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# TITLE IX UPDATE

**2025 NADC – December 15, 2025**

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**Co-founder of [ATIXA](#) and [NABITA](#)**





# Disclaimer

Any advice or opinion provided during this training, either privately or to the entire group, is **never** to be construed as legal advice or an assurance of compliance. Always consult with your legal counsel to ensure you are receiving advice that considers existing case law in your jurisdiction, any applicable state or local laws, and evolving federal guidance.

# Content Advisory

The content and discussion in this workshop will engage with protected characteristic-based harassment, discrimination, violence, and associated sensitive topics that can evoke strong emotional responses.

Presenters may offer examples that emulate the language and vocabulary that educators may encounter in their roles including slang, profanity, and other graphic or offensive language. It is not used gratuitously, and no offense is intended.

# Agenda

- 1 Overview and History of Title IX
- 2 The Title IX Coordinator
- 3 Title IX Athletics Compliance
- 4 Transgender Participation
  - 4.a Executive Orders
  - 4.b USSC to hear oral arguments
- 5 2020 Title IX Regulations

# History of Title IX

- **Patterned after Title VI of the Civil Rights Act of 1964**

*“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”* [“Sex” added by Executive Order 11246 in 1965]

- **Title VII of the Civil Rights Act of 1964**

Prohibits discrimination in the terms, conditions or privileges of employment on the basis of an individual’s race, color, religion, sex, or national origin.

- **Title IX is signed into law in 1972**

- **Department of Health, Education and Welfare (HEW) – Title IX regulations codified in 1975**

Bernice Sandler



Patsy Mink



Birch Bayh



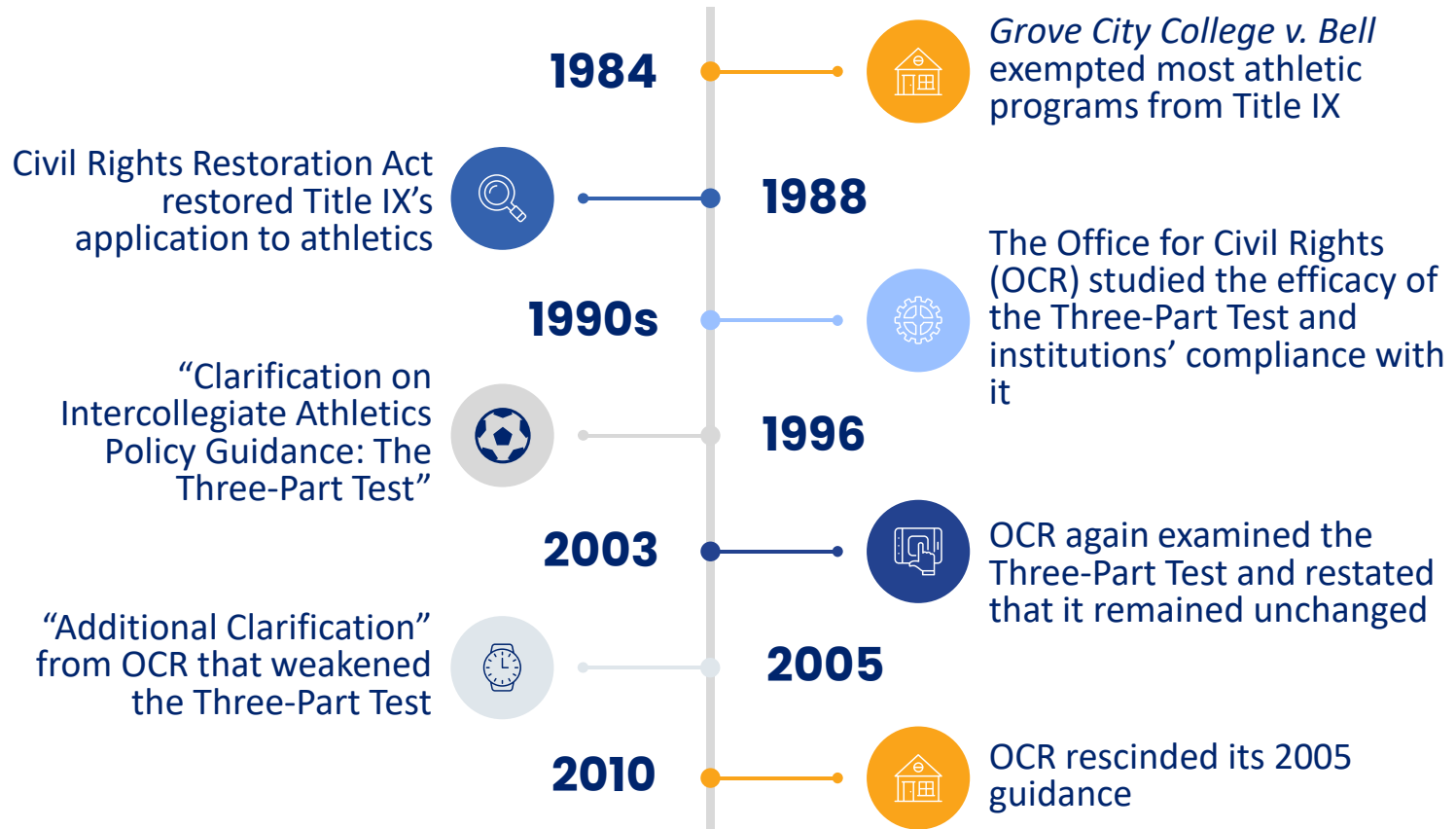
Edith Green



June 23, 1972

Title IX of the Education Amendments of 1972 is signed into law by President Richard Nixon, prohibiting sex discrimination in any educational program or activity receiving any type of federal financial aid.







# TITLE IX

40 YEARS OF CHANGE  
PAGE 48

# Sports Illustrated

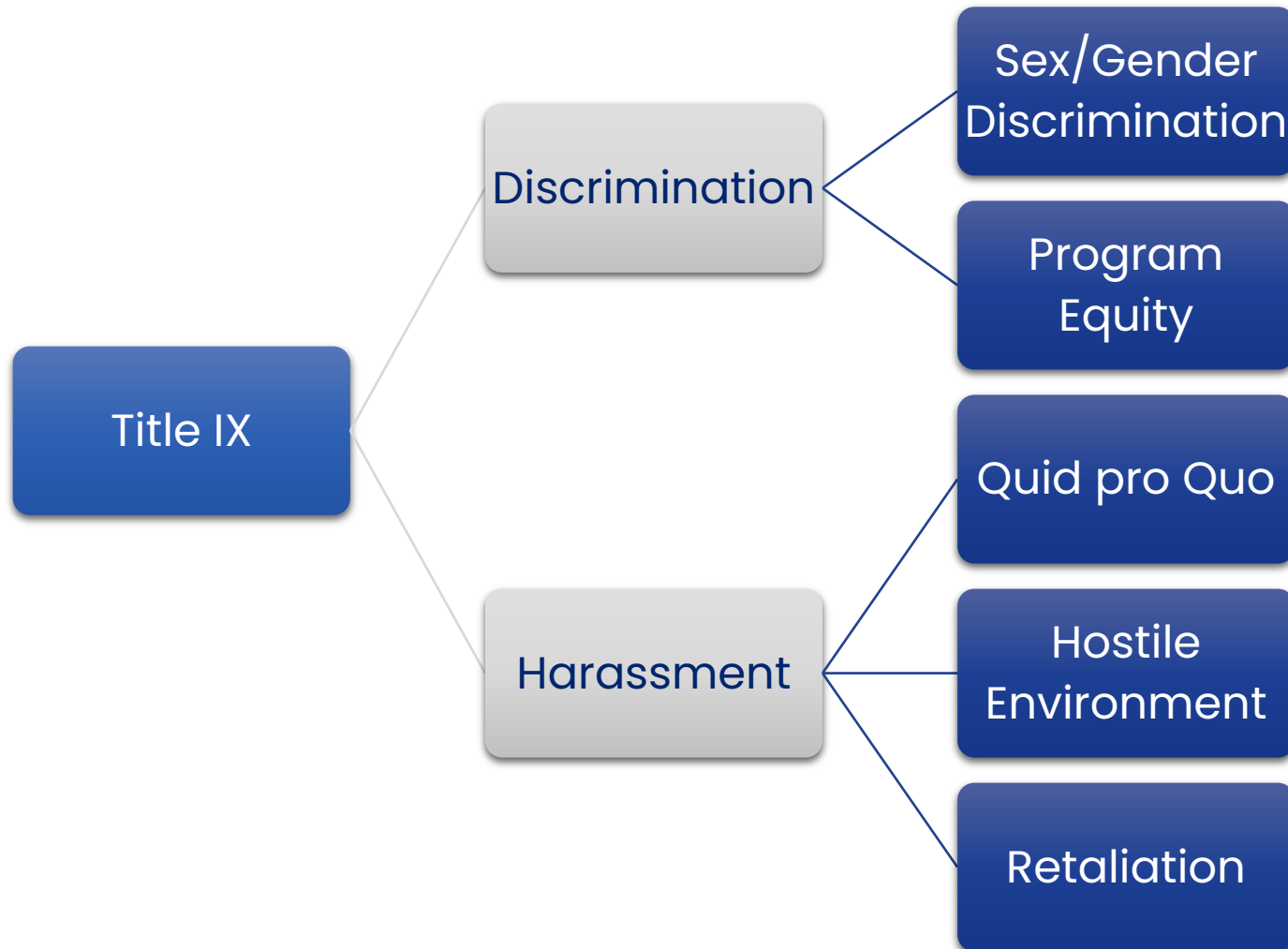
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MAY 7, 2012

**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....”**

—JUNE 23, 1972

# TITLE IX



# What Title IX Covers in Your School...

## Sex-Based Discrimination

Program Equity

- Recruitment
- Admissions & Access

Pregnancy

Athletics

- Employment
- Recruitment & Hiring

Extra-curricular  
Activities

Housing

Access to Course  
Offerings

Salaries and Benefits

Financial Assistance

Facilities

Funding

Sex, Gender, Gender  
Identity

## Sexual Harassment

Quid Pro Quo

Hostile Environment

Sexual Assault

Domestic Violence

Dating Violence

Stalking

## Retaliation

# General Concepts about Title IX

- Title IX does not only pertain to sports. Title IX is not a sports law. The OCR considers athletics an education program.
- Title IX is the first comprehensive federal law that prohibits sex discrimination in education programs and activities that receive Federal financial assistance.
- Title IX does not only protect females. It protects all students (boys & girls), faculty and staff.
- Title IX covers sexual harassment/sexual assault in schools.
- Title IX requires schools to maintain policies, practices and programs that do not discriminate against anyone based on sex.
- Title IX is at the heart of efforts to create gender equitable schools. Males and females are expected to receive fair and equitable treatment in all areas of education.



# Speak to the Title IX Coordinator

## **ATHLETIC OVERSIGHT: *GENDER EQUITY IN ATHLETICS***

The oversight of compliance remains the responsibility of the school's **Title IX Coordinator**.

Compliance in **athletics** may be delegated but for most K-12 schools, this will be the responsibility of the school's **Athletic Director**.

# Title IX (Athletics) requires a school to:

1. Provide equal **opportunities** for female and male students to become interscholastic athletes.

*Analyzed by means of the “Three-Prong Test”*

2. Provide equitable **treatment** of participants in the overall girls’ program as compared to the overall boys’ program.

*Analyzed according to eleven different program components often referred to as “The Laundry List” or in*

*NIAAA’s LTC 506: P-L-A-Y-I-N-G F-A-I-R*

# 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

➤ **Levels of Competition – 2 – Prong Test**

# Equitable Treatment: “The Laundry List”



➤ **Financial Aid/Scholarships – not HS**



# Transgender Participation

- Executive Orders
  - 1-20-25 *“Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government”*
  - 2-5-25 *“Keeping Men Out of Women’s Sports”*
- Proposed legislation to be aware of:  
*”Protection of Women’s and Girl’s Sports Act”*

# USSC grants certiorari...

*Hecox v. Little*

*West Virginia v. B.P.J.*

- Oral arguments scheduled for January 2026.
- Decision expected late spring/early summer 2026.

# Title IX Timeline

## *Gender Identity*

2016	2017	2020	2024	2025
<b>Obama Era</b>  Title IX interpreted to include protection for gender identity.	<b>Trump 1.0</b>  All previous guidance withdrawn. Title IX does not protect gender identity.	<b>Trump 1.0</b>  New Title IX Regulation promulgated that does not include protection of gender identity.	<b>Biden</b>  Consistent with Biden Guidance, New Regulation promulgated that includes Title IX protection to gender identity.	<b>Trump 2.0</b>  2024 Regulations (Biden) withdrawn and 2020 Regulations reinstated.

# Department of Education (ED) Updates

- **Significant staffing reductions** and closure of some regional offices
  - Recently starting to see more complaint-driven investigations again, posting agreements online
- **Federal funding and oversight shifts**
  - Executive Order (EO): *Improving Education Outcomes by Empowering Parents, States, and Communities* (3/20/25)
    - Directed the Secretary of Education to “facilitate closure of the Department” and “return authority to the States and local communities”
  - Civil Rights enforcement remains in OCR, but other agencies (e.g., Health and Human Services (HHS) and Department of Justice (DOJ) appear to be ramping up enforcement in certain areas

# Increased Focus on Title VI

- Multiple federal agencies leveraging Title VI enforcement
  - Anti-Semitism and anti-Diversity, Equity, and Inclusion (DEI)
- A few anti-DEI efforts have been struck down in courts as **unconstitutional** under the First and Fifth Amendments
  - Dear Colleague Letter (DCL) in February on DEI and race-based practices in admissions, financial aid, hiring, and other aspects of academic and student life
  - ED's certification requirements for K-12 districts re: "illegal DEI practices"
- ED intends to create regulations to make changes to **enforcement mechanisms**
  - Title VI regulatory process not expected to begin until next year, at the earliest

# Federal Changes Impacting Title IX

- ED released a DCL reinstating 2020 Title IX Regulations enforcement (02/04/25)
- **Executive Order: *Defending Women from Gender Ideology Extremism and restoring Biological Truth to the Federal Government* (01/20/25)**
  - Defines sex as a binary concept – man or woman
  - Limited *Bostock v. Clayton County*'s holding, says it only applies to Title VII
    - Dept of Justice issued guidance on 02/12/25 that *Bostock* does not apply to Title IX
  - Prohibits federal funds and grants from promoting gender ideology
- **Executive Order: *Keeping Men Out of Women's Sports* (02/05/25)**
  - Prohibits transgender women from playing women's sports
  - Subject of active and rapid enforcement by Federal government
- **NIBRS User Manual Update:** Replaced “fondling” with “criminal sexual contact” and provided a new definition (06/23/25)

# For Reference: Rescinded Prior Guidance

## **ED has rescinded all guidance documents inconsistent with the EOs or subsequent guidance**

- White House Toolkit on Transgender Equality
- 2024 Title IX Regulations: Pointers for Implementation
- ED Toolkit: Creating Inclusive & Nondiscriminatory School Environments for LGBTQ Students
- Supporting Intersex Students
- Supporting Transgender Youth in School
- Letter of Educators on Title IX's 49<sup>th</sup> Anniversary
- Confronting LGBTQ Harassment in Schools
- Enforcement of Title IX - Based on Sexual Orientation and Gender Identity in light of *Bostock v. Clayton County*
- AG's memorandum "Application of *Bostock v. Clayton County* to Title IX"
- EEOC's "Enforcement Guidance on Harassment in the Workplace"

# *NIAAA Leadership Training Program*

*The NIAAA believes in the importance of Title IX and Title IX compliance.*

*There is one single four-hour course in the Leadership Training Program dedicated to this Law.*

THE NIAAA CHAMPIONS THE PROFESSION OF ATHLETIC ADMINISTRATION THROUGH EDUCATIONAL OPPORTUNITIES, ADVOCATING ETHICS, DEVELOPING LEADERS, AND FOSTERING COMMUNITY.

NIAAA - NWAC - SACS CASI  
**ACCREDITED**  
AdvantED

**LTC 506**

**ATHLETIC ADMINISTRATION:**  
LEGAL ISSUES II (TITLE IX AND SEXUAL HARASSMENT)

LEADERSHIP  
SERVICE  
EDUCATION

  
National Interscholastic Athletic Administrators Association

**LTC 506**  
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**LEADERSHIP TRAINING COURSE**





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Recommended for: Coach, Administrator

# Title IX

Elective Course



Description

Course Outline

FAQs

Please Select Your State ▾

\$

Order Course

## Description

Over 3.4 million girls participate in High School Athletics every year. This participation is fueled by the flagship legislation for girls' participation, Title IX. The NFHS has developed this Title IX course to help interscholastic professionals know the history and impact of Title IX and understand the responsibilities of a school and staff pertaining to girls athletic programs. This course discusses the standards at which Title IX compliance is evaluated and breaks down the factors involved in supporting girls programs.

### This Course Includes

- ✓ Approved for 1 Clock Hour
- ✓ Certificate of Completion

# Title IX Resources

- NIAAA LTC 506: Title IX & Sexual Harassment in Athletics [www.niaaa.org](http://www.niaaa.org)
- NFHS Learn Courses [www.nfhs.org](http://www.nfhs.org)
- Good Sports, Inc. [www.titleixspecialists.com](http://www.titleixspecialists.com)
- Association of Title IX Administrators (ATIXA) [www.atixa.org](http://www.atixa.org)
- National Women's Law Center [www.nwlc.org](http://www.nwlc.org)
- Women's Sports Foundation [www.womenssportsfoundation.org](http://www.womenssportsfoundation.org)
- Institutional Compliance Solutions [www.icslawyer.com](http://www.icslawyer.com)
- Education Risk Management [www.EduRisksolutions.org](http://www.EduRisksolutions.org)
- Stop Sexual Assault In Schools [www.stopsexualassaultinschools.org](http://www.stopsexualassaultinschools.org)
- Pennsylvania Coalition Against Rape (SH curriculum) [www.pcar.org](http://www.pcar.org)
- Stop Educator Sexual Abuse Misconduct & Exploitation [www.sesamenet.org](http://www.sesamenet.org)
- Coaching Boys Into Men [www.coachescorner.org](http://www.coachescorner.org)
- A Call To Men [www.acalltomen.org](http://www.acalltomen.org)

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***Thank you!***  
***Let us know how we can help.***

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