



Title IX Regulations Issued April 19, 2024
Effective Date August 1, 2024
Summary of Key Provisions

The Department of Education’s 2024 amendments to its Title IX Rule mark a shift in policy and approach from the final rule issued in 2020, in several key ways.

1. Sexual orientation and gender identity are specifically included. The regulations broaden the definition of discrimination based on sex to include not only discrimination based on sex stereotypes, sex characteristics, and pregnancy or related conditions, but also (for the first time) ***sexual orientation*** and ***gender identity***.
2. Sexual harassment includes more scenarios. The term “**sex-based harassment**” has been defined more broadly to include harassment based on sexual orientation and gender identity. Sex-based harassment creates a “hostile environment” in more situations, as well. A hostile environment exists when “unwelcome sex-based conduct ... is subjectively and objectively offensive and is so severe **or** pervasive that it limits or denies a person’s ability to participate in or benefit from the recipient’s education program or activity.”
3. Although more possible conduct may constitute sex-based discrimination or harassment, the final regulations permit more **flexibility and informality** in the procedures schools must use to address it “to account for variations in school size, student populations, and administrative structures.”
 - Grievance procedures may be simpler.
 - Schools may use a single-investigator model in some, but not all, cases as long as it is clear in their grievance procedures when it will use this model.
 - Schools may offer an informal resolution process for sex discrimination complaints unless the complaint includes allegations that an employee engaged in sex-based harassment of a student, or unless such a process would conflict with Federal, State, or local law.
4. Schools may continue to provide separate toilet, locker room, and shower facilities on the basis of sex, so long as the facilities are comparable, but such “otherwise permissible sex separation” must be “carried out in a manner that does not impose more than de minimis harm on affected students.” The new regulations state that preventing someone from participating in school (including in sex-separate activities) consistent with their gender identity causes that person more than de minimis harm.
 - The sex discrimination regulations do not address eligibility criteria for athletic teams.
5. The new regulations expand **privacy protections** for students and others involved in sex discrimination claims and investigations. Schools may not disclose personally identifiable information obtained in the course of complying with Title IX, with limited exceptions, such as when the recipient has prior written consent or when the information is disclosed to the parent of a minor.
6. Schools are required to support students and employees based on **pregnancy or related conditions** in more circumstances.
 - Recipients must provide information about the school’s obligations to prevent discrimination upon notice of a student or employee’s pregnancy or related condition, provide reasonable modifications for students based on pregnancy or related conditions, allow for reasonable break time for lactation for employees, and provide access to a clean, private lactation space for students and employees.
 - Schools cannot disclose personally identifiable information about reasonable modifications for pregnancy or related conditions, with limited exceptions.

Title IX 2024 Regulations: Summary of Key Provisions

Copyright © May 3, 2024 National School Boards Association. All rights reserved.



7. Schools must require the Title IX Coordinator to consult with one or more members of a student’s IEP or Section 504 team when a **student with a disability** is a complainant or respondent to determine how to comply with the requirements of the IDEA and Section 504 throughout the grievance procedures.
8. The Department has expanded the duties of the Title IX Coordinator (TIC).
 - TIC and others be trained promptly upon hiring or change of position, and annually thereafter.
 - TIC’s records of conduct that reasonably may be sex discrimination and documentation of actions taken to respond promptly and effectively must be maintained for 7 years.
 - TIC may act as the investigator and the decisionmaker (under the single-investigator model).
 - TIC receives required notifications of conduct that may be sex discrimination from non-confidential employees.
 - When the complainant or respondent is a student with a disability, TIC consults with a member of the student’s IEP or 504 team.
9. The final regulations allow recipients to use a (low) “preponderance of the evidence” **standard of proof** to determine whether sex discrimination occurred unless the recipient uses “clear and convincing” in other comparable proceedings.
10. The scope of covered conduct may extend beyond a school’s borders.
 - Conduct that may constitute sex discrimination is covered if it occurs under a recipient’s education program or activity in the U.S., including conduct that is subject to the recipient’s disciplinary authority.
 - A recipient has an obligation to address sex-based hostile environment under its educational program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the education program or activity or outside the U.S.
11. For the first time, the Department provides a resource including language schools can use for policies, notices, and grievance procedures, to assist with compliance before the new school year begins.

U.S. Department of Education, Office for Civil Rights

34 C.F.R. PART 106—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance (released April 19, 2024, effective August 1, 2024)

Authority: 20 U.S.C. 1681 et seq., unless otherwise noted.

[Unofficial version](#)

[Fact Sheet](#)

[Summary chart](#)

[Policy/Procedure resource](#)

Title IX 2024 Regulations: Summary of Key Provisions

Copyright © May 3, 2024 National School Boards Association. All rights reserved.