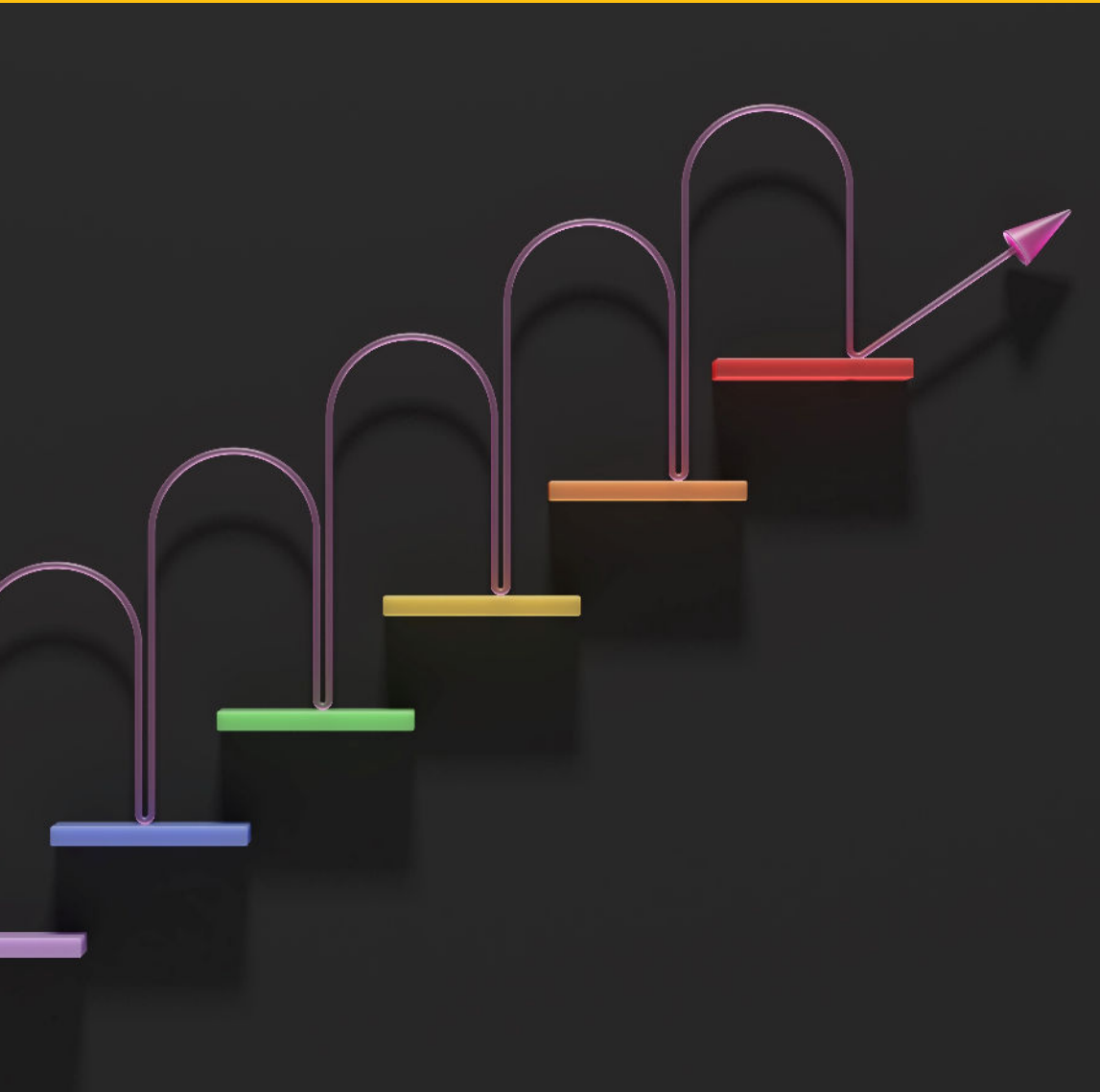
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OCR expects that you...



If an institutions learns about discrimination or harassment of a student or group of students, it must take steps to:

- End the harassment
- Remedy the effects of the harassment
- Prevent recurrence



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Which of the following is not required to be on your institution's website?

A: Title IX Coordinator's name and contact information

B: Names of trained investigators, decision-makers, and advisors

C: Training provided to your Title IX team

D: Title IX Grievance Procedures

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Which is not true about training for the new school year?

A: No training needed, the rules are the same

B: Training for new team members is critical

C: Training for all staff and department/campus leaders is critical

D: Refresher training for experienced staff is valuable

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Title IX Coordinators are

A: Amazing

B: Hardworking

C: Essential

D: All of the above

Title IX Coordinators are

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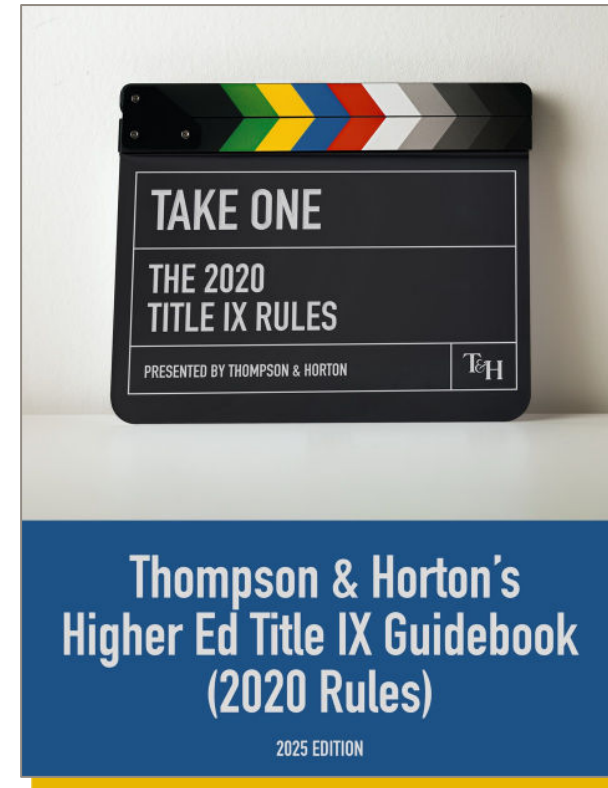
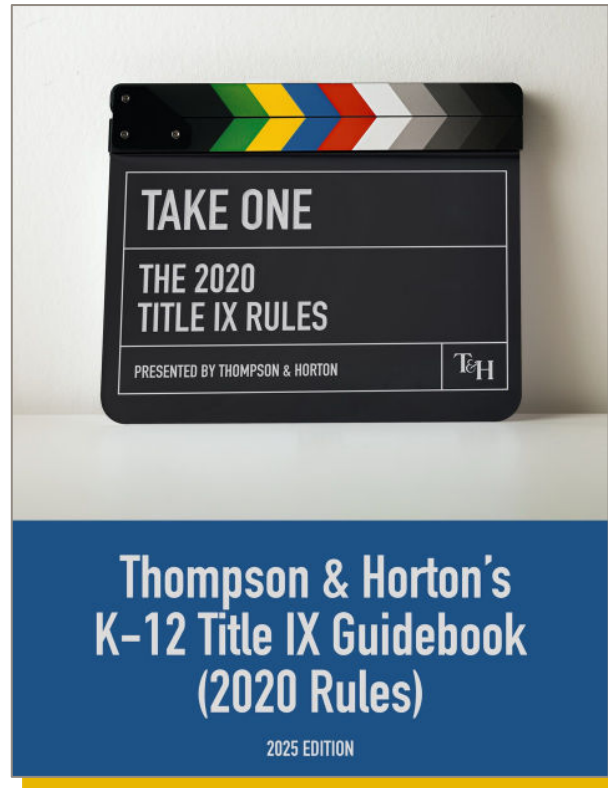
C: Critical

D: All of the above



Title IX Administrators

T&H Has You Covered



Thompson & Horton's

2020 Title IX Guidebooks (New & Improved)

titleix@thlaw.com

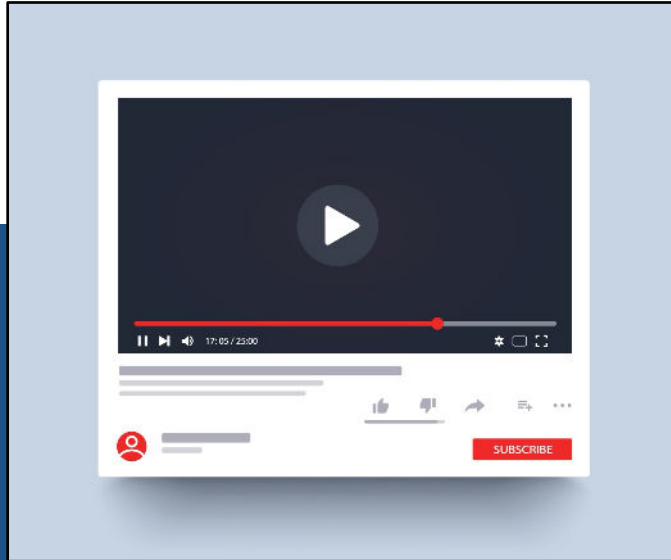


Thompson & Horton's

All-in-One K12 Title IX Procedures

titleix@thlaw.com

Video Training



Virtual Training



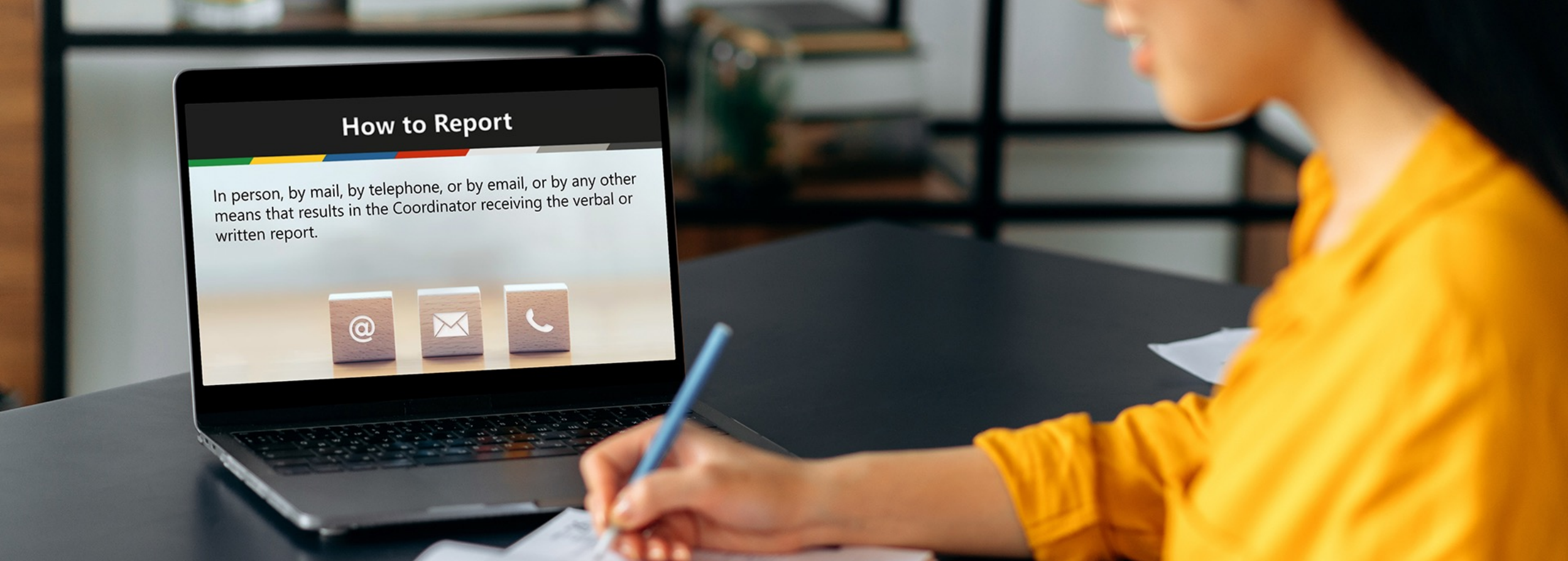
In-Person Training



Thompson & Horton's

Title IX Training

titleix@thlaw.com



Thompson & Horton's

All Employee Title IX Recorded Training for K-12 and Higher Education



Thompson & Horton's

K12 Campus Leader Recorded Training



Thompson & Horton's

Virtual Title IX K-12 Coordinator Training

September 1st

Virtual Title IX K-12 Basic Training

September 15th

Title IX Leadership Alliances

K-12

4th Tuesday of the month

- ▶ Register at thlaw.com/k12alliance
- ▶ Email titleix@thlaw.com
- ▶ Use the QR code



Higher Ed

4th Wednesday of the month

- ▶ Register at thlaw.com/higheredalliance
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NOVEMBER 18

THOMPSON

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