

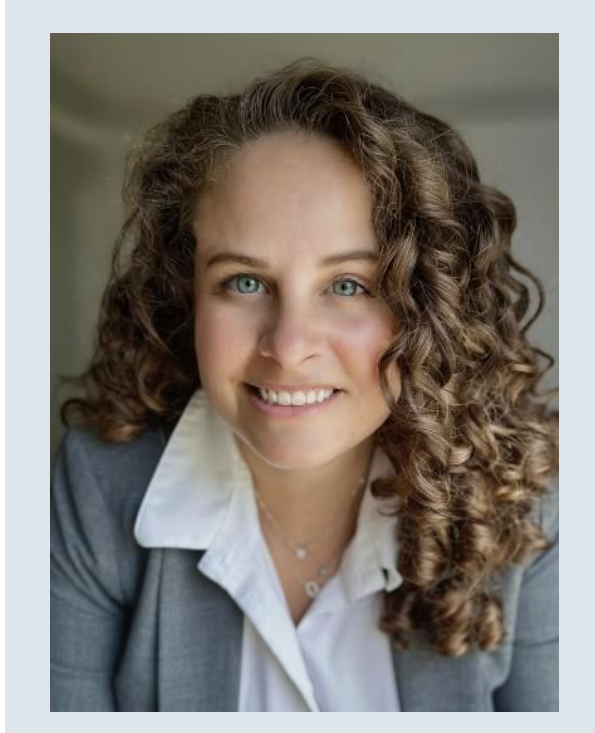


Association of
Title IX Administrators

September 17, 2025

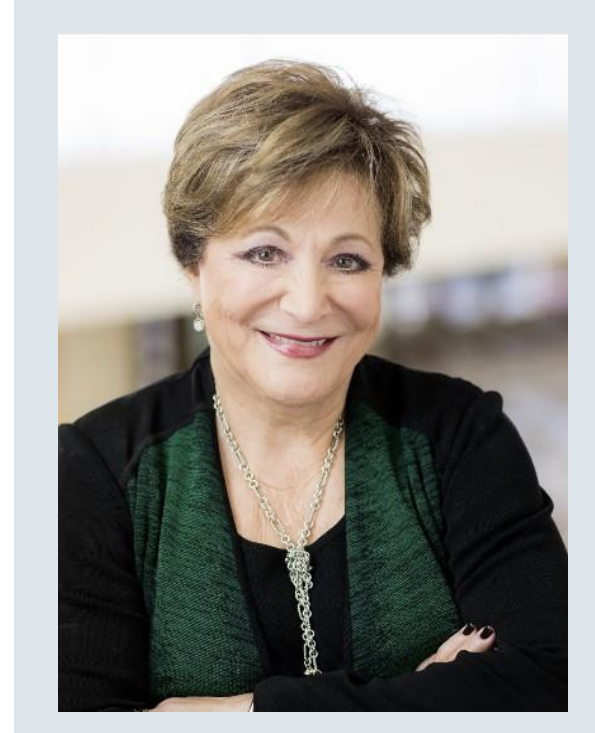
Time with IX: Analyzing OCR Case Resolution Trends

Today's Presenters



**Beth Gellman Beer,
Esq.**

Co-Founder/Partner,
Evergreen Education Solutions,
LLC



**Sandra K.
Schuster, J.D., M.S.**

Partner, TNG; President,
ATIXA



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



Association of
Title IX Administrators

Agenda

- Introduction
- OCR Trends
- Title VI – Shared Ancestry
- Other Title VI issue areas (school mascot, admissions, and hiring)
- Title IX
- Disability
- Questions

Snapshot: OCR Resolutions 2013 - Current

- Title VI - 1001
- Title IX - 1081
- Disability (504) - 5878
- K-12 Overall - 5413
- Higher Education - 1682

OCR Resolutions Since January 20, 2025

82 cases resolved with an agreement

- **71** resolved through voluntary resolution (Section 302)
- **64** disability resolutions (physical accessibility, FAPE, failure to implement, website accessibility, housing, grievance procedures, service animal, etc.)
- **12** Title IX resolutions (transgender athlete participation, interests and abilities, Title IX training materials, live hearing with cross examination, single-sex scholarship)
- **4** Title VI resolutions (2 racial harassment, 1 different treatment, 1 race admissions)

Significant Trends

- OCR laid off approximately half of its staff and closed 7 of 12 regional offices
 - Backlog of cases(?)
 - OCR offering mediation more often
- Movement toward directed investigations (initiated by OCR without a formal complaint) in some areas
- Increased interest in gender identity, trans issues under Title IX, and national origin/shared ancestry under VI
- Shift in Title IX interpretation (sex, gender identity, and what constitutes discrimination)
- OCR increasingly using threat of withdrawing federal funding or making compliance a condition for maintaining funding

Title VI

Title VI

- Title VI was enacted as part of the Civil Rights Act of 1964, 42 U.S.C. Section 2000d, et seq.
- Title VI's implementing regulations are found at 34 C.F.R. Part 100
- Title VI prohibits discrimination on the basis of race, color, and national origin, including shared ancestry and ethnic characteristics (e.g., antisemitism and Islamophobia)
- Harassment based on shared ancestry and ethnic characteristics is a type of national origin discrimination

Title VI Shared Ancestry: A Shifting Legal Standard

- Prior to March 22, 2025:
 - Unwelcome conduct that is both subjectively and objectively offensive;
 - So severe or pervasive that it limited the student's ability to access the educational environment;
 - The recipient had actual or constructive notice;
 - The recipient failed to take prompt and effective action to end the harassment, eliminate any hostile environment and its effects, and prevent it from recurring

Title VI Shared Ancestry: A Shifting Legal Standard

- Columbia University (March 22, 2025)
 - Severe or pervasive
 - Actual knowledge
 - Substantial control
 - Deliberately indifferent

Title VI Shared Ancestry: A Shifting Legal Standard

- Deliberate Indifference – Continued
 - Harvard University (June 30, 2025)
 - UCLA (July 29, 2025)
 - Brown University (July 30, 2025)
 - George Washington University (August 12, 2025)

Title VI: Other Issues

- School Mascot
 - Massapequa High School (May 30, 2025)
 - Connetquot Central School District (July 8, 2025)
- Admissions
 - Duke University (July 28, 2025)
- Hiring Practices
 - George Mason University (August 22, 2025)

Title IX

Gender Identity Challenges

- California Department of Education/California Interscholastic Federation (June 25, 2025)
- University of Pennsylvania (July 1, 2025)
- Wagner College (August 1, 2025)
- Five Northern VA School Districts (August 19, 2025)
- South Carolina – restroom (U.S.S.Ct.)
- Denver – OCR found DPS violated Title IX in replacing girls-only multi-stall restroom with a gender-neutral restroom but kept boys-only restroom, and maintained policies supporting trans access to locker rooms and restrooms

Disability

Disability Issues

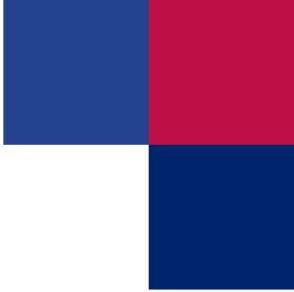
- A.J.T. v. Osseo Area Schools (June 12, 2025): The Supreme Court ruled that the appropriate standard of proof for relief in disability cases in the education context (under the IDEA, the ADA, and Section 504) is **deliberate indifference**
- Digital Accessibility is coming fast – some schools in 2026 and some in 2027
- K-12 504 plans are coming under scrutiny for failing to meet the FAPE standards
- OCR seeking to update 504 Regulations (unchanged since 1977)



Association of
Title IX Administrators

Questions?





**ALL ATIXA PROPRIETARY TRAINING MATERIALS ARE COVERED BY
THE FOLLOWING LIMITED LICENSE AND COPYRIGHT.**

By purchasing, receiving, and/or using ATIXA materials, you agree to accept this limited license and become a licensee of proprietary and copyrighted ATIXA-owned materials. The licensee accepts all terms and conditions of this license and agrees to abide by all provisions. No other rights are provided, and all other rights are reserved. These materials are proprietary and are licensed to the licensee only, for their use. This license permits the licensee to use the materials personally and/or internally to the licensee's organization for training purposes only.

If these materials are used to train Title IX personnel, they are subject to 34 C.F.R. Part 106. If you have lawfully obtained ATIXA materials by registering for ATIXA training, you are licensed to use the materials provided for that training.

34 C.F.R. 106.45(b)(10) (2020 Regulations) requires all training materials to be publicly posted on a Recipient's website. Licensees subject to the 2020 Title IX Regulations may download and post a PDF version of training materials for their completed training to their organizational website to comply with federal regulations. ATIXA will provide licensees with a link to their materials. That link, or links to the materials on that page only, may be posted to the licensee's website for purposes of permitting public access to the materials for review/inspection only.

You are not authorized to copy or adapt these materials without ATIXA's explicit written permission. No one may remove this license language from any version of ATIXA materials. Should any non-licensee post these materials to a public website, ATIXA will send a letter instructing the licensee to immediately remove the content from the public website upon penalty of copyright violation. These materials may not be used for any commercial purpose except by ATIXA.