

School Athletics Equity Act Summary Report



New Mexico Public Education Department
December 2018

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Appendix A: New Mexico Statutes, 22-31-1 through 22-31-6 NMSA 1978– School Athletics
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Appendix C: United States Department of Education, Office of Civil Rights, Dear Colleague
Letter, April 24, 2015 (Responsibility of school districts to designate a Title IX
Coordinator/Overview of the law's requirements)

BACKGROUND

The *School Athletics Equity Act* (SAEA or the Act) (CS/HB 432) amended the Public School Code § 22-31-1 – 22.31.6 and was passed in 2009. The Act requires each public school that has an athletic program, for males or female athletes, for grades seven (7) through twelve (12) to annually submit prescribed data and a Title IX Assurance Form document to the Public Education Department (PED). In order to comply with the Act, schools that have an athletic program must collect and input male and female athletic data annually for submission to the PED (See also 6.13.4 New Mexico Administrative Code (NMAC) (Governing Gender Equity in Participation in Interscholastic Sports). This rule can be accessed at the following link:
<http://164.64.110.134/parts/title06/06.013.0004.html>.

The SAEA data requirements include that (See Appendix A: PED Rule 6.13.4 NMAC: Governing Gender Equity in Participation in Interscholastic Sports for specific data requirements):

1. Beginning on August 31, 2011, the PED is required to collect data from schools relating to the total enrollment in athletics; enrollment by gender; number of students participating in athletics; athletic participation by gender; number of boys' and girls' teams by sport and by competition level; and specific information pertaining to athletic directors, coaches, and other school personnel.
2. A Title IX Assurance Form, signed every year by the local board of education or governing body, is submitted to the PED.
3. Beginning August 31, 2012, the PED is required to collect from schools a detailed accounting of the funding sources that are used to support the schools' athletic programs and how those funds are allocated. Schools must include information related to benefits and services to each male and female team, including information regarding equipment, uniforms and supplies, practice and game schedules, facilities access, and scholarship assistance.

The 2012 amendment (HB 161), effective May 16, 2012, eliminated certain reporting requirements. Additionally, for school athletics programs in grades seven (7) and eight (8), the requirements for accounting of funding sources were eliminated. The SAEA was amended as follows:

- The reporting for total enrollment was changed to reflect an average of the second and third reporting dates.
- “Other school personnel” was eliminated from the reporting requirements and replaced with “other athletic program staff.”
- “Seasonal” coaches was eliminated and replaced with “volunteer” coaches.

- The “other athletic staff-to-athlete ratio” was eliminated.
- Equipment and supplies were eliminated from the reporting of replacement schedules.
- “Assistance in obtaining scholarships” was eliminated.

The Act, and subsequent amendment, requires two phases of reports from public schools, for grades 7 to 12. The first of the two phases was due August 31, 2011, and the second phase has been ongoing. The first of these reports was due August 31, 2012, ***and subsequent reports are due each year thereafter, no later than August 31st.***

During the first phase of reporting (2011), the PED entered into a Memorandum of Understanding (MOU) with the New Mexico Activities Association (NMAA), for the NMAA to develop a format for the collection and submission of the data required from their member schools. For the second and subsequent phases (2012, 2013) of the reporting, all submissions were sent directly to the PED.

For the 2012–2013 and subsequent submissions, the PED accepted Title IX Assurance Forms through the Web-EPSS collection system. The SAEA submissions were submitted electronically through a PED-established Athletic Equity database. Submission templates were modified from previous years in order to improve the data entry process. The revised collection database prototype was piloted with select sites during the month of July, 2013. Feedback from the pilot assisted the PED in ensuring that the new database would be both user-friendly and, ultimately, less time-consuming for future submissions. In the month of June, 2017, the SAEA electronic submission was further enhanced for ease of use through a modified hyperlink that continued to allow the user to enter date for each module (i.e., coaches information, coach to athlete ratio, athletic expenses, athletic income, and the uploading of applicable athletic documentation).

A benefit of the PED-established Athletic Equity database was that it was designed to assist public schools and local and state charter schools in the required data submission elements of the Act by streamlining the electronic submission process. The database also allowed designated submitters the ability to download and print copies of their submissions for future reference and state auditing purposes.

The PED continued to see a high response rate in the 2017-2018 school year for Title IX submissions, in comparison to previous years, due, in part, to targeted technical assistance over the past several years explaining the importance of Title IX/SAEA submissions. Presentations have occurred at the New Mexico Association of School Business Officials (NMASBO) Conference and the New Mexico High School Coaches Association’s Coaches Clinic among others. Communication through established PED Secretary of Education bi-weekly calls with superintendents and directors of charter schools and through targeted communication to public school superintendents and state charter school directors by both the PED’s Safe and Healthy Schools Bureau and the PED’s Charter School Division have also supported adherence

efforts.

While Title IX submissions continue to increase for public schools, concern still remains regarding the School Athletics Data Act data submissions with numerous non-submissions by public schools and/or local or state charter schools continuing from year to year as evident within this report.

The Role and Requirements of a Title IX Coordinator

Beyond the School Athletics Data Act, it is important to note the federal requirements regarding the designation of a Title IX Coordinator within a district or charter school. Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in education program or activities, which receive Federal financial assistance. Title IX reads “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 program or activity receiving Federal financial assistance.”

(https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html)

All school districts receiving federal financial assistance must designate at least one employee to coordinate their efforts to comply with and carry out their responsibilities under Title IX. This person is referred to as a *Title IX Coordinator*.

(<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201504-title-ix-coordinators.pdf>)

Your school district is required to publish your Title IX coordinator's contact information in your school's notice of nondiscrimination, typically found in any bulletins, announcements, publications, catalogs, application forms, or other recruitment materials. The Title IX coordinator's contact information should also be prominently posted on your school's website. Title IX coordinators for public school districts can also be found on the U.S. Department of Education's Office of Civil Rights (OCR) coordinators website at <http://www.ed.gov/civ-rts-coordinators>.

If your district's Title IX coordinator information is not found on the website or is outdated, you should contact the OCR at ocrdata@ed.gov.

TITLE IX DATA SUBMITTED

An Explanation of Why Assurance Must Be Provided

The SAEA, Section 22-31-1 to 22-31-6 NMSA 1978, generally applies to schools with an athletics program for grades 7–12, although certain provisions apply only to grades 9–12. The Act implements state-monitoring and district-data-reporting provisions related to the federal Public Law 92-318, Title 9 of the Education Amendments of 1972 which is codified at [20 U.S.C. 1681](#).

Title IX provides that “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...”

New Mexico PED’s rule, [6.13.4 NMAC, Governing Gender Equity in Participation in Interscholastic Sports](#), that reflects the annual assurance requirement of Section 22-31-5, NMSA 1978 of the Act, requires public schools, “no later than August 31st of each year, to submit an assurance of compliance with Title IX to its local school board or governing body and provide a copy to the department.” The PED interprets that this assurance applies to any school that offers instruction in any combination of grades 7–12, where athletic programs are offered to student in any combination of those grades.

Districts and state charter schools providing Title IX assurances indicated compliance with the following 10 key areas of Title IX: 1.) athletics under Title IX, 2.) access to higher education, 3.) career education, 4.) education for pregnant and parenting students, 5.) employment, 6.) learning environment, 7.) math and science, 8.) sexual harassment education, 9.) standardized testing, and 10.) technology.

Failure to Provide Assurance to the New Mexico PED

According to Section 22-31-5, NMSA 1978: “The Department shall publish, in a newspaper of general circulation in the state or on a publicly accessible web site, a list of public schools that fail to submit the assurance of compliance with Title IX.” The Act does not permit the PED to waive this assurance-filing requirement to extend the August 31st deadline.

Additionally, districts and state charters may be subject to audit findings from the New Mexico Office of the State Auditor for failure to provide the Title IX assurance or the accompanying data element requirements as prescribed in the Act.

Public School Districts

Submission of Title IX Assurance Forms by Public School Districts

DISTRICT	RECEIVED	APPROVED	DISTRICT	RECEIVED	APPROVED	DISTRICT	RECEIVED	APPROVED
Alamogordo Public Schools	x	x	Clovis Municipal Schools	x	x	Ft. Sumner Municipal Schools	x	x
Albuquerque Public Schools	x	x	Cobre Consolidated Schools	x	x	Gallup- McKinley County Schools	x	x
Animas Public Schools	x	x	Corona Public Schools	x	x	Grady Municipal Schools	x	x
Artesia Public Schools	x	x	Cuba Independent Schools	x	x	Grants/Cibola County Schools	x	x
Aztec Public Schools	x	x	Deming Public Schools	x	x	Hagerman Municipal Schools	x	x
Belen Consolidated Schools	x	x	Des Moines Municipal Schools	x	x	Hatch Valley Public Schools	x	x
Bernalillo Public Schools	x	x	Dexter Consolidated Schools	x	x	Hobbs Municipal Schools	x	x
Bloomfield Schools	x	x	Dora Consolidated Schools	x	x	House Municipal Schools*	x	x
Capitan Municipal Schools	x	x	Dulce Independent Schools	x	x	Jal Public Schools	x	x
Carlsbad Municipal Schools	x	x	Elida Municipal Schools	x	x	Jemez Mountain Public Schools	x	x
Carizozo Municipal Schools	x	x	Española Public Schools	x	x	Jemez Valley Public Schools	x	x
Central Consolidated Schools	x	x	Estancia Municipal Schools	x	x	Lake Arthur Municipal Schools	x	x
Chama Valley Independent Schools	x	x	Eunice Public Schools	x	x	Las Cruces Public Schools	x	x
Cimarron Municipal Schools	x	x	Farmington Municipal Schools	x	x	Las Vegas City Public Schools	x	x
Clayton Municipal Schools	x	x	Floyd Municipal Schools	x	x	Logan Municipal Schools	x	x
Cloudcroft Municipal Schools	x	x	Gadsden Independent Schools	x	x	Lordsburg Municipal Schools	x	x

DISTRICT	RECEIVED	APPROVED	DISTRICT	RECEIVED	APPROVED	DISTRICT	RECEIVED	APPROVED
Los Alamos Public Schools	x	x	Raton Public Schools	x	x	Tularosa Municipal Schools	x	x
Los Lunas Public Schools	x	x	Reserve Independent Schools	x	x	Vaughn Municipal Schools	x	x
Loving Municipal Schools	x	x	Rio Rancho Public Schools	x	x	Wagon Mound Public Schools	x	x
Lovington Municipal Schools	x	x	Roswell Public Schools	x	x	West Las Vegas Public Schools*	x	x
Magdalena Municipal Schools	x	x	Roy Public Schools	x	x	Zuni Public School District	x	x
Maxwell Municipal Schools	x	x	Ruidoso Municipal Schools	x	x			
Melrose Municipal Schools	x	x	San Jon Schools	x	x			
Mesa Vista Consolidated Schools	x	x	Santa Fe Public Schools	x	x			
Mora Public Schools	x	x	Silver Consolidated Schools	x	x			
Mosquero Municipal Schools	x	x	Socorro Consolidated Schools	x	x			
Mountainair Public Schools	x	x	Springer Municipal Schools	x	x			
Pecos Independent Schools	x	x	Taos Municipal Schools	x	x			
Pojoaque Valley Public Schools	x	x	Tatum Municipal Schools	x	x			
Portales Municipal Schools	x	x	Texico Municipal Schools	x	x			
Quemado Independent Schools			Truth or Consequences Municipal Schools	x	x			
Questa Independent Schools			Tucumcari Public Schools	x	x			

*denotes submission after the August 31st statutorily required deadline

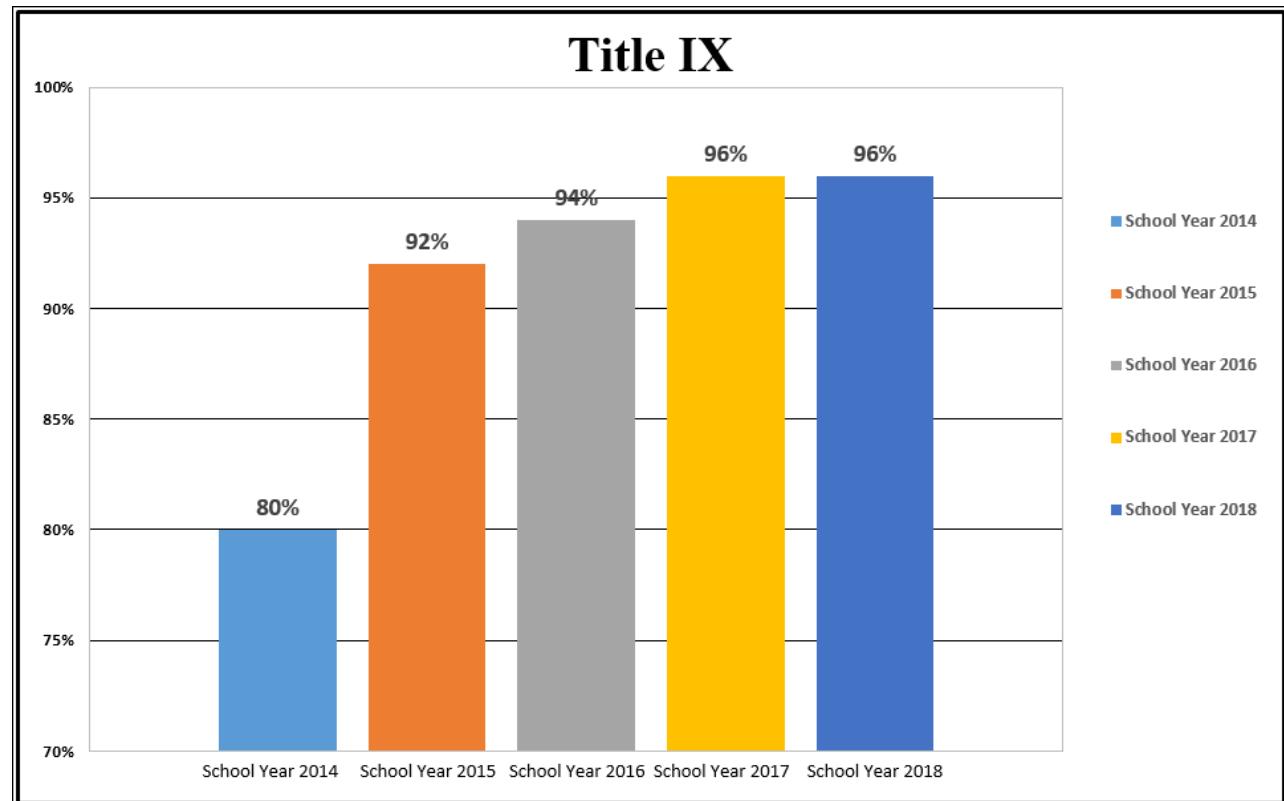
Districts Not Submitting Title IX Assurance Form*

Districts
Hondo Valley Public Schools
Peñasco Independent Schools
Santa Rosa Consolidated Schools**

* Non-submission does not necessarily mean non-compliance with Title IX.

** Reflect multi-year non-submission

Of the 89 New Mexico public school districts, there were 86 submissions of the Title IX Assurance Form – a 96% response rate. This is at the same level as the 2016-2017 submissions of the Title IX Assurance Form by public school districts as reflected in the bar graph below.



State Charter Schools (with any population of 7–12 students) Submission of Title IX Assurance Forms by State Charter Schools*

DISTRICT	RECEIVED	APPROVED	DISTRICT	RECEIVED	APPROVED	DISTRICT	RECEIVED	APPROVED
Albuquerque School of Excellence	x	x	Media Arts Collaborative Charter School	x	x	Southwest Secondary Learning Center	x	x
Alma D'Arte Charter	x	x	Mission Achievement and Success Charter School	x	x	SW Aeronautics Mathematics and Science Academy	x	x
Amy Biehl Charter High School	x	x	Monte Del Sol Charter School	x	x	Taos Academy Charter	x	x
Cesar Chavez Community School	x	x	New America School – Las Cruces	x	x	Taos Integrated School of Arts	x	x
Cien Aguas International School	x	x	New America School – New Mexico	x	x	Taos International School	x	x
Dzil Dil'ooi School of Empowerment, Action and Perseverance (DEAP)*	x	x	NM School For The Arts	x	x	Tierra Adentro of New Mexico Charter School	x	x
Estancia Valley Classical Academy	x	x	North Valley Academy	x	x	Tierra Encantada Charter School	x	x
Gilbert L. Sena Charter School	x	x	Red River Valley Charter School	x	x	The GREAT Academy	x	x
J. Paul Taylor Academy	x	x	School of Dreams Academy	x	x	The MASTERS Program	x	x
La Tierra Montessori School	x	x	South Valley Preparatory School	x	x	Walatowa Charter School	x	x
Las Montañas Charter High School	x	x	Southwest Preparatory Learning Center	x	x			

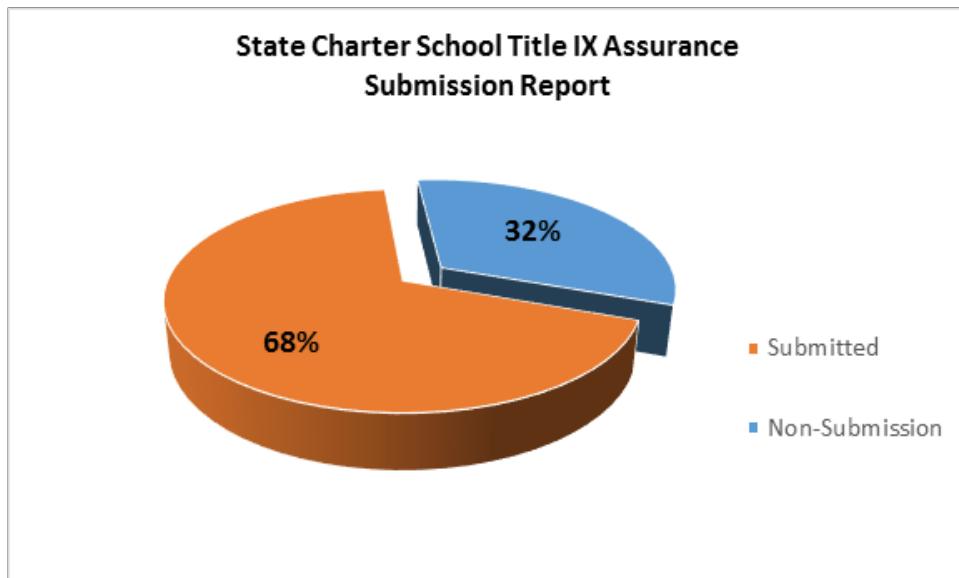
*Grid reflects submission of Title IX assurance and/or state charter notifying the PED that they do not offer athletics in 7th-12th grade. *Denotes submission after the August 31st statutorily required deadline

State Charter Schools Not Submitting Title IX Assurance Form*

State Charter Schools	
Albuquerque Institute of Mathematics and Science (AIMS)	The Montessori Elementary and Middle School
Ace Leadership High School	Academy of Trades and Technology
Alice King Community Schools	Cottonwood Classical Prep
Explore Academy	Health Leadership High School
La Academia Dolores Huerta	La Promesa Early Learning Center
McCurdy Charter School	Six Directions Indigenous School
Roots and Wings Community School	The ASK Academy
Technology Leadership High School	

* Non-submission does not necessarily mean non-compliance with Title IX. Grid reflects state charter schools that did not submit Title IX assurance form. State charter schools in above grid also did not indicate whether or not athletics was offered in any student populations in grades 7-12.

Of the 47 identified eligible state charter schools (online/distance learning state charter schools were not included in the calculation), **32 complied with the Title IX assurance requirement and/or the PED communication regarding submission for a response rate of approximately 68%**. This reflects a **8% decrease** from the response rate in 2016-2017 (76%) and is statistically lower than the 2015-2016 response rate (72.5%) and the 2014-2015 response rate (76%). It is unclear why school district response rates for Title IX submission continue to increase while state charter schools continue to not only remain under 80%, but have also decreased from prior year submissions, given that both public schools and state charter schools receive identical communication and training opportunities regarding the requirements of the School Athletics Equity Act.



School Athletics Equity Act Submissions and Non-Submissions

In compliance with *School Athletics Equity Act (SAEA)* (§ 22.31-1 to 22-31-6 NMSA 1978), each public school with athletics for grades 7–12 is required to collect and submit prior year data on team enrollment, information on coaches, income and expenditures, and other data to the PED. The PED prepares and submits a report to the Governor's office and the New Mexico Legislative Education Study Committee (LESC), providing data from each school that submitted, and a list of schools that did not submit the required information. Additionally, the PED posts this information on its website (6.13.4.8 NMAC).

This report includes public schools, local-chartered charter schools and state charter schools that did not input any data for school year 17–18. Schools that did not input their data, in some instances, may be schools that do not offer athletics in grades 7–12. *If a local-chartered charter school or a state charter school notified the PED that they did not offer athletics then they were not included in the grid of SAEA non-submissions.*

The SAEA data is site-specific. The SAEA data submitted can be accessed at:

<http://webed.ped.state.nm.us/sites/saea/default.aspx>

The following charts indicate which schools (public and charter) did not submit or update SAEA data to the PED.

DISCLAIMER

Non-inclusion of data by a middle/junior high or high school does not necessarily constitute non-compliance with the SAEA. The PED does not collect information as to whether or not a public middle or high school has an athletic program. Additionally, the PED does not collect information on specific sports offered at a school. Data below on the following pages only reflects non-submissions.

The following chart indicates which schools did not submit or update SAEA data to the PED.

DISTRICT/CHARTER	SCHOOL
ACADEMY OF TRADES AND TECHNOLOGY	ACADEMY OF TRADES AND TECHNOLOGY
ACE LEADERSHIP HIGH SCHOOL	ACE LEADERSHIP HIGH SCHOOL
ALBUQUERQUE INSTITUTE OF MATH AND SCIENCE (AIMS)	ALBUQUERQUE INSTITUTE OF MATH AND SCIENCE (AIMS)
ALBUQUERQUE PUBLIC SCHOOLS	ALICE KING COMMUNITY
ALBUQUERQUE PUBLIC SCHOOLS	CHRISTINE DUNCANS HERITAGE ACADEMY
ALBUQUERQUE PUBLIC SCHOOLS	DESERT RIDGE MIDDLE
ALBUQUERQUE PUBLIC SCHOOLS	EAST MOUNTAIN HIGH SCHOOL
ALBUQUERQUE PUBLIC SCHOOLS	EL CAMINO REAL ACADEMY
ALBUQUERQUE PUBLIC SCHOOLS	ERNIE PYLE MIDDLE
ALBUQUERQUE PUBLIC SCHOOLS	GEORGE I SANCHEZ COLLABORATIVE

	COMMUNITY SCHOOL
ALBUQUERQUE PUBLIC SCHOOLS	GRANT MIDDLE
ALBUQUERQUE PUBLIC SCHOOLS	GORDON BERNELL CHARTER
ALBUQUERQUE PUBLIC SCHOOLS	HOOVER MIDDLE
ALBUQUERQUE PUBLIC SCHOOLS	JACKSON MIDDLE
ALBUQUERQUE PUBLIC SCHOOLS	GARFIELD MIDDLE
ALBUQUERQUE PUBLIC SCHOOLS	JAMES MONROE MIDDLE
ALBUQUERQUE PUBLIC SCHOOLS	JEFFERSON MIDDLE
ALBUQUERQUE PUBLIC SCHOOLS	JIMMY CARTER MIDDLE
ALBUQUERQUE PUBLIC SCHOOLS	JOHN ADAMS MIDDLE
ALBUQUERQUE PUBLIC SCHOOLS	KENNEDY MIDDLE
ALBUQUERQUE PUBLIC SCHOOLS	LA ACADEMIA DE ESPERANZA
ALBUQUERQUE PUBLIC SCHOOLS	L.B. JOHNSON MIDDLE
ALBUQUERQUE PUBLIC SCHOOLS	LOS PUENTES CHARTER
ALBUQUERQUE PUBLIC SCHOOLS	NATIVE AMERICAN COMMUNITY ACADEMY
ALBUQUERQUE PUBLIC SCHOOLS	NUESTROS VALORES CHARTER (NOW MARK ARMijo ACADEMY)
ALBUQUERQUE PUBLIC SCHOOLS	PUBLIC ACADEMY FOR PERFORMING ARTS
ALBUQUERQUE PUBLIC SCHOOLS	ROBERT F. KENNEDY CHARTER
ALBUQUERQUE PUBLIC SCHOOLS	ROOSEVELT MIDDLE
ALBUQUERQUE PUBLIC SCHOOLS	SCHOOL FOR INTEGRATE
ALBUQUERQUE PUBLIC SCHOOLS	TAYLOR MIDDLE
ALBUQUERQUE PUBLIC SCHOOLS	THE ALB TALENT DEVELOPMENT CHARTER
ALBUQUERQUE PUBLIC SCHOOLS	TONY HILLERMAN MIDDLE SCHOOL
ALBUQUERQUE PUBLIC SCHOOLS	TRUMAN MIDDLE
ALBUQUERQUE PUBLIC SCHOOLS	VALLEY HIGH
ALBUQUERQUE PUBLIC SCHOOLS	WASHINGTON MIDDLE
ALBUQUERQUE PUBLIC SCHOOLS	WEST MESA HIGH
ALBUQUERQUE PUBLIC SCHOOLS	WILSON MIDDLE
ALDO LEOPOLD CHARTER	ALDO LEOPOLD CHARTER
ARTESIA PUBLIC SCHOOLS	ARTESIA PARK JUNIOR HIGH
ARTESIA PUBLIC SCHOOLS	ARTESIA ZIA INTERMEDIATE
ARTESIA PUBLIC SCHOOLS	PENASCO ELEMENTARY
AZTEC MUNICIPAL SCHOOLS	MOSAIC ACADEMY CHARTER
AZTEC MUNICIPAL SCHOOLS	VISTA NUEVA HIGH
BELEN CONSOLIDATED SCHOOLS	BELEN INFINITY HIGH
CARLSBAD MUNICIPAL SCHOOLS	ALTA VISTA MIDDLE
CARLSBAD MUNICIPAL SCHOOLS	JEFFERSON MONTESSORI
CARRIZOZO MUNICIPAL SCHOOLS	CARRIZOZO HIGH
CARRIZOZO MUNICIPAL SCHOOLS	CARRIZOZO MIDDLE
CHAMA VALLEY INDEP. SCHOOLS	CHAMA MIDDLE
CIEN AGUAS INTERNATIONAL SCHOOL	CIEN AGUAS INTERNATIONAL

CIMARRON MUNICIPAL SCHOOLS	CIMARRON MIDDLE
CIMARRON MUNICIPAL SCHOOLS	EAGLE NEST MIDDLE
CIMARRON MUNICIPAL SCHOOLS	MORENO VALLEY HIGH
COTTONWOOD CLASSICAL PREP	COTTONWOOD CLASSICAL PREP
DEMING PUBLIC SCHOOLS	DEMING CESAR CHAVEZ
DEMING PUBLIC SCHOOLS	RED MOUNTAIN MIDDLE
DULCE INDEPENDENT SCHOOLS	DULCE MIDDLE
ESPAÑOLA PUBLIC SCHOOLS	CARLOS F. VIGIL MIDDLE
ESPAÑOLA PUBLIC SCHOOLS	ESPAÑOLA VALLEY HIGH
ESTANCIA MUNICIPAL SCHOOLS	ESTANCIA MIDDLE
EXPLORE ACADEMY	EXPLORE ACADEMY
FARMINGTON MUNICIPAL SCHOOLS	ROCINANTE HIGH
FARMINGTON MUNICIPAL SCHOOLS	SAN JUAN COLLEGE HIGH
FORT SUMNER MUNICIPAL SCHOOLS	FORT SUMNER MIDDLE
GADSDEN INDEPENDENT SCHOOLS	ALTA VISTA EARLY COLLEGE HIGH
GADSDEN INDEPENDENT SCHOOLS	LOMA LINDA ELEMENTARY
GALLUP-MCKINLEY CTY SCHOOLS	CROWNPOINT HIGH
GALLUP-MCKINLEY CTY SCHOOLS	CROWNPOINT MIDDLE
GALLUP-MCKINLEY CTY SCHOOLS	GALLUP HIGH
GALLUP-MCKINLEY CTY SCHOOLS	GALLUP MIDDLE
GALLUP-MCKINLEY CTY SCHOOLS	JOHN F. KENNEDY MIDDLE
GALLUP-MCKINLEY CTY SCHOOLS	MIDDLE COLLEGE HIGH
GALLUP-MCKINLEY CTY SCHOOLS	MIYAMURA HIGH
GALLUP-MCKINLEY CTY SCHOOLS	NAVAJO MIDDLE
GALLUP-MCKINLEY CTY SCHOOLS	NAVAJO PINE HIGH
GALLUP-MCKINLEY CTY SCHOOLS	THOREAU HIGH
GALLUP-MCKINLEY CTY SCHOOLS	THOREAU MIDDLE
GALLUP-MCKINLEY CTY SCHOOLS	TOHATCHI MIDDLE
GALLUP-MCKINLEY CTY SCHOOLS	TSE'YI'GAI HIGH
GRADY MUNICIPAL SCHOOLS	GRADY MIDDLE
GRADY MUNICIPAL SCHOOLS	GRADY HIGH
GRANTS-CIBOLA COUNTY SCHOOLS	GRANTS HIGH
GRANTS-CIBOLA COUNTY SCHOOLS	LAGUNA-ACOMA HIGH
GRANTS-CIBOLA COUNTY SCHOOLS	LAGUNA-ACOMA MIDDLE
GRANTS-CIBOLA COUNTY SCHOOLS	LOS ALAMITOS MIDDLE
HATCH VALLEY PUBLIC SCHOOLS	HATCH VALLEY MIDDLE
HEALTH LEADERSHIP HIGH SCHOOL	HEALTH LEADERSHIP HIGH SCHOOL
JEMEZ MOUNTAIN PUBLIC SCHOOLS	CORONADO HIGH
JEMEZ MOUNTAIN PUBLIC SCHOOLS	CORONADO MIDDLE
JEMEZ MOUNTAIN PUBLIC SCHOOLS	LINDRITH AREA HERITAGE
JEMEZ MOUNTAIN PUBLIC SCHOOLS	LYBROOK ELEMENTARY
JEMEZ VALLEY PUBLIC SCHOOLS	SAN DIEGO RIVERSIDE

LA PROMESA EARLY LEARNING	LA PROMESA EARLY LEARNING
LAS CRUCES PUBLIC SCHOOLS	LA ACADEMIA DOLORES HUERTA
LAS CRUCES PUBLIC SCHOOLS	SAN ANDRES HIGH SCHOOLS
LAS CRUCES PUBLIC SCHOOLS	WHITE SANDS ELEMENTARY
LAS CRUCES PUBLIC SCHOOLS	WHITE SANDS MIDDLE
LA RESOLANA LEADERSHIP	LA RESOLANA LEADERSHIP
LOS ALAMOS PUBLIC SCHOOLS	TOPPER FRESHMAN ACADEMY
LOVINGTON MUNICIPAL SCHOOLS	LOVINGTON FRESHMAN ACADEMY
MAGDALENA MUNICIPAL SCHOOLS	MAGDALENA HIGH
MAGDALENA MUNICIPAL SCHOOLS	MAGDALENA MIDDLE
MAXWELL MUNICIPAL SCHOOLS	MAXWELL MIDDLE
MCCURDY CHARTER SCHOOL	MCCURDY CHARTER SCHOOL
MONTESSORI ELEMENTARY SCHOOL	MONTESSORI ELEMENTARY SCHOOL
MORA INDEPENDENT SCHOOLS	LAZARO LARRY GARCIA
MORA INDEPENDENT SCHOOLS	MORA HIGH
MOSQUERO MUNICIPAL SCHOOLS	MOSQUERO HIGH
PECOS INDEPENDENT SCHOOLS	PECOS MIDDLE
QUESTA INDEPENDENT SCHOOLS	QUESTA HIGH
QUESTA INDEPENDENT SCHOOLS	QUESTA JR HIGH
RIO RANCHO PUBLIC SCHOOLS	INDEPENDENCE HIGH
ROOTS AND WINGS COMMUNITY SCHOOL	ROOTS AND WINGS COMMUNITY SCHOOL
SAN JON MUNICIPAL SCHOOLS	SAN JON HIGH
SAN JON MUNICIPAL SCHOOLS	SAN JON MIDDLE
SANTA FE	ACADEMY AT LARRAGOITE
SANTA FE	EARLY COLLEGE OPPORTUNITIES
SANTA FE	MANDELA INTERNATIONAL MAGNET (MIMS)
SILVER CONSOLIDATED SCHOOLS	SILVER CITY OPPORTUNITY SCHOOL
SIX DIRECTIONS INDIGENOUS SCHOOL	SIX DIRECTIONS INDIGENOUS SCHOOL
SPRINGER MUNICIPAL SCHOOLS	SPRINGER HIGH
TAOS PUBLIC SCHOOLS	TAOS MUNICIPAL CHARTER
TAOS PUBLIC SCHOOLS	VISTA GRANDE HIGH
TATUM MUNICIPAL SCHOOLS	TATUM HIGH
TATUM MUNICIPAL SCHOOLS	TATUM JR HIGH
TECHNOLOGY LEADERSHIP	TECHNOLOGY LEADERSHIP
THE ASK ACADEMY	THE ASK ACADEMY
TULAROSA MUNICIPAL SCHOOLS	TULAROSA MIDDLE
WAGON MOUND PUBLIC SCHOOLS	WAGON MOUND HIGH
WALATOWA CHARTER HIGH	WALATOWA CHARTER HIGH
WEST LAS VEGAS PUBLIC SCHOOLS	RIO GALLINAS SCHOOL

WEST LAS VEGAS PUBLIC SCHOOLS	VALLEY MIDDLE
WEST LAS VEGAS PUBLIC SCHOOLS	W LAS VEGAS HIGH
WEST LAS VEGAS PUBLIC SCHOOLS	W LAS VEGAS MIDDLE
ZUNI PUBLIC SCHOOLS	TWIN BUTTES HIGH
ZUNI PUBLIC SCHOOLS	ZUNI MIDDLE

Recommendations on How to Increase Gender Equity in Athletics

DISCLAIMER

This information is NOT a substitute for legal advice. The school district/charter school is strongly encouraged to seek the advice of their legal counsel.

Title IX of the Educational Amendments of 1972 is the landmark legislation that bans sex discrimination in schools, whether it be in academics or athletics. Title IX states:

"No person in the U.S. shall, on the basis of sex, be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal aid."

Athletics has created the most controversy regarding Title IX, but its gains in education and academics are notable. Before Title IX, many schools refused to admit women or enforced strict limits (<http://bailiwick.lib.uiowa.edu/ge/aboutRE.html>).

The Policy Interpretation: Title IX and Intercollegiate Athletics (Federal Register, Vol.44, No. 239—Tuesday, Dec. 11, 1979) articulated three ways compliance with Title IX can be achieved. This is known as the “Three-Part Test”. A recipient of federal funds can demonstrate compliance with Title IX by meeting any one of the three tests (<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-20100420.html>). For a full description of the “Three-Part Test” see Appendix D: United States Department of Education, Office of Civil Rights, Dear Colleague Letter, April 20, 2010.

The Kentucky High School Athletic Association (<http://www.khsaa.org/titleix/titleixcomponents.pdf>) defines the “Three Part Tests” as:

TEST ONE—PROPORTIONALITY: This first test is based on a comparison of the percent of school enrollment for a gender to the percent of participation in sports by that gender.

TEST TWO—PROGRAM EXPANSION: The second test is designed to judge the school’s efforts to expand or increase the number of participants for the underrepresented sex—nearly always girls. Usually, schools that achieve compliance with test two have added new sports and teams (for example, freshman, junior varsity, and varsity teams) for girls, that has resulted in a significant increase in the number of female participants.

TEST THREE—FULL ACCOMMODATION: The third test assesses whether the school's athletic program already offers every team for the underrepresented sex, usually girls, for which there is sufficient interest and ability to field a team and sufficient competition for that team in the area where the school normally competes. In Kentucky high schools, an Interscholastic Athletics Student Survey is administered at least every-other school year to gather and analyze responses to determine if increasing athletic offerings should be considered.

Resources

For further guidance in compliance with Title IX, schools may wish to review the following resources:

1. New Mexico Public Education Department, Title IX website:
<https://webnew.ped.state.nm.us/bureaus/safe-healthy-schools/title-ix/>
2. New Mexico Activities Association, <http://www.nmact.org/>
3. <http://titleix.info/10-Key-Areas-of-Title-IX/Access-to-Higher-Education.aspx>
4. U.S. Department of Education, Office for Civil Rights, *Title IX Resource Guide* (Apr. 2015).
<http://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf>
5. U.S. Department of Education, Office of Civil Rights, *Questions and Answers on Title IX and Single-Sex Elementary and Secondary Classes and Extracurricular Activities* (Dec. 2014). <http://www2.ed.gov/about/offices/list/ocr/docs/faqs-title-ix-single-sex-201412.pdf>
6. Minnesota State High School League, Providing Equal Athletic Opportunities, A Guide to Compliance: http://www.mshsl.org/mshsl/titleix/Compliance_Guide.pdf
7. Women's Sports Foundation: <https://www.womenssportsfoundation.org/>
8. National Women's Law Center Check it Out: An Athletics Equity Checklist for Students, Athletes, Coaches, Parents, Administrators, and Advocates:
<http://www.nwlc.org/sites/default/files/pdfs/Checkitout.pdf>
9. Stop Sexual Assaults in Schools IX <http://stopsexualassaultinschools.org/>

Appendices

Appendix A: New Mexico Statutes, 22-31-1 through 22-31-6 NMSA 1978—School Athletics Equity Act

Appendix B: PED Rule—6.13.4 NMAC: Governing Gender Equity in Participating in Interscholastic Sports

Appendix C: United States Department of Education, Office of Civil Rights, Dear Colleague Letter, April 24, 2015 (Responsibility of school districts to designate a Title IX Coordinator/Overview of the law's requirements)

Appendix A

New Mexico Statutes, Chapter 22, Article 31 – School Athletics Equity

New Mexico Statutes 22-31-1. Short title

This act [22-31-1 through 22-31-6 NMSA 1978] may be cited as the “School Athletics Equity Act”.

History: Laws 2009, ch. 178 , § 1.

New Mexico Statutes 22-31-2. Applicability; nondiscrimination

Except as provided in Subsections C, D and E of Section 22-31-3 NMSA 1978, the School Athletics Equity Act applies to each public school that has an athletics program for grades seven through twelve. Each public school shall operate its program in a manner that does not discriminate against students or staff on the basis of gender.

History: Laws 2009, ch. 178, § 2; 2012, ch. 24, § 1.

New Mexico Statutes 22-31-3. Data reporting

The department shall collect annual data from public schools on their athletics programs. Each public school shall collect and submit the prior-year data required in this section in a format required by the department. The data submitted shall include:

A. by August 31, 2011, the following information pertaining to enrollment:

- (1) the total enrollment in each public school as an average of enrollment at the second and third reporting dates;
- (2) student enrollment by gender;
- (3) total number of students participating in athletics;
- (4) athletics participation by gender; and
- (5) the number of boys' teams and girls' teams by sport and by competition level;

B. by August 31, 2011, the following information pertaining to athletic directors and coaches:

- (1) the names and genders of each public school's athletic director and other athletic program staff;
- (2) the names of each team's coaches, with their gender, job title and employment status, such as full-time, part-time, contract or volunteer, specified;
- (3) the coach-to-athlete ratio for each team; and
- (4) the stipend or other compensation for coaching paid to coaches of boys' teams and to coaches of girls' teams for each public school;

C. by August 31, 2012, an accounting of the funding sources that are used to support the school's athletics programs in grades nine through twelve and to which programs those funds are allocated; funding sources include state funding, federal funding, fundraising or booster clubs, game and concession receipts, gate receipts, cash or in-kind donations, grants and any other source;

D. by August 31, 2012, the following information regarding expenses for athletics programs in grades nine through twelve, including:

- (1) any capital outlay expenditures for each public school's athletics programs; and
- (2) the expenditures for each public school's athletics programs, including travel expenses such as transportation, meal allowances and overnight accommodations; equipment; uniforms; facilities; facilities improvements; publicity expenses; awards; banquets; insurance; and any other expenses incurred by each athletic program; and

E. by August 31, 2012, a statement of benefits and services to each athletic program in grades nine through twelve, including:

- (1) replacement schedules for uniforms;
- (2) practice and game schedules; and
- (3) locker rooms, weight rooms and practice, competitive and training facilities.

History: Laws 2009, ch. 178, § 3; 2012, ch. 24, § 2.

New Mexico Statutes 22-31-4. Disclosure to students and public

A. Each public school shall make its data available to the public, including all materials relied upon to compile the data. Each public school shall inform all students at the public school of their right to review the data.

B. The department shall publish the following information:

- (1) each public school's data; and
- (2) a list of public schools that did not submit fully completed data.

C. Each public school shall maintain its data and all materials relied upon to complete the data for at least three years. Each public school shall publish its data in a newspaper of general circulation in the state or make the data available on a publicly accessible web site.

History: Laws 2009, ch. 178, § 4.

New Mexico Statutes 22-31-5. Assurance of compliance

Each public school shall submit an assurance of compliance with Title 9 to its local school board or governing body and provide a copy to the department no later than August 31 of each year. The assurance shall be signed by the superintendent of the district or the head assets of the estate, pay debts, and distribute residue to those entitled to it.">administrator of the charter school. The department shall publish, in a newspaper of general circulation in the state or on a publicly accessible web site, a list of public schools that fail to submit the assurance of compliance with Title 9.

As used in this section, "Title 9" means federal Public Law 92-318, Title 9, of the Education Amendments of 1972, which is codified at 20 U.S.C. 1681, et seq., and the regulations promulgated pursuant to that act.

History: Laws 2009, ch. 178, § 5.

New Mexico Statutes 22-31-6. Report to governor and legislature

Beginning December 1, 2011, the department shall submit annually a report on the School Athletics Equity Act to the governor and the legislature, including a summary of the data received from the public schools. The report shall include recommendations on how to increase gender equity in athletics in public schools. The department shall post the report on its web site.

History: Laws 2009, ch. 178, § 6.

Appendix B

**TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 13 PUBLIC SCHOOL ADMINISTRATION— INTERSCHOLASTIC ACTIVITIES PART 4
 GOVERNING GENDER EQUITY IN PARTICIPATION IN INTERSCHOLASTIC
 SPORTS**

6.13.4.1 ISSUING AGENCY: Public Education Department
[01-29-99, 07-30-99; 6.13.4.1 NMAC - Rn, 6 NMAC 1.2.3.1, 12-29-00; A, 11-13-09]

6.13.4.2 SCOPE: This rule applies to school districts and charter schools.
[01-29-99; 6.13.4.2 NMAC - Rn, 6 NMAC 1.2.3.2, 12-29-00; A, 11-13-09]

6.13.4.3 STATUTORY AUTHORITY: This rule is adopted pursuant to Sections 22-2-1, 22-2-2 NMSA 1978, the School Athletics Equity Act [22-31-1 to 22-31-6 NMSA 1978], and 20 U.S. Code 1681, et seq.
[01-29-99; 6.13.4.3 NMAC - Rn, 6 NMAC 1.2.3.3, 12-29-00; A, 11-13-09]

6.13.4.4 DURATION: Permanent
[01-29-99; 6.13.4.4 NMAC - Rn, 6 NMAC 1.2.3.4, 12-29-00]

6.13.4.5 EFFECTIVE DATE: January 29, 1999, unless a later date is cited at the end of a section [01-29-99; 6.13.4.5 NMAC - Rn, 6 NMAC 1.2.3.5, 12-29-00].

6.13.4.6 OBJECTIVE: The purpose of this rule is to prohibit discrimination on the basis of gender in interscholastic sports.
[01-29-99; 6.13.4.6 NMAC - Rn, 6 NMAC 1.2.3.6, 12-29-00; A, 11-13-09]

6.13.4.7 DEFINITIONS:
A. "Department" means the public education department.
B. "School Athletics Equity Act" means a state law enacted to require annual data collection and reporting to ensure that any public school operating an athletics program for grades seven through twelve shall do so in a manner that does not discriminate against students or staff on the basis of gender.
C. "Title 9" means federal Public Law 92-318, Title 9 of the Education Amendments of 1972 which is codified at 20 U.S. Code 1681, et seq.
[01-29-99; 6.13.4.7 NMAC - Rn, 6 NMAC 1.2.3.7, 12-29-00; A, 11-13-09]

6.13.4.8 REQUIREMENTS:
A. No officer, agent or employee of any local school board, school district or charter school shall subject any person to discrimination based on gender in any interscholastic sport. Nor shall any public school operate its interscholastic program in a manner that discriminates against students or staff on the basis of gender.
B. School districts and charter schools shall provide comparable athletic opportunity in interscholastic sports for both genders. Each school district and charter school has the option of prohibiting participation by both genders on the same team, where comparable or separate athletic opportunity exists for both genders. Comparable athletic opportunity exists only where a good faith effort is made so that teams are provided with comparable facilities, equipment, supplies, game and practice schedules, travel and per diem allowances, coaching (including assignment and compensation of coaches), academic tutoring, housing, dining facilities and publicity.
C. All school districts and charter schools shall designate at least one Title 9 coordinator whose name, title, school address and telephone number shall be prominently displayed on the district's or charter school's website and in school publications and handbooks. A Title 9 coordinator shall, at a minimum, have the following responsibilities:

- (1) to receive and process complaints and inquiries related to Title 9;
- (2) to make recommendations to the school administration on best practices for avoiding and correcting sex discrimination in school athletics programs;
- (3) to carry out the local school's athletic non-discrimination policy; and
- (4) to enforce corrective measures to comply with Title 9 after an adjudication or determination of non-compliance.

D. In determining comparable athletic opportunity, each public school that has an athletics program for grades seven through twelve shall undertake self-evaluation and continuing reappraisal of student needs as determined by the total educational program. To assist in the self-evaluation, each public school that has an athletics program for grades seven through twelve shall report the following data to the department;

(1) Beginning August 31, 2011 and each year thereafter no later than August 31st, the following data shall be submitted to the department in a format required by the department:

(a) the following information pertaining to enrollment:

- (i) the total enrollment in each public school as an average of enrollment at the eightieth and one hundred twentieth days of the school year;
 - (ii) student enrollment by gender;
 - (iii) total number of students participating in athletics;
 - (iv) athletics participation by gender; and
 - (v) the number of boys' teams and girls' teams by sport and by competition level;
- (b) the following information pertaining to athletic directors, coaches and other school personnel:
- (i) the name and gender of each public school's athletic director;
 - (ii) the name of each team's coaches and other team personnel, with their gender, job title and employment status, such as full-time, part-time, contract or seasonal, specified;
 - (iii) the coach-to-athlete and staff-to-athlete ratio for each team; and
 - (iv) the stipend or other compensation for coaching paid to coaches of boys' teams and to coaches of girls' teams for each public school.

(2) Beginning August 31, 2012 and each year thereafter no later than August 31st, the following data shall be submitted to the department in a format required by the department:

(a) an accounting of the funding sources that are used to support the school's athletics programs and to which teams those funds are allocated funding sources include;

- (i) state funding;
- (ii) federal funding;
- (iii) fund raising or booster clubs;
- (iv) game and concession receipts;
- (v) gate receipts;
- (vi) cash or in-kind donations;
- (vii) grants; and
- (viii) any other sources;

(b) the following information regarding expenditures;

- (i) any capital outlay expenditures for each public school's athletics programs;
- (ii) the expenditures for each public school's athletics programs; and
- (iii) the expenditures of individual teams, including travel expenses such as

transportation, meal allowances and overnight accommodations; equipment; uniforms; facilities; facilities improvements; publicity expenses; awards; banquets; insurance; and other expenses incurred by each team;

(c) a statement of benefits and services to each team.

E. Each public school shall:

(1) make the above referenced data available to the public including all materials relied upon to compile the data;

(2) at least annually inform all students attending their school of their right to review the data;

(3) maintain in a retrievable form its data and all materials relied upon to complete the data for at least three years;

(4) annually publish its data in a newspaper of general circulation in the state or make the data available on its publicly accessible website; and

(5) no later than August 31st of each year, submit an assurance of compliance with Title 9 to its local school board or governing body and provide a copy to the department.

F. The department shall publish and submit an annual report to the governor and legislature including the following information:

- (1) each public school's data;
- (2) a list of public schools that did not submit fully completed data;
- (3) a list of public school that fail to submit the assurance of compliance with Title 9; and
- (4) recommendations on how to increase gender equity in athletics in public schools

[01-29-99; 6.134.8 NMAC- Rn, 6 NMAC 1.2.3.8, 12-29-00; A, 11-13-09]

HISTORY OF 6.13.4 NMAC:

PRE-NMAC HISTORY: The material in this regulation is derived from that previously filed with the State Records Center and Archives under: State Board of Education Regulation No. 76-6, Governing Participation in Interscholastic Sports, filed May 14, 1976.

Appendix C



UNITED STATES DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

April 24, 2015

Dear Colleague:

I write to remind you that all school districts, colleges, and universities receiving Federal financial assistance must designate at least one employee to coordinate their efforts to comply with and carry out their responsibilities under Title IX of the Education Amendments of 1972 (Title IX), which prohibits sex discrimination in education programs and activities.¹ These designated employees are generally referred to as Title IX coordinators.

Your Title IX coordinator plays an essential role in helping you ensure that every person affected by the operations of your educational institution—including students, their parents or guardians, employees, and applicants for admission and employment—is aware of the legal rights Title IX affords and that your institution and its officials comply with their legal obligations under Title IX. To be effective, a Title IX coordinator must have the full support of your institution. It is therefore critical that all institutions provide their Title IX coordinators with the appropriate authority and support necessary for them to carry out their duties and use their expertise to help their institutions comply with Title IX.

The U.S. Department of Education's Office for Civil Rights (OCR) enforces Title IX for institutions that receive funds from the Department (recipients).² In our enforcement work, OCR has found that some of the most egregious and harmful Title IX violations occur when a recipient fails to designate a Title IX coordinator or when a Title IX coordinator has not been sufficiently trained or given the appropriate level of authority to oversee the recipient's compliance with Title IX. By contrast, OCR has found that an effective Title IX coordinator often helps a recipient provide equal educational opportunities to all students.

OCR has previously issued guidance documents that include discussions of the responsibilities of a Title IX coordinator, and those documents remain in full force. This letter incorporates that existing OCR guidance on Title IX coordinators and provides additional clarification and recommendations

¹ 34 C.F.R. § 106.8(a). Although Title IX applies to any recipient that offers education programs or activities, this letter focuses on Title IX coordinators designated by local educational agencies, schools, colleges, and universities.

² 20 U.S.C. §§ 1681–1688. The Department of Justice shares enforcement authority over Title IX with OCR.

as appropriate. This letter outlines the factors a recipient should consider when designating a Title IX coordinator, then describes the Title IX coordinator's responsibilities and authority. Next, this letter reminds recipients of the importance of supporting Title IX coordinators by ensuring that the coordinators are visible in their school communities and have the appropriate training.

Also attached is a letter directed to Title IX coordinators that provides more information about their responsibilities and a Title IX resource guide. The resource guide includes an overview of the scope of Title IX, a discussion about Title IX's administrative requirements, as well as a discussion of other key Title IX issues and references to Federal resources. The discussion of each Title IX issue includes recommended best practices for the Title IX coordinator to help your institution meet its obligations under Title IX. The resource guide also explains your institution's obligation to report information to the Department that could be relevant to Title IX. The enclosed letter to Title IX coordinators and the resource guide may be useful for you to understand your institution's obligations under Title IX.

Designation of a Title IX Coordinator

Educational institutions that receive Federal financial assistance are prohibited under Title IX from subjecting any person to discrimination on the basis of sex. Title IX authorizes the Department of Education to issue regulations to effectuate Title IX.³ Under those regulations, a recipient must designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX and the Department's implementing regulations.⁴ This position may not be left vacant; a recipient must have at least one person designated and actually serving as the Title IX coordinator at all times.

In deciding to which senior school official the Title IX coordinator should report and what other functions (if any) that person should perform, recipients are urged to consider the following:⁵

A. Independence

The Title IX coordinator's role should be independent to avoid any potential conflicts of interest and the Title IX coordinator should report directly to the recipient's senior leadership, such as the district superintendent or the college or university president. Granting the Title IX coordinator this

³ The Department's Title IX regulations, 34 C.F.R. Part 106, are available at <http://www.ed.gov/policy/rights/reg/ocr/edlite-34cfr106.html>.

⁴ 34 C.F.R. § 106.8(a).

⁵ Many of the principles in this document also apply generally to employees required to be designated to coordinate compliance with other civil rights laws enforced by OCR against educational institutions, such as Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; 34 C.F.R. § 104.7(a), and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131–12134; 28 C.F.R. § 35.107(a).

independence also ensures that senior school officials are fully informed of any Title IX issues that arise and that the Title IX coordinator has the appropriate authority, both formal and informal, to effectively coordinate the recipient's compliance with Title IX. Title IX does not categorically exclude particular employees from serving as Title IX coordinators. However, when designating a Title IX coordinator, a recipient should be careful to avoid designating an employee whose other job responsibilities may create a conflict of interest. For example, designating a disciplinary board member, general counsel, dean of students, superintendent, principal, or athletics director as the Title IX coordinator may pose a conflict of interest.

B. Full-Time Title IX Coordinator

Designating a full-time Title IX coordinator will minimize the risk of a conflict of interest and in many cases ensure sufficient time is available to perform all the role's responsibilities. If a recipient designates one employee to coordinate the recipient's compliance with Title IX and other related laws, it is critical that the employee has the qualifications, training, authority, and time to address all complaints throughout the institution, including those raising Title IX issues.

C. Multiple Coordinators

Although not required by Title IX, it may be a good practice for some recipients, particularly larger school districts, colleges, and universities, to designate multiple Title IX coordinators. For example, some recipients have found that designating a Title IX coordinator for each building, school, or campus provides students and staff with more familiarity with the Title IX coordinator. This familiarity may result in more effective training of the school community on their rights and obligations under Title IX and improved reporting of incidents under Title IX. A recipient that designates multiple coordinators should designate one lead Title IX coordinator who has ultimate oversight responsibility. A recipient should encourage all of its Title IX coordinators to work together to ensure consistent enforcement of its policies and Title IX.

Responsibilities and Authority of a Title IX Coordinator

The Title IX coordinator's primary responsibility is to coordinate the recipient's compliance with Title IX, including the recipient's grievance procedures for resolving Title IX complaints. Therefore, the Title IX coordinator must have the authority necessary to fulfill this coordination responsibility. The recipient must inform the Title IX coordinator of all reports and complaints raising Title IX issues, even if the complaint was initially filed with another individual or office or the investigation will be conducted by another individual or office. The Title IX coordinator is responsible for coordinating the recipient's responses to all complaints involving possible sex discrimination. This responsibility includes monitoring outcomes, identifying and addressing any patterns, and assessing effects on the campus climate. Such coordination can help the recipient avoid Title IX violations, particularly violations involving sexual harassment and violence, by preventing incidents from recurring or becoming systemic problems that affect the wider school community. Title IX does not specify who should determine the outcome of Title IX complaints or the actions the school will take in response to such complaints. The Title IX coordinator could play this role, provided

there are no conflicts of interest, but does not have to.

The Title IX coordinator must have knowledge of the recipient’s policies and procedures on sex discrimination and should be involved in the drafting and revision of such policies and procedures to help ensure that they comply with the requirements of Title IX. The Title IX coordinator should also coordinate the collection and analysis of information from an annual climate survey if, as OCR recommends, the school conducts such a survey. In addition, a recipient should provide Title IX coordinators with access to information regarding enrollment in particular subject areas, participation in athletics, administration of school discipline, and incidents of sex-based harassment. Granting Title IX coordinators the appropriate authority will allow them to identify and proactively address issues related to possible sex discrimination as they arise.

Title IX makes it unlawful to retaliate against individuals—including Title IX coordinators—not just when they file a complaint alleging a violation of Title IX, but also when they participate in a Title IX investigation, hearing, or proceeding, or advocate for others’ Title IX rights.⁶ Title IX’s broad anti-retaliation provision protects Title IX coordinators from discrimination, intimidation, threats, and coercion for the purpose of interfering with the performance of their job responsibilities. A recipient, therefore, must not interfere with the Title IX coordinator’s participation in complaint investigations and monitoring of the recipient’s efforts to comply with and carry out its responsibilities under Title IX. Rather, a recipient should encourage its Title IX coordinator to help it comply with Title IX and promote gender equity in education.

Support for Title IX Coordinators

Title IX coordinators must have the full support of their institutions to be able to effectively coordinate the recipient’s compliance with Title IX. Such support includes making the role of the Title IX coordinator visible in the school community and ensuring that the Title IX coordinator is sufficiently knowledgeable about Title IX and the recipient’s policies and procedures. Because educational institutions vary in size and educational level, there are a variety of ways in which recipients can ensure that their Title IX coordinators have community-wide visibility and comprehensive knowledge and training.

⁶ 34 C.F.R. § 106.71 (incorporating by reference 34 C.F.R. § 100.7(e)).

A. Visibility of Title IX Coordinators

Under the Department’s Title IX regulations, a recipient has specific obligations to make the role of its Title IX coordinator visible to the school community. A recipient must post a notice of nondiscrimination stating that it does not discriminate on the basis of sex and that questions regarding Title IX may be referred to the recipient’s Title IX coordinator or to OCR. The notice must be included in any bulletins, announcements, publications, catalogs, application forms, or recruitment materials distributed to the school community, including all applicants for admission and employment, students and parents or guardians of elementary and secondary school students, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient.⁷

In addition, the recipient must always notify students and employees of the name, office address, telephone number, and email address of the Title IX coordinator, including in its notice of nondiscrimination.⁸ Because it may be unduly burdensome for a recipient to republish printed materials that include the Title IX coordinator’s name and individual information each time a person leaves the Title IX coordinator position, a recipient may identify its coordinator only through a position title in printed materials and may provide an email address established for the position of the Title IX coordinator, such as TitleIXCoordinator@school.edu, so long as the email is immediately redirected to the employee serving as the Title IX coordinator. However, the recipient’s website must reflect complete and current information about the Title IX coordinator.

Recipients with more than one Title IX coordinator must notify students and employees of the lead Title IX coordinator’s contact information in its notice of nondiscrimination, and should make available the contact information for its other Title IX coordinators as well. In doing so, recipients should include any additional information that would help students and employees identify which Title IX coordinator to contact, such as each Title IX coordinator’s specific geographic region (*e.g.*, a particular elementary school or part of a college campus) or Title IX area of specialization (*e.g.*, gender equity in academic programs or athletics, harassment, or complaints from employees).

The Title IX coordinator’s contact information must be widely distributed and should be easily found on the recipient’s website and in various publications.⁹ By publicizing the functions and responsibilities of the Title IX coordinator, the recipient demonstrates to the school community its commitment to complying with Title IX and its support of the Title IX coordinator’s efforts.

⁷ 34 C.F.R. § 106.9.

⁸ 34 C.F.R. § 106.8(a).

⁹ 34 C.F.R. § 106.9.

Supporting the Title IX coordinator in the establishment and maintenance of a strong and visible role in the community helps to ensure that members of the school community know and trust that they can reach out to the Title IX coordinator for assistance. OCR encourages recipients to create a page on the recipient's website that includes the name and contact information of its Title IX coordinator(s), relevant Title IX policies and grievance procedures, and other resources related to Title IX compliance and gender equity. A link to this page should be prominently displayed on the recipient's homepage.

To supplement the recipient's notification obligations, the Department collects and publishes information from educational institutions about the employees they designate as Title IX coordinators. OCR's Civil Rights Data Collection (CRDC) collects information from the nation's public school districts and elementary and secondary schools, including whether they have civil rights coordinators for discrimination on the basis of sex, race, and disability, and the coordinators' contact information.¹⁰ The Department's Office of Postsecondary Education collects information about Title IX coordinators from postsecondary institutions in reports required under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and the Higher Education Opportunity Act.¹¹

B. Training of Title IX Coordinators

Recipients must ensure that their Title IX coordinators are appropriately trained and possess comprehensive knowledge in all areas over which they have responsibility in order to effectively carry out those responsibilities, including the recipients' policies and procedures on sex discrimination and all complaints raising Title IX issues throughout the institution. The resource guide accompanying this letter outlines some of the key issues covered by Title IX and provides references to Federal resources related to those issues. In addition, the coordinators should be knowledgeable about other applicable Federal and State laws, regulations, and policies that overlap with Title IX.¹² In most cases, the recipient will need to provide an employee with training to act as its Title IX coordinator. The training should explain the different facets of Title IX, including regulatory provisions, applicable OCR guidance, and the recipient's Title IX policies and grievance procedures. Because these laws, regulations, and OCR guidance may be updated, and

¹⁰ OCR began collecting this information through the CRDC for the 2013-2014 school year. More information about the CRDC is available at <http://www.ed.gov/ocr/data.html>.

¹¹ The Department will begin collecting this information in 2015. More information about the Clery Act data collection is available at <http://www.ed.gov/admins/lead/safety/campus.html>.

¹² See, e.g., the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g, and its implementing regulations, 34 C.F.R. Part 99; and the Clery Act, 20 U.S.C. § 1092(f), and its implementing regulations, 34 C.F.R. Part 668. These documents only address an institution's compliance with Title IX and do not address its obligations under other Federal laws, such as the Clery Act.

recipient policies and procedures may be revised, the best way to ensure Title IX coordinators have the most current knowledge of Federal and State laws, regulations, and policies relating to Title IX and gender equity is for a recipient to provide regular training to the Title IX coordinator,

Page 6 Dear Colleague Letter: Title IX Coordinators
as well as to all employees whose responsibilities may relate to the recipient's obligations under Title IX. OCR's regional offices can provide technical assistance, and opportunities for training may be available through Equity Assistance Centers, State educational agencies, private organizations, advocacy groups, and community colleges. A Title IX coordinator may also find it helpful to seek mentorship from a more experienced Title IX coordinator and to collaborate with other Title IX coordinators in the region (or who serve similar institutions) to share information, knowledge, and expertise.

In rare circumstances, an employee's prior training and experience may sufficiently prepare that employee to act as the recipient's Title IX coordinator. For example, the combination of effective prior training and experience investigating complaints of sex discrimination, together with training on current Title IX regulations, OCR guidance, and the recipient institution's policies and grievance procedures may be sufficient preparation for that employee to effectively carry out the responsibilities of the Title IX coordinator.

Conclusion

Title IX coordinators are invaluable resources to recipients and students at all educational levels. OCR is committed to helping recipients and Title IX coordinators understand and comply with their legal obligations under Title IX. If you need technical assistance, please contact the OCR regional office serving your State or territory by visiting

<http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm> or call OCR's Customer Service Team at 1-800-421-3481; TDD 1-800-877-8339.

Thank you for supporting your Title IX coordinators to help ensure that all students have equal access to educational opportunities, regardless of sex. I look forward to continuing to work with recipients nationwide to help ensure that each and every recipient has at least one knowledgeable Title IX coordinator with the authority and support needed to prevent and address sex discrimination in our nation's schools.

Sincerely,

/s/

Catherine E. Lhamon
Assistant Secretary for Civil Rights