

Title IX

Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination based on sex in education programs and 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 education program or activity receiving Federal financial assistance[.]” All federal agencies that provide grants of financial assistance are required to enforce Title IX’s nondiscrimination mandate. The U.S. Department of Education (Department) gives grants of financial assistance to schools and colleges and to certain other entities, including vocational rehabilitation programs and libraries.

In 1975, the Department’s predecessor, the Department of Health, Education and Welfare, issued final regulations implementing Title IX. Recently, the Department engaged in notice-and-comment rulemaking to formally amend the Title IX regulations for the first time in over 40 years. After reviewing over 124,000 public comments, the Department issued [final Title IX regulations](#) on May 6, 2020. The new Title IX regulation, which is codified in the Code of Federal Regulations at [34 CFR Part 106](#), is enforced by the Department’s Office for Civil Rights (OCR).

Examples of the types of discrimination that are covered under Title IX include sexual harassment; the failure to provide equal athletic opportunity; sex-based discrimination in a school’s science, technology, engineering, and math (STEM) courses and programs; and discrimination based on pregnancy. A fuller list of Title IX issues OCR addresses appears [here](#).

Title IX also prohibits retaliation for filing an OCR complaint or for advocating for a right protected by Title IX and discrimination in employment which is based on sex. However, employment discrimination complaints filed with OCR are generally referred to the [Equal Employment Opportunity Commission](#).

[U.S. Department of Education, Office for Civil Rights. \(2021\) - Title IX and Sex Discrimination](#)

In accordance to California Education Code, 221.6, public schools that receive federal funds and are subject to the requirements of Title IX, shall post in a prominent and conspicuous location on their Internet Web sites all of the following:

The contact information of the Title IX Coordinator:

Laura Lyon, Assistant Superintendent, Human Resource Services
Capistrano Unified School District
33122 Valle Rd, San Juan Capistrano, CA 92675
Phone: (949) 234-9200
Email: LLLYON@CAPOUSD.ORG

The rights of a pupil and the public and the responsibilities of the school district under Title IX, which shall include, but shall not be limited to, Internet Web links to information about those rights and responsibilities located on the Internet Web sites of the department’s Office for Equal Opportunity and the United States Department of Education Office of Civil Rights, and the list of rights specified in Section 221.8.

[US Department of Education, Office for Civil Rights](#)
[Office of U.S. Equal Employment Opportunity Commission](#)

Section 221.8 Rights: The following list of rights, which are based on the relevant provisions of the federal regulations implementing Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.), may be used by the department for purposes of Section 221.6: (a) You have the right to fair and equitable treatment and you shall not be discriminated against based on your sex. (b) You have the right to be provided with an equitable opportunity to participate in all academic extracurricular activities, including athletics. (c) You have the right to inquire of the athletic director of your school as to the athletic opportunities offered by the school. (d) You have the right to apply for athletic scholarships. (e) You have the right to receive equitable treatment and benefits in the provision of all of the following: (1) Equipment and supplies. (2) Scheduling of games and practices. (3) Transportation and daily allowances. (4) Access to tutoring. (5) Coaching. (6) Locker rooms. (7) Practice and competitive facilities. (8) Medical and training facilities and services. (9) Publicity. (f) You have the right to have access to a gender equity coordinator to answer questions regarding gender equity laws. (g) You have the right to contact the State Department of Education and the California Interscholastic Federation to access information on gender equity laws. (h) You have the right to file a confidential discrimination complaint with the United States Office of Civil Rights or the State Department of Education if you believe you have been discriminated against or if you believe you have received unequal treatment on the basis of your sex. (i) You have the right to pursue civil remedies if you have been discriminated against. (j) You have the right to be protected against retaliation if you file a discrimination complaint.

A description of how to file a complaint under Title IX:

- A written complaint of alleged non-compliance with a federal or state law or regulation governing education programs listed above must be filed with the compliance officer. When the subject matter of a complaint is not covered by this policy, the complainant shall be so advised.
- Complaints alleging unlawful discrimination, harassment, intimidation, or bullying, or retaliation for making or participating in a complaint under this policy, may be filed by a person who alleges that he/she personally suffered unlawful discrimination, harassment, intimidation, or bullying or by a person who believes that an individual or any specific class of individuals has been subjected to such unlawful conduct.
- The complaint must be filed no later than six months from the date of the alleged discrimination, harassment, intimidation, or bullying or six months from the date the complainant first obtained knowledge of the facts of the alleged conduct.
- A complaint alleging noncompliance with the law regarding the prohibition against requiring students to pay fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. Such a complaint may be filed with the principal of the school, or with the Superintendent or designee. However,

any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)

- The complaint shall be presented to the compliance officer, who shall maintain a log of complaints received.
- If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other handicaps, District staff shall assist in filing the complaint.

Forward complaints to Laura Lyon, Assistant Superintendent, Human Resource Services Email: LLLYON@CAPOUSD.ORG; (949) 234-9200

Source: [CUSD Administrative Regulation 1312.3](#)

An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred, and how a complaint may be filed beyond the statute of limitations.

- The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
- A complaint alleging unlawful discrimination, harassment, intimidation, or bullying, or retaliation for making or participating in a complaint under this policy, must be filed not later than six months from the date of the alleged unlawful act(s), or six months from the date the complainant first obtains knowledge of the facts of the alleged unlawful act(s). The filing time may be extended for up to 90 days by the Superintendent or designee for good cause on written request by the complainant setting forth the reasons for the extension.

Source: [CUSD Administrative Regulation 1312.3](#)

An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including, but not limited to, Internet Web links to this information on the United States Department of Education Office for Civil Rights' Internet Website.

[US Department of Education, Office for Civil Rights](#)
[Office of U.S. Equal Employment Opportunity Commission](#)

Per CUSD Administrative Regulation 1312.3, all Uniform Complaint Procedures related complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631). The compliance officer shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633. All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) confidential except when disclosure is

necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

An Internet Web link to the United States Department of Education Office for Civil Rights complaints form, and the contact information for the office, which shall include the phone number and email address for the office.

U.S. Department of Education Office for Civil Rights Form Contact Information:

U.S. Department of Education

Office for Civil Rights

Lyndon Baines Johnson Department of Education Bldg

400 Maryland Avenue, SW

Washington, DC 20202-1100

Telephone: 800-421-3481

FAX: 202-453-6012; TDD: 800-877-8339

Email: OCR@ed.gov

San Francisco Office

Office for Civil Rights

U.S. Department of Education

50 United Nations Plaza

Mail Box 1200, Room 1545

San Francisco, CA 94102

Telephone: 415-486-5555

FAX: 415-486-5570; TDD: 800-877-8339

Email: ocr.sanfrancisco@ed.gov

Office for Civil Rights [Frequently Asked Questions](#)

Office for Civil Rights [How to File a Complaint](#)

Title IX [Fast Facts](#)