



School Law FYI

New 2024 Amendments to Title IX Regulations Require Collaborative Efforts with Respect to Special Education

SHERRICE PERRY | 09.06.24

The 2024 Title IX regulations require alignment with the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973. In fact, the new Title IX regulations generally bolster protection for students with disabilities.

SUPPORTIVE MEASURES

The 2024 Title IX regulations require Title IX Coordinators to consult with special education professionals regarding the school's responsibility to offer supportive measures if the complainant or respondent in a Title IX matter is an elementary or secondary student with a disability. Supportive measures are individualized measures, offered as appropriate and reasonably available, to restore or preserve a person's access to the school's education program or activity; protect the safety of the parties involved or the school's educational environment; or provide support during the school's grievance procedures or during the informal resolution process. Supportive measures cannot be unreasonably burdensome to a party and cannot be imposed for punitive or disciplinary reasons.

- For students with disabilities under IDEA, the Title IX Coordinator must consult with one (1) or more members of the student's individualized education program (IEP) team, as appropriate, to ensure compliance with the requirements of both Title IX and IDEA as it relates to the implementation of supportive measures.

- For students with disabilities under Section 504, the Title IX Coordinator must consult with one (1) or more of the members of the student’s Section 504 team, as appropriate, to ensure compliance with the requirements of both Title IX and Section 504 as it relates to the implementation of supportive measures.

As a best practice, Title IX Coordinators should coordinate with the appropriate special education professionals as soon as the school has notice of an allegation of sex discrimination involving a student with a disability. This practice will ensure that the school is in the best position to support students with disabilities in a way that is responsive to their disability-related needs and not contrary to other applicable federal laws.

APPEAL OF SUPPORTIVE MEASURES

The 2024 amendments require schools to provide both a complainant and respondent with a timely opportunity to seek, from an appropriate and impartial school employee, modification, or reversal of the Title IX Coordinator’s decision to provide, deny, modify, or terminate supportive measures. Title IX requires that the impartial school employee be someone other than the employee who made the challenged decision and must have the authority to modify or reverse the decision if the impartial school employee determines that the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures. A complainant or respondent may also seek additional modification or termination of a supportive measure applicable to them if circumstances materially change.

While this provision provides robust protection for all students, it is of paramount importance for students with disabilities. The appeal of supportive measures provision helps to ensure that students with disabilities are not subject to additional discrimination and that decisions related to supportive measures are not based on biases or stereotypes about students with disabilities.

Conclusion

Schools should provide professional development to Title IX Coordinators regarding the protections afforded to students with disabilities under IDEA and Section 504. Schools are also encouraged to develop systems to promote collaboration between special education professionals and school administrators throughout the Title IX grievance procedures when a student with a disability is involved to ensure that schools are in compliance with all applicable federal laws.

For more information related to Title IX or Special Education, please contact the author of this article or any member of the [Boardman Clark School Law Practice Group](#).

DISCLAIMER: Boardman & Clark LLP provides this material as information about legal issues and not to give legal advice. In addition, this material may quickly become outdated. Anyone referencing this material must update the information presented to ensure accuracy. The use of the materials does not establish an attorney-client relationship, and Boardman & Clark LLP recommends the use of legal counsel on specific matters.

Primary Author



Sherrice Perry
(608) 286-7242

School Law Practice Group Members

Sherrice Perry
(608) 286-7242

Rick Verstegen
(608) 286-7233

Matthew W. Bell
(608) 286-7239

Daniel T. Fahey
(608) 286-7216

William L. Fahey
(608) 286-7234

David P. Weller
(608) 286-7235

Christopher T. Schmidt
(608) 286-7157

Eric B. Hagen
(608) 286-7225

Douglas E. Witte
(608) 283-7529

Jennifer S. Mirus
(608) 283-1799

Brian P. Goodman
(608) 283-1722

Michael C. Wieber
(608) 283-1797

Steve Zach
(608) 283-1736

Rhonda R. Hazen
(608) 283-1724