**TITLE IX AND SEX DISCRIMINATION**

**REPORTING AND COMPLAINT PROCEDURES:**

**Procedures for K-12 Settings**

# Introduction

This document outlines the procedures and guidelines for handling sex-based discrimination complaints in compliance with Title IX of the Education Amendments Act of 1972 (codified at 20 U.S.C. Sections 1681, *et seq.*), and its implementing regulations at 34 C.F.R. Part 106. It is designed to ensure recipients of federal Title IX funds comply with federal regulations and promote fairness, equity, and safety within educational institutions under our jurisdiction.

Title IX is a critical federal law ensuring equal opportunities and protections against discrimination on the basis of sex in education programs or activities that receive federal financial assistance. Title IX states:

[“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)

The PED, including its Division of Vocational Rehabilitation (DVR), supports Title IX. The PED values diversity and does not discriminate on the basis of race, color, sex, national origin, disability, age, or sexual orientation in its programs and activities.

# Scope and Local Education Agency (LEA) Responsibilities

This process applies to all Title IX complaints filed against educational institutions, including K-12 schools, that receive federal financial assistance. Title IX obligates all recipients to comply with the federal law, with some limited exceptions set out in the statutes and regulations. When “Title IX” is referenced in this resource, the term refers to Title IX and federal regulations.

SCHOOL DISTRICT TITLE IX COORDINATORS

All school districts and schools that receive 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”.

School districts and individual schools are required to publish their Title IX coordinator’s contact information in the district’s and school’s respective notices 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 the district’s and school’s respective websites. 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.**](http://www.ed.gov/civ-rts-coordinators)

## Title IX Coordinator Responsibilities

A Title IX Coordinator is responsible for monitoring the overall implementation of Title IX for their school district or school and coordinating the institution's compliance with Title IX in all areas covered by the implementing regulations. Their major responsibility is the prevention of sexual harassment and discrimination.

**Appropriate Responsibilities of Title IX Coordinators**

* Develop a working knowledge of the federal Title IX law and its implementing regulations. Have a copy of Title IX readily available and understand the requirements and the intent of the law. Keep informed of current research and judicial decisions related to Title IX and gender equity.
* Coordinate grievance procedures for Title IX complaints, including assisting students and parents and other complainants in filing and investigating complaints.
* Be informed about state laws, regulations, and policies on all equity issues, including bullying, harassment, and child abuse laws.
* Be knowledgeable of federal and state laws (e.g., the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and the Individuals with Disabilities Education Act) prohibiting discrimination against all protected classes –including race, religion, and sexual orientation– and assist whenever possible.
* Ensure students of all genders participating in work-based learning programs are guaranteed equal treatment by their employers.
* Work to increase gender equity and decrease discrimination in the school district or school.
* Coordinate with other staff and document an internal self-evaluation of practices and policies with respect to treatment of students of all genders, ifthis responsibility was never completed. If the evaluation was completed by a previous Title IX coordinator, ensure the evaluation's remedies for eliminating segregation and discrimination were carried out.
* Provide program development, including in-service training, to eliminate sex discrimination in the district or school. Consider conducting a schoolwide assembly or other meeting on sexual harassment, or plan special ongoing activities designed to lessen students’ relegation to gender-role stereotypes.
* Consider attending state and national conferences specifically for Title IX coordinators or on gender-equity issues, generally, and share the information with local administrators, staff, and faculty.
* Provide updated resources on Title IX and gender equity to local school districts and schools.
* Monitor the school district’s or school’s educational programs and activities for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX and take steps to address the barriers.
* Recipients must treat complainants and respondents equitably, by offering supportive measures to a complainant, and by following the proper grievance procedure before the imposition of disciplinary sanctions against a respondent.
* “Supportive measures” are defined as, “non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.” Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, and may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

## Dissemination of Policy

The school district's and school’s policy of nondiscrimination must be prominently included on its website and in each student handbook, bulletin, catalog, booklet, announcement, brochure, student application form or other publication distributed to students, potential students, parents, and any other persons benefiting from the school district's or school’s activities and programs. The name and contact information (office address, telephone number, email address) of the Title IX Coordinator must also be included in this announcement. Required components of the nondiscrimination policy include:

* A statement that the recipient does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and this part, including in admissions and employment;
* A statement that inquiries about the application of Title IX and its implementing regulations to the recipient may be referred to the recipient's Title IX Coordinator, the Office for Civil Rights, or both;
* How to locate the recipient's nondiscrimination policy and their grievance procedures; and
* How to report information about conduct that may constitute sex discrimination under Title IX, and how to make a complaint of sex discrimination under this part.

## Monitoring compliance

The Title IX Coordinator is responsible for monitoring the overall implementation of Title IX for the school district or school and coordinating the institution's compliance with Title IX in all areas covered by the implementing regulations. The major responsibility is the

prevention of sexual harassment and discrimination. Other major monitoring duties

include, but are not limited to, monitoring the following:

* Admissions and Recruitment
* Education Programs and Activities, including housing, comparable facilities, access to classes and schools, counseling and related materials, access to institutions of vocational education, participation in extracurricular activities, financial assistance, employment assistance to students, health services and insurance, marital, family, or parental status, pregnancy or related conditions, athletics, textbooks and curricular material, standards for measuring skill or progress in physical education classes.
* Employment in Education Programs and Activities: employment, employment criteria, recruitment, compensation, job classification and structure, fringe benefits, marital, family, or parental status, pregnancy or related conditions, advertising, pre-employment inquiries.

Other areas of consideration include:

* Developing a committee to assist in meeting Title IX obligations.
* Arranging to have a Title IX Equity Coordinator in each school enables better monitoring of Title IX in individual schools, leaving the District Title IX Coordinator to take care of the district as a whole.
* Participating in the development and implementation of the school district’s or school’s sexual harassment policy. Be aware of new needs which may dictate changes or revisions in existing policies or practices. For example, since sexual harassment is a violation of Title IX, you should include a prohibition of sexual harassment in the school district's or school’s list of disciplinary infractions.
* Assisting faculty, counselors, and administrators in complying with Title IX and, when a need arises, planning remedial actions. For example, if females are underrepresented in advanced mathematics, science, or computer programming courses, ask the faculty to plan for several workshops, student tutorial services, or other ways to increase enrollment of females in these advanced courses.
* Making your presence known in the community by disseminating civil rights information or by speaking at parent-teacher group meetings, social or professional organization meetings, and other community functions.
* For school district coordinators, serving as a resource to the local superintendent on Title IX and gender issues and submitting annual reports on Title IX compliance activities to the district superintendent.
* Monitoring and evaluating the district's or school’s Title IX compliance efforts and making recommendations for any appropriate changes.
* Providing updated information to district’s and schools on Title IX implementation and issues.
* Maintaining contact with the appropriate PED personnel and with the federal regional equity assistance center.
* Identifying and disseminating information in diverse formats about Title IX educational resources to appropriate organizations and individuals.

## Grievance Procedures

Adoption and publication of written procedures to provide prompt and equitable resolution of complaints is critical. Nondiscrimination policy notices and related grievance procedures must be made public and disseminated throughout the educational community. Develop these grievance procedures for students and teachers in cooperation with local student service and human resources staff. Give public notice of the procedures and publish the name and contact information of the school district and school Title IX coordinator.

Have copies of the grievance procedure and any related forms available in school districts and schools and libraries to students, parents, school personnel, or other complaintants who allege sex-based discrimination. Assist them in filing their grievance and oversee the step-by-step procedure to be sure that required time frames are met. Assist administrative personnel who may need a better understanding of the Title IX grievance process. Keep records of all grievances filed.

In carrying out this responsibility, the Title IX coordinator may actually investigate any complaint filed under the school district’s or school’s grievance procedures. If the Title IX coordinator does not conduct the investigation of complaints, they should receive information about any grievance filed. This will allow the school district or school to identify any patterns and repeat offenders that may be missed when grievances are handled by several individuals. The coordinator should also receive sufficient information throughout the process so that they can provide guidance or information to ensure that the Title IX responsibilities are correctly and appropriately executed. The Title IX coordinator should also be sufficiently knowledgeable about the requirements of the regulations to advise the institution about policies and practices which may violate Title IX.

Title IX regulations permit the designation of a “Decision-Maker,” who effectively acts as a judge in Title IX cases. They preside over hearings, if applicable, and issue the verdict in the form of written determinations. They monitor the questioning and cross-examination process and identify irrelevant questions. At the end of the process, they weigh the evidence to determine if it meets the school district’s or school’s standard of sexual harassment allegations. Decision-Makers produce a written statement to both parties describing their verdict. A Title IX “Decision-Maker,” may be, but need not be, a separate individual from the Title IX Coordinator. The Title IX Coordinator should ensure that investigators and Decision-Makers are without conflicts of interest and remain bias-free.

Responsibilities of the Title IX Coordinator during the grievance procedure might include but are not limited to:

* Coordination of supportive measures for the complainant, when required, in order to restore or preserve equal access to their education program or activity.
* Presenting both parties with the option of an informal resolution and being prepared to facilitate the process.
* Being informed about the pertinent regulations.
* Facilitating training for investigators, Decision Makers, and other persons responsible for implementing the grievance procedures or have the authority to modify or terminate supportive measures.
* Oversight of the investigation process, ensuring that both parties receive notice of the allegations, both parties have equal opportunities to present facts and evidence, and that the investigator follows the time frames as listed in the regulations.
* Presumption that the respondent is not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance process.
* Dismissal of allegations when the recipient is unable to identify the respondent after taking reasonable steps to do so; the respondent is not participating in the recipient’s education program or activity and is not employed by the recipient; the complainant voluntarily withdraws any or all of the allegations, the Title IX Coordinator declines to initiate a complaint, and the recipient determines that, without the complainant’s withdrawn allegations, the conduct that remains alleged in the complaint would not constitute sex discrimination under Title IX; or the recipient determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Ensure that all parties receive notice of the dismissal along with the reasons for the dismissal. Ensure that the recipient notifies the complainant that a dismissal may be appealed.

## Filing A Complaint to Grievance Procedure

If there is dissatisfaction with the LEA grievance process or outcome, parties may contact the U.S. Department of Education, Office for Civil Rights (OCR).

U.S. Department of Education

Office for Civil Rights

Lyndon Baines Johnson Department of Education Building

400 Maryland Avenue, SW

Washington, DC 20202-1100

Email: OCR@ed.gov, fax: (202) 453-6012

<https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>

**How to File a Discrimination Complaint Regarding a Grievance Procedure with the Office for Civil Rights**

Instructions and forms available are [here](https://www2.ed.gov/about/offices/list/ocr/docs/howto.html).

## Confidentiality

Ensure confidentiality to the greatest extent possible throughout the complaint process, while also balancing the need for transparency and accountability. Comply with all applicable privacy laws and regulations.

## Non-Retaliation

Prohibit retaliation against individuals involved in the Title IX complaint process, whether as complainants, respondents, witnesses, or advocates. Encourage reporting of any alleged retaliation for prompt investigation and remediation.

## External Reporting Requirements

Comply with federal reporting requirements by submitting necessary data and reports to relevant federal agencies, such as the U.S. Department of Education's OCR.

## Continuous Improvement

Regularly review and update Title IX policies, procedures, and practices based on feedback, best practices, legal developments, and emerging issues to ensure continuous improvement and effectiveness.

## Public Awareness

Promote public awareness of Title IX rights and resources through outreach, education, and communication efforts targeting students, parents, faculty, staff, and community members.

## Compliance Review:

Periodically conduct internal compliance reviews and audits to assess adherence to Title IX requirements, identify potential areas of concern, and implement corrective actions as needed.

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# Parent/Guardian Complaint and Appeals

Parents have the right to file complaints about matters affecting a child’s education. Issues addressing gender harassment, sex discrimination, pregnancy discrimination, sexual harassment, and sexual violence may be considered as part of a violation of the federal Title IX regulations.

Anyone who believes that a school has discriminated against a student based on race, color, national origin, sex, disability, or age can file a complaint of discrimination with OCR. To file a complaint, visit OCR’s [Electronic Complaint System](https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Ft1.info.ed.gov%2Fr%2F%3Fid%3Dh1d76d83%2C18abdea%2C18b79b4&data=05%7C02%7Canne.marlowgeter%40ped.nm.gov%7C98c71194b60f4a9960bf08dd193c3d9e%7C04aa6bf4d436426fbfa404b7a70e60ff%7C0%7C0%7C638694468760162272%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=eK%2B82XRutLDx5%2FAIQqg15oGSotkywARSZklzvaCW4rE%3D&reserved=0) webpage. OCR is available to provide technical assistance on the application of its laws to discrimination on these bases.

All employees, particularly supervisors, have a responsibility for keeping our schools and work environments free of harassment and discrimination. Any non-confidential employee who becomes aware of an incident of alleged Title IX discrimination or harassment, whether by witnessing the incident or being told of it, must report it to their immediate supervisor or to OCR. This reporting obligation is in addition to a school employee’s reporting obligations to appropriate officials pursuant to law and mandatory reporting of child abuse, neglect or educational neglect, when the employee has a reasonable belief that a student is being sexually abused or subjected to other forms of abuse and neglect prohibited by law.

When the district or a school becomes aware of an alleged Title IX harassment or discrimination, it is obligated by law to take prompt and appropriate action, whether or not the alleged victim wants the district to proceed or not.

Any Title IX report made of alleged sex-based discrimination must be addressed in a timely manner and reported directly to the Title IX Coordinator at the school. Site principals or district-level supervisors are responsible for ensuring that sex-based discrimination reports shall be directed to the necessary school security personnel as well as the Title IX Coordinator.

These reporting and complaint procedures for Title IX shall be available in every school district and school site posted on the district and school websites and included in the student handbook and employee handbook.

**WHO MAY FILE A COMPLAINT**

Complainants who believe an incident of sex-based discrimination has occurred should report the incident immediately to their Title IX Coordinator. Complainants may include students, families, parents and guardians, employees, and others.

**Filing a Formal Title IX Complaint**

The first place to start to submit a complaint alleging discriminatory action or treatment prohibited by Title IX is to contact the appropriate Title IX Coordinator. An oral complaint may be discussed with the school district or school and there may be an effective strategy to quickly resolve a concern. However, further investigation will require a formal written complaint to initiate a grievance review. The school district or school can provide the necessary form or link to their formal complaint system.

After a complaint has been submitted, the Title IX Coordinator shall initiate an investigation or inform the complainant in writing that the matters alleged in the complaint are not within the jurisdiction or authority of the school district or school to investigate so no further investigations will be conducted. If the matter does not involve allegations of sex-based discrimination the Title IX shall forward the matter to the proper administrative authority for review. The Title IX Coordinator shall notify both the complainant and person or persons alleged to have engaged in discriminatory behavior in writing that a complaint has been received. The Title IX Coordinator and investigator should make every reasonable effort to ensure that the investigation is completed within the appropriate timeline, according to the school district or school that received the complaint. The Title IX Coordinator shall oversee this process.

If the investigator determines that the preponderance of the evidence supports the allegations of discrimination by the respondent, the investigator shall provide written findings and conclusions supporting the determination. In addition, the written determination shall recommend to immediately end the discriminatory conduct; ways to remedy the discriminatory behavior and, if applicable, the school district’s or school’s educational environment; and steps to be taken to prevent the recurrence of any discriminatory or harassing conduct. Implementation should be carried out by human resources officials or the responsible administrator unless either party appeals. (Note that recipients may also employ the “clear and convincing” evidentiary standard, if that is the standard used in the school district or school for comparable proceedings related to other forms of discrimination.)

A party not satisfied with the resolution may submit a written appeal to the appropriate administrator. The complainant should then follow the Title IX procedures and timelines as established for the affected district or school.

If a party is not satisfied at any time, the party may file a complaint with the U.S. Department of Education, Office for Civil Rights.

U.S. Department of Education

Office for Civil Rights

Lyndon Baines Johnson Department of Education Building

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# Additional Resources

* The U.S. Department of Education’s 2024 Title IX [Regulation](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-I/part-106?toc=1)
* [FACT SHEET](https://www2.ed.gov/about/offices/list/ocr/docs/t9-final-rule-factsheet.pdf): U.S. Department of Education’s 2024 Title IX Final Rule Overview
* Brief [Overview](https://www2.ed.gov/about/offices/list/ocr/docs/t9-final-rule-summary.pdf) of Key Provisions of the U.S. Department of Education’s 2024 Title IX Final Rule
* **How to File a Discrimination Complaint Regarding a Grievance Procedure with the Office for Civil Rights,** Instructions and forms available are [here](https://www2.ed.gov/about/offices/list/ocr/docs/howto.html)
* [Complete Document](https://www.govinfo.gov/content/pkg/FR-2024-04-29/pdf/2024-07915.pdf). Final Rule, Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance
* [Resource for Drafting Nondiscrimination Policies](https://www2.ed.gov/about/offices/list/ocr/docs/resource-nondiscrimination-policies.pdf). Notices of Nondiscrimination, and Grievance Procedures under 2024 Amendments to the U.S. Department of Education’s Title IX Regulations
* [Civil Rights Protections Against Retaliation](https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Ft1.info.ed.gov%2Fr%2F%3Fid%3Dh1d76d21%2C18abdea%2C18b79b3&data=05%7C02%7CAnne.MarlowGeter%40ped.nm.gov%7C143a440829424fc730da08dd19425fa6%7C04aa6bf4d436426fbfa404b7a70e60ff%7C0%7C0%7C638694495047834207%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=ZWn2L0A7IT%2BMSG9E8TIaT0O0OfBwHtGUxrQoEqtVq%2FQ%3D&reserved=0) explains the key elements of retaliation, outlines how OCR assesses retaliation claims, and provides examples that, depending on the facts and circumstances, could raise concerns of unlawful retaliation.
* [Electronic Complaint System](https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Ft1.info.ed.gov%2Fr%2F%3Fid%3Dh1d76d21%2C18abdea%2C18b79b4&data=05%7C02%7CAnne.MarlowGeter%40ped.nm.gov%7C143a440829424fc730da08dd19425fa6%7C04aa6bf4d436426fbfa404b7a70e60ff%7C0%7C0%7C638694495047857075%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=ynusGHU2GPwW53d0W56393bYC4gF1h8VKlabx%2BkB02g%3D&reserved=0) webpage at OCR@ed.gov.
* [Frequently Asked Privacy-Related Questions About Filing a Complaint with OCR](https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Ft1.info.ed.gov%2Fr%2F%3Fid%3Dh1b5b169%2C1751efc%2C175cc53&data=05%7C02%7Canne.marlowgeter%40ped.nm.gov%7C3552cb5e3c4940d0722908dd04cdfefe%7C04aa6bf4d436426fbfa404b7a70e60ff%7C0%7C0%7C638672004985069529%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=pWFYfLhFguxf4KC93fBwNtre%2Bbe%2B3TegLMdJgMjAgPU%3D&reserved=0) this resource provides helpful details about how information – including the identity of a complainant – will be used by OCR when OCR investigates a complaint. The resource also provides information on civil rights protections for individuals who submit a complaint of discrimination or participate in an investigation.
* [*2024 Title IX Regulations:* *Impact on Title IX Coordinator Duties*](https://www.ed.gov/media/document/impact-title-ix-coordinator-duties), highlights new and updated requirements for Title IX coordinators, who play a critical role in ensuring compliance with their schools’ Title IX obligations. This resource answers questions such as:
	+ What training must be provided to a Title IX coordinator?
	+ What steps must a Title IX coordinator take in response to notice of possible sex discrimination?
	+ What actions must a Title IX coordinator take related to students who are pregnant or experiencing pregnancy-related conditions?
* [2024 Title IX Regulations: Pointers for Implementation](https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/pointers-for-implementation-2024-title-ix-regulations.pdf), July 2024
* [*2024 Title IX Regulations: Nondiscrimination Based on Pregnancy or Related Conditions & Parental, Family, or Marital Status*](https://www.ed.gov/media/document/pregnancy-faq-t9-regulations-2024), clarifies prohibitions on sex discrimination on these bases for students, employees, and applicants for admission or employment. This resource answers questions such as:
	+ What does “pregnancy or related conditions” include? How does Title IX apply to “parental status”?
	+ How can a student get pregnancy-related reasonable modifications, leave reinstatement, and access to a lactation space?
	+ What type of lactation time and space must a school provide for employees?

Schools are encouraged to consult with your district counsel for the latest information on compliance with updated federal requirements for Title IX.