



Title IX Coordinators

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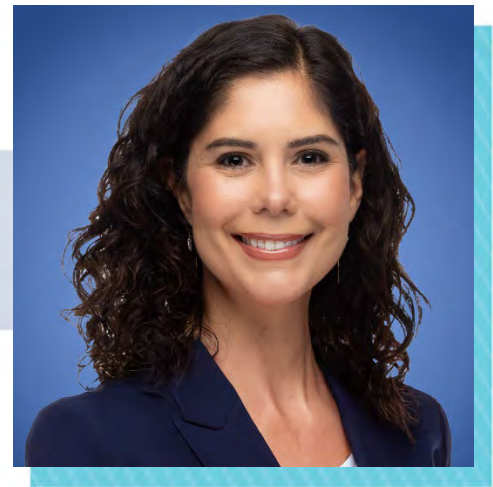
Monica D. Batanero and Alexandra L. Carubis

Title IX Training Series

August 26, 2026

Monica D. Batanero

Partner



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Overview

Monica D. Batanero is a Partner in Lozano Smith's Los Angeles office and co-chair of the firm's Title IX Practice Area. Ms. Batanero advises educational institutions on student, special education and personnel issues.

Experience

Ms. Batanero is co-chair of the firm's Title IX Practice Area and specializes in Title IX compliance, as well as conducting complex investigations into claims of sexual misconduct and harassment (including Title IX), discrimination, bullying, retaliation, and other issues that may arise in an educational setting.

Ms. Batanero provides legal counsel to community college districts and K-12 school districts on day-to-day issues involving Title IX compliance, sexual harassment, discrimination/harassment, Section 504, IDEA, governance, Public Records Act, and student discipline. She regularly conducts workplace and school investigations involving alleged misconduct in violation of board policy and/or law, including Title IX, sexual harassment, professional standards, and code of student conduct.

Ms. Batanero has represented school districts in all phases of special education matters, including Individualized Education Plan meetings, resolution meetings, mediations, and due process hearings conducted by the Office of Administrative Hearings.

She also frequently develops and provides trainings to clients on Title IX, Section 504, IDEA, workplace and school investigations, sexual harassment prevention, student discipline, and first amendment issues.

Education

Ms. Batanero earned her Juris Doctor from the University of San Francisco, School of Law. She earned both an M.S. and B.S. in Gerontology from the University of Southern California.

Practices

Student
Special Education
Labor and Employment
Investigations

Title IX
Governance

Education

J.D., University of San Francisco, School of Law
M.S., University of Southern California
B.S., University of Southern California

Admissions

California

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Overview

Alexandra L. Carubis is an Associate in Lozano Smith's Los Angeles office. Ms. Carubis primarily represents our public agency clients on labor and employment, special education and student matters.

Experience

Ms. Carubis has extensive experience conducting in-depth investigations. She regularly prepares comprehensive investigation reports according to federal state, and local regulations, including Title IX investigation reports and local educational agency uniform complaint reports. Her experience also includes drafting formal notices related to certificated and classified employee discipline, student expulsion proceedings, and teacher dismissal proceedings. Ms. Carubis represents educational agencies in formal proceedings before administrative agencies such as the Office of Administrative Hearings and the U.S. Equal Employment Opportunity Commission.

Education

Ms. Carubis earned her Juris Doctorate from the University of California, Irvine and her Bachelor of Arts in English Literature from Chapman University graduating Summa Cum Laude.

Practices

Labor and Employment
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Lozano Smith

FIRM OVERVIEW

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- > Charter Schools
- > Community Colleges
- > Construction Advice and Litigation
- > Facilities & Business
- > Governance
- > Investigations
- > Labor & Employment
- > Litigation
- > Municipal
- > Public Finance
- > Special Education
- > Student
- > Title IX

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- > San Diego
- > San Luis Obispo
- > Walnut Creek
- > Los Angeles
- > Monterey
- > Bakersfield

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- > Art Scholarships
- > Backpack Giveaways
- > Bullying Prevention Awards
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- > Distribution of Care Kits
- > Leadership Academies
- > Mentoring Program Awards
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Please note that some of the topics and content of this presentation is explicit and may be triggering for some individuals.

Viewer discretion is advised. If at any time you need to step away, please feel free to do so.

Thank you for your understanding and participation in this important conversation.

Topics



- Sexual Harassment
 - Scope and Jurisdiction of Title IX Regulations
 - Effective Title IX Team
 - Title IX Coordinator Decisions
 - Title IX Regulations Compliance
- Title IX Compliance: Athletics and Facilities
- Title IX and Gender Identity

Scope and Jurisdiction of Title IX Regulations

2020 Title IX Definitions – Sexual Harassment

Sexual Harassment is conduct on the basis of sex that satisfies one or more of the following:

Employee
quid pro quo;

*Severe, pervasive,
and objectively
offensive;* or

*Sexual assault,
dating violence,
domestic violence,
or stalking.*



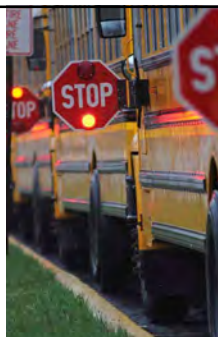
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Group Activity

Under the Title IX Regulations, the District must conduct a formal investigation into an incident in which a teacher made multiple inappropriate comments to his colleague about her body while chaperoning an overnight field trip.

- True or False?



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Title IX Jurisdiction

United States;

Substantial control
over both:

1) the *respondent*
and

2) the *context*;
and

*Participating/attempting
to participate.*



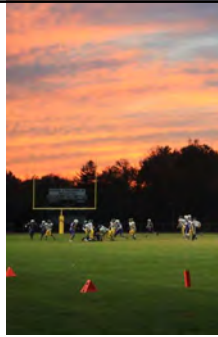
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Group Activity

Under the Title IX Regulations, the District must conduct a formal investigation into an incident where a student was sexually assaulted by another student on the way home from a high school football game.

- True or False?



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Hypothetical

A parent of a 10th grade female student on the school softball team submits a formal Title IX complaint against the male softball coach, stating that the coach kicked the student off the team and therefore interfered with the student's right to participate in a school-sponsored activity. The complaint states that the student and coach got into a verbal disagreement about the student's performance during the game before the coach announced to the team that student had quit the team.

- Is this Title IX?
- What are your next steps after receiving this complaint?



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Group Activity

A 10th grade student alleges sexual assault by classmate in a private home over the weekend.

- Is this Title IX?



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Group Activity

You receive a call from a student who graduated the year prior. They report that they had been sexually harassed by their math teacher during their junior year.

- Is this Title IX?



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Group Activity

That same former student reports that she heard the math teacher is now sexually harassing her friend's younger sister.

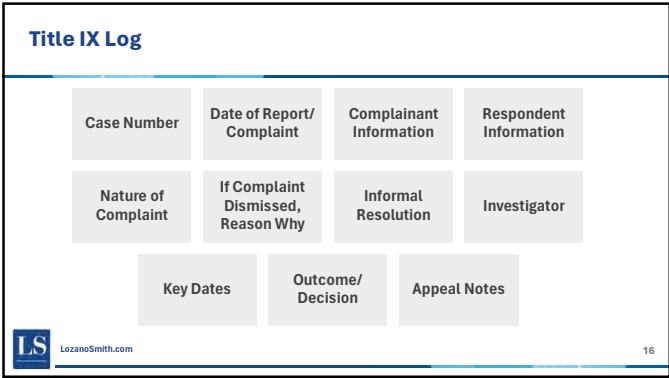
- Is this Title IX?

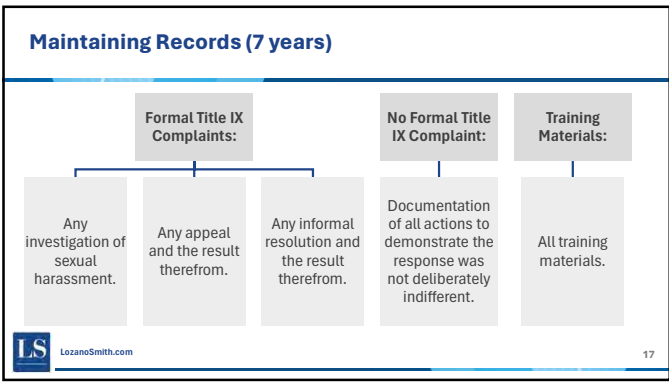


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Title IX Regulations Compliance





Title IX Trainings



Who is required to be trained?

- Who needs to be trained?
 - Title IX Team;
 - Site Admin and Directors; and
 - All employees.
- What do they need to be trained about?
- How often are trainings?

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Title IX Policies



- Clear policies that comply with the 2020 Title IX Regulations.
- Review model policies.
 - Updated definitions (rape, criminal sexual contact).

Title IX Website Requirements

Non-discrimination policy.

Title IX coordinator contact information.

How to report.

Title IX team training materials.



Title IX Notification

Who

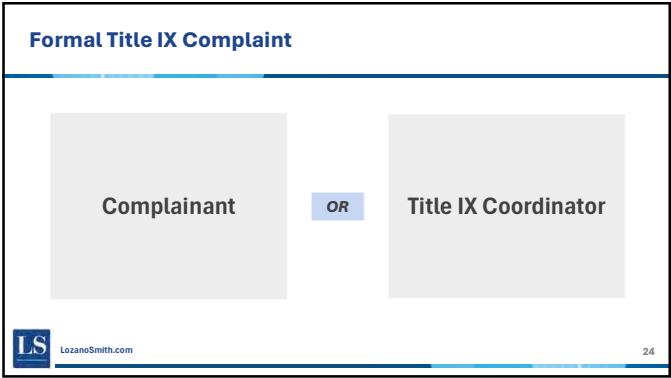
- Students, parents/legal guardians, applicants, employees, and unions.

What

- Title IX contact information.
- Title IX grievance procedures.
- Non-discrimination policy.







Group Activity

A high school senior, Jordan and sophomore, Kaden who used to date, had shared nude photographs of themselves with each other when they were dating. They have now broken up because Jordan thinks Kaden cheated.

Kaden's friend Avery, tells you that Jordan has been telling Kaden that he has already shared and will continue to share with other students the pictures of Kaden, because he is upset about the breakup. Kaden does not want to file a complaint.

- Is this Title IX?
- Must the Title IX Coordinator file a Title Complaint?



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Formal Title IX Complaint – Filed by Title IX Coordinator

Analysis

- Deliberate Indifference
 - Threats
 - Serial predation
 - Violence
 - Weapons

Questions

- Do you plan to discipline?
- Will Complainant participate?
- How do we prioritize agency and autonomy, especially for adult Complainants?



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Group Activity

Peter is a freshman in high school with Type 1 Diabetes. Peter spends a lot of time in the Health office and has become friends with one of the health aides, Brian. Brian gave Peter his phone number, so he could text or call him anytime he needed help with his blood sugar. Brian and Peter started to text during and after school hours. The conversations were generally innocuous, but have become more sexual. Recently, Brian sent Peter a picture of his genitalia, and asked for Peter to send him one back.

Peter has emailed you, sharing that he wants to file a complaint, but only if he can remain anonymous.

- Is this Title IX?
- Must the Title IX Coordinator file a Title IX Complaint?



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Group Activity

RECALL: Peter + Brian. Peter has emailed you, sharing that he wants to file a complaint, but only if he can remain anonymous.

When you meet with Peter for your intake meeting, Peter reveals other students who receive assistance from Brian have had similar experiences, including a classmate who received a photo from Brian that made them uncomfortable.

- Must the Title IX Coordinator file a Title IX Complaint?
- Can Peter remain anonymous?



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Supportive Measures and Emergency Removal



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Emergency Removals (Students)

Title IX Regulations contemplate that the full Title IX grievance procedure be completed prior to discipline being imposed.

EXCEPTION: Emergency Removal

- Respondent must be an **immediate threat** to the physical health or safety of any student or individual;
- The immediate threat must arise from the allegations of sexual harassment; and
- Respondent is provided with notice and an opportunity to challenge the decision immediately after removal.



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Emergency Removals (Students)

Considerations for Emergency Removal

- Conduct meets definitional and jurisdictional requirements of Title IX;
- The District is capable of initiating a Title IX Investigation (i.e., complainant, student witnesses will participate); and
- Either:
 - Formal Title IX Complaint has been filed;
 - Complainant wants to file a Formal Title IX Complaint; or
 - Title IX Coordinator intends to file a Formal Title IX Complaint.
- Note: a student with a disability is entitled to a manifestation determination review prior to changing their educational placement due to an emergency removal.



Group Activity

A university receives a report from a student, Maya, alleging that another student, Jordan, sexually assaulted her at fraternity party two days earlier. Maya reports Jordan sent her multiple threatening text messages after learning she told her best friends about the assault. The messages include statements such as, "If you keep talking, you'll regret it," and "I know where you live." Maya reports that she is afraid to attend classes because she believes Jordan may confront her.

- Is Emergency Removal appropriate?



Group Activity

A 7th grader, Alex, reports that another 7th grader student, Chris, repeatedly touched Alex's buttocks in the hallway without consent over several weeks. The school begins its Title IX response and implements supportive measures, including increased supervision and separating the students' lunch periods.

Three days later, Alex tells the Principal that Chris confronted Alex during lunch and stated, "You better take back what you said." Several students witnessed Chris aggressively following Alex around the playground.

- Is Emergency Removal appropriate?





Dismissals


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Mandatory Dismissal under Title IX

Does not meet
definition of sexual
harassment under
Title IX.

OR

Does not fall within
Title IX Jurisdiction.


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Discretionary Dismissals under Title IX

Districts *MAY* dismiss a formal complaint, or any allegations therein if:

- A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the formal complaint or any allegations therein;
- The respondent is no longer enrolled or employed by the district; or
- Specific circumstances prevent the district from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.


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Group Activity

A formal Title IX complaint is filed, alleging that a campus supervisor has been making inappropriate comments about students to his colleagues. After gathering more information, it is evident that these comments are sexual in nature, and have been made multiple times a week over the duration of his employment with the District. When the campus supervisor receives his Title IX notice of investigation, he resigns, effective immediately.

- Do you dismiss?



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Group Activity

A Title IX investigation is ongoing. The allegations involve digital penetration without consent on 3 occasions and a "Happy Birthday" text in which Respondent sent Complainant a nude photo.

Complainant emails you and says they want to withdraw the complaint. Complainant graduated, but Respondent is still a student.

- Do you dismiss?



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Dismissals under Title IX (Mandatory and Discretionary)

Notice of dismissal must be issued to both parties in writing.

Appeal rights:

- Procedural irregularity;
- New evidence that was not reasonably available earlier; or
- Involved personnel had a conflict of interest or bias.



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Corrective Action

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Discipline

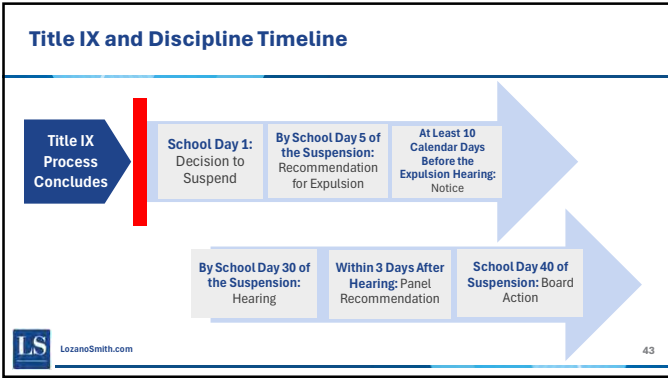
You **CANNOT** discipline students/employees prior to the completion of the Title IX process.

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Corrective Actions

Staff/student discipline.	Ensuring no retaliation.
Additional support for involved parties.	Generalized training for staff/students in class, school, or district-wide.
Generalized notification of policies/rules.	Increased monitoring and check-ins.
Changes to District practice.	

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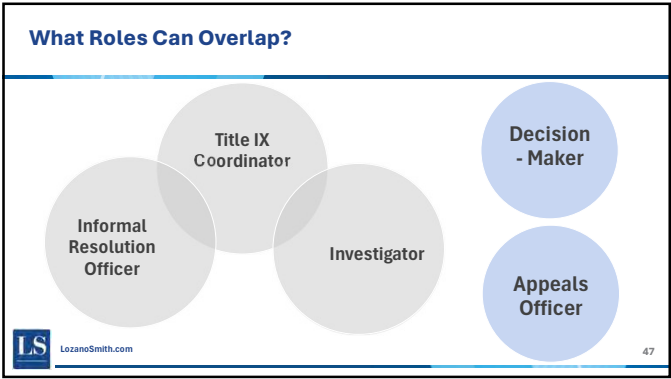
Reflect

During and after each Title IX process, reflect on how things went.

- Are there patterns of behavior or a culture that need to be addressed?
- Are additional trainings required to better assist the Title IX team for future cases?
 - Or employees for reporting?
- Do policies need to be updated/reworked to better fit the community, while remaining consistent with current law?

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Having an Effective Title IX Team



- Responsibilities of the Title IX Coordinator:**
- Provides or coordinates Title IX trainings and preventative measures.
 - Offers supportive measures to complainant and respondent.
 - Explains the complaint/grievance process to the complainant.
 - Receives all complaints and oversees the complaint/grievance or informal resolution process.
 - Determines mandatory and discretionary dismissals.
 - Evaluates corrective actions.
 - Addresses patterns or problems.
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Internal Process

- Every District has a different internal process that makes sense for their size and community.
- What does your internal process look like?



Title IX Compliance: Athletics and Facilities

Title IX: Sports Equity

- Schools must provide equal athletic **opportunity** for members of both sexes.
- In determining Title IX compliance, OCR looks at multiple factors under three categories:
 1. Accommodation of Interests and Abilities;
 2. Athletic Scholarships; and
 3. Other Benefits, Treatment, and Services.

Accommodation of Interests and Abilities (3-part Test)

Three-Part Test

Substantially proportionate.

History and continuing practice.

Fully and effectively accommodating.

Each of the three prongs of the test is an **equally sufficient means** of complying with Title IX, and no one prong is favored.



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Athletic Scholarships

Proportional to number of athletes.



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“Benefits, Treatment, and Services”

- Provision of equipment and supplies.
- Scheduling of games and practice time.
- Travel and per diem allowance.
- Opportunity to receiving coaching and academic tutoring.
- Assignment and compensation of coaches and tutors.
- Publicity.
- Provision of locker rooms, practice and competitive facilities.
- Provision of medical and training facilities and services.
- Provision of housing and dining facilities and services.
- Recruitment.



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Title IX: Facilities

Good Practices

- The conditions of playing fields, courts, pools, and other practice/game facilities for boys and girls' teams are equivalent including:
- Quality, maintenance,
- Access to restrooms,
- Availability of spectator seating,
- Availability of scoreboards, lighting, and other amenities etc.

Violations of Title IX

- The girls' softball field is located off campus while boys' baseball team is located on campus;
- There is an outfield fence for the boys' baseball field but there is no such a fence for the girls' softball field;
- Boys' baseball field is regularly maintained by the maintenance team while the girls' softball team and its coach perform maintenance on the field by themselves;
- Girls' softball field is used for physical education classes while boys' baseball field is not used for any purposes other than boys' baseball team's practice.



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Title IX: Facilities



- Under Title IX, male and female students must have equitable access to facilities.
- This includes bathroom access, locker room access, field access, etc.



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Title IX and Gender Identity

B.P.J. v. West Virginia: Facts

- In 2021, West Virginia enacted the Save Women's Sports Act. This law restricted participation on women's and girls' sports teams to biological females, excluding transgender females from participation.
- B.P.J., a transgender female 8th grade student, wanted to compete on her school's girls' cross-country and track-and-field teams.
- When B.P.J. was denied the opportunity, she filed suit, challenging the law under Title IX and the Equal Protection Clause.



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Little v. Hecox: Facts

- In 2020, Idaho enacted the Fairness in Women's Sports Act. The law limited participation on female athletic teams to biological females.
- Lindsay Hecox, a transgender woman and Boise State University student, challenged the law after seeking to participate in collegiate women's athletics.
- Hecox alleged violations of the Equal Protection Clause.



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Procedural History

B.P.J.

- The district court upheld the law.
- Fourth Circuit ruled the law violated Title IX and remanded the Equal Protection Claim.
- This led to Supreme Court review.

Hecox

- The district court issued a preliminary injunction, blocking enforcement of the law.
- The Ninth Circuit affirmed the ruling.
- The Supreme Court took the case under review, along with *B.P.J.*.



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Decision (June 30, 2026)

Equal Protection

- 6-3 majority decision found the two laws did not violate the Equal Protection Clause.
- Applied intermediate scrutiny.
 - The two laws furthered the states' interests of safety and competitive fairness in women's and girls' sports.

Title IX

- 9-0 majority found, in the context of sports, the term sex as used in Title IX, means "biological sex."
- Title IX permits separate sports teams based on sex.



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Decision

- A state **may restrict** access to women's and girls' sports based on biological sex.
- The decision does not **require** such a prohibition.
- The Supreme Court decision expressly fails to address or apply to:
 - Whether a state, district or school **may allow** transgender athletes to participate in sports based on their gender identity.
 - Male sports teams.
 - Any context outside of sports.



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B.P.J./Hecox Impact in California

- No immediate impact.
- Ed. Code 221.5(f) – participation and use of facilities consistent with gender identity.
- CID Bylaw 300D – participation consistent with gender identity.



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F.F. v. Valley View Community Unit School District (Illinois)

- Plaintiff, 18-year-old female student, used the restroom. She saw a transgender female student use the same restroom and filed a complaint out of concern that the transgender student "could" view her privately through the gaps in between the stall door or under the stall.
- The District investigated and found no Title IX violation. The District said the transgender student could use the restroom that aligned with her gender identity, consistent with Illinois law.
- Plaintiffs filed suit. She brought claims for violation of equal protection and Title IX based upon school policy permitting "transgender girl access to 'female-only' spaces, including restrooms, locker rooms, changing rooms, and showers, without any 'objective assessment' of gender dysphoria or 'subjective manifestation' of female identity."
- Defendant filed a Motion to Dismiss, which the Court granted (7/13/26).



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F.F. v. Valley View Community Unit School District (Illinois): Decision

- Illinois law upheld.
- Equal Protection:
 - The school's policy does not violate the Equal Protection Clause.
 - The school's policy, of allowing students to access facilities consistent with their gender identity, treats both sexes equally.
- Title IX:
 - The school's policy does not violate Title IX.
 - Title IX permits, but does not require, sex-separated facilities. The school's policy did not treat either sex differently.



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Takeaways

Doing nothing is not an option, if you observe/suspect sexual harassment, you must act.

Even if conduct does not fall under Title IX, it may still need to be addressed.

Title IX and gender identity continues to be litigated but CA law remains in effect.



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For more information or questions about the presentation, please feel free to contact:



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