

U.S. Department of Education Releases New Title IX Regulations

May 7, 2024
Number 22

Written By

Edward J. Sklar
Partner
Walnut Creek

Monica Batanero
Senior Counsel
Los Angeles

Emma J. Sol
Associate
Walnut Creek

On April 19, 2024, the United States Department of Education (Department) released new and much-anticipated regulations under Title IX (2024 Regulations). Title IX is the federal law that prohibits discrimination on the basis of sex in federally-funded educational settings, such as school districts and community colleges (referred to as “Recipients”).

The 2024 Regulations take effect on August 1, 2024, and will require updates to current Title IX policies for both K-12 school districts and institutions of higher education. Incidents occurring before August 1, 2024, must be resolved using the Title IX regulations currently in effect (2020 Regulations).

Lozano Smith is offering a webinar, entitled “2024 Title IX Regulations: Practical Guidance for Timely Implementation,” on May 21, 2024, from 12:00 to 1:00 p.m., where we will cover in more detail the new requirements under the 2024 Regulations. [Click here](#) to register.

Notable changes to Title IX found in the 2024 Regulations are summarized below.

Broadened Scope: Many Title IX definitions and terms have been expanded to cover a broader scope of complaints, compared to the 2020 Regulations. These include an expansion of:

- Complainants
- Eligible Jurisdiction
- Sex Discrimination Protections
- Sex-Based Harassment Protections
- Potential Hostile Environment

Grievance Procedure. The 2024 Regulations provide significant changes to the 2020 Title IX grievance procedures. Most notably, the 2024 Regulations no longer require the decision maker to be a different person from the Title IX

coordinator or investigator. The 2024 Regulations also carve out specific requirements for postsecondary institutions, which permits Recipients to decide whether they want to include a live hearing in their Title IX grievance procedure.

Pregnancy or Related Conditions. Title IX prohibits Recipients from discriminating against students, employees, or applicants differently based on the person's parental, family, or marital status, or based on the person's current, potential, or past pregnancy or related conditions.

Training Requirements. The 2024 Regulations require that all employees be trained upon hiring and annually on the following:

- Recipient obligation to address sex discrimination;
- Scope of conduct that constitutes sex discrimination; and
- Applicable notification requirements related to pregnancy and related conditions.

Members of the Title IX team (i.e., Title IX coordinators, investigators, decision makers, appeals officers, and informal resolution officers) are required to undergo more extensive training that discusses key elements of the Title IX grievance process.

Please take note that the training must be completed by August 1, 2024.

Takeaways

Overall, there are several significant changes primarily impacting when and how educational agencies are expected to respond to complaints of sex discrimination under Title IX. It is also important to note that the Department has yet to issue its final rule regarding athletics in the context of Title IX.

By August 1, 2024, all Recipients will need to update their policies and procedures and train personnel. Lozano Smith will provide guidance and support to our clients through a webinar on [May 21, 2024](#), where we will review the important changes under the 2024 Regulations. We will also develop policies, templates, and client-specific training, upon request.

If you have any questions about Title IX or the 2024 Regulations, or if you are interested in training opportunities related to Title IX, please contact the authors of this Client News Brief or any attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcasts](#), follow us on [Facebook](#), [Twitter](#) and [LinkedIn](#) or download our [mobile app](#).

As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.