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K–12 Title IX Comprehensive Training

August 9, 2026

- Overview of State Department Title IX Support
- School Obligations
- Title IX Coordinator
- Investigations
- Advisors and Informal Resolution
- Decision Making and Appeals
- Q&A

Idaho State Department of Education Title IX Supports

- Monthly PLC
- Comprehensive Training
- Idaho Title IX Toolkit
- On demand consultation
- Dan Skinner
  skinnerlawidaho@gmail.com
  208-971-5135

Monthly PLC Training

Sept. 8, 2026	District/Charter Level Title IX Requirements
Oct. 13, 2026	Title IX Coordinator Training
Nov. 10, 2026	Investigations 101
Dec. 8, 2026	Advisors
Jan. 12, 2027	Informal Resolution
Feb. 9, 2027	Decision Making
Mar. 9, 2027	Appeals
Apr. 13, 2027	Title IX and Sports
May 11, 2027	TBD

- Second Tuesday of the Month
- 9 a.m. MST
- 60 minutes - with time for questions
- Slides distributed within the week

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K–12 Title IX Comprehensive Training

Module 1: Overview of School Obligations, August 10, 2026

Title IX - Federal Law

- 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.

- Enforced by the Office for Civil Rights (OCR)

Which Regulations Apply?

- 2020 Regulations - 34 CFR Part 106
    - Subsequent revisions have been blocked by Federal Court.
- Federal Resources
    - 2020 Title IX Regulations
    - Title IX Dear Colleague Letter Enforcement of 2020 Regulations
    - Title IX and Sex Discrimination – U.S. Department of Education

District Requirements

- Implement District Policy and Procedure
- Designate Title IX Coordinator
- Train Staff
- Preserve and publish training materials
- Notify Students
- Maintain records
- Stop, Remediate, Mitigate

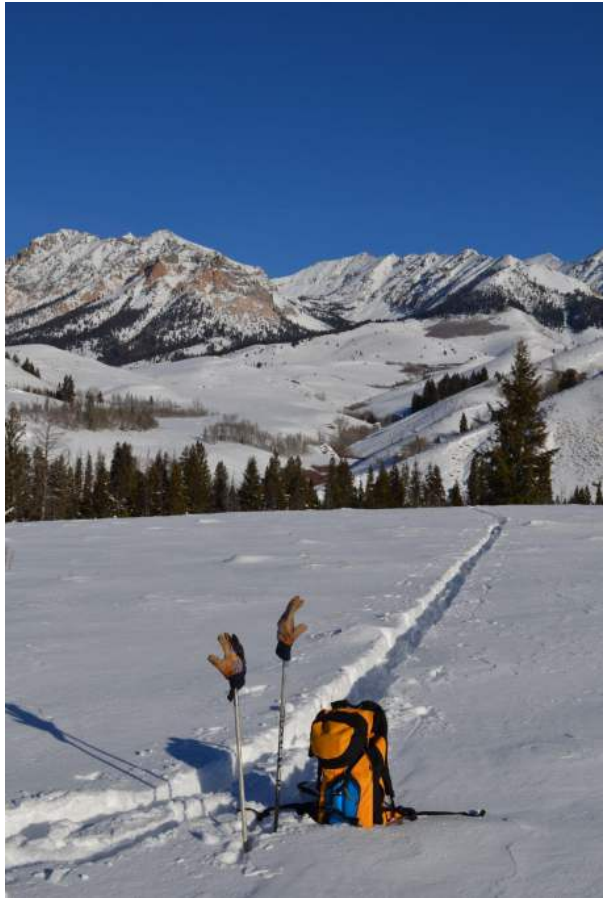
The Coordinator must be identifiable and reachable

Designate at least one employee to coordinate compliance.

Publish the Coordinator's name or title, office address, email, and telephone number.

Notify students, parents or guardians, employees, applicants, and relevant unions.

Reports may be made at any time—including outside business hours.



Title IX Coordinator

- Training
  - ATIXA
  - ICS
- Notice and Post:
  - Must notify staff and students who the Title IX Coordinator is and provide address, phone, email
  - Can be “title” and not specific person.
- Point of Contact
- Initial screening
- Monitor compliance of investigations
- Document EVERYTHING

District Policy

- …actually two.
    - #1 prohibits and defines
    - #2 procedure
- Idaho School Boards Association draft policy
- Regulations have the force of law - don't waiver
    - Examples:
        - West Ada School District
        - Boise School District
    - Email me
        - skinnerlawidaho@gmail.com

Staff Training

- Title IX Team:
  - Investigator
  - Decision Maker
  - Title IX Coordinator
  - Informal Resolution facilitator
  - Appellate decision maker
- All staff
  - Mandatory reporters
  - All reports of sexual harassment made to any employee must be promptly reported to the Title IX Coordinator.
  - Sexual assault/abuse - law enforcement and Title IX Coordinator
- Post materials and training online

Notice of Title IX Rights

- **Who?**
  - students, parents, guardians, employees, applicants and unions.
- **Where?**
  - Staff Training
  - Email
  - Handbook
  - Website
- **What?**
  - The school does not discriminate on the basis of sex and prohibits sexual harassment in any education program or activity
  - Reports may be made to the T9 coordinator - title, address, email, phone
  - Link to policy and complaint procedure
  - How to report
- **Be Ready!**
  - If you build it, they will come.

Functional Overview

1. Scope: when does Title IX apply?
2. Definition: What is sexual harassment?
3. How to respond?
    a. Tracking Sheet
    b. Supportive Measures
    c. Other policies?
    d. Informally Resolve!
    e. Timeline for each case

Scope of Title IX

1. Programs or activities
    a. Any property owned.
    b. Any event organized.
    c. "locations, events, or circumstances over which [the school/district] **exercised substantial control over both the respondent and the context in which the sexual harassment occurs** . . ."
    d. Social Media?
        i. Was it posted while at school?
        ii. Shared at school?

2. Outside events:
    a. Allowed to have a separate policy that applies to events that happen outside school programs and activities.

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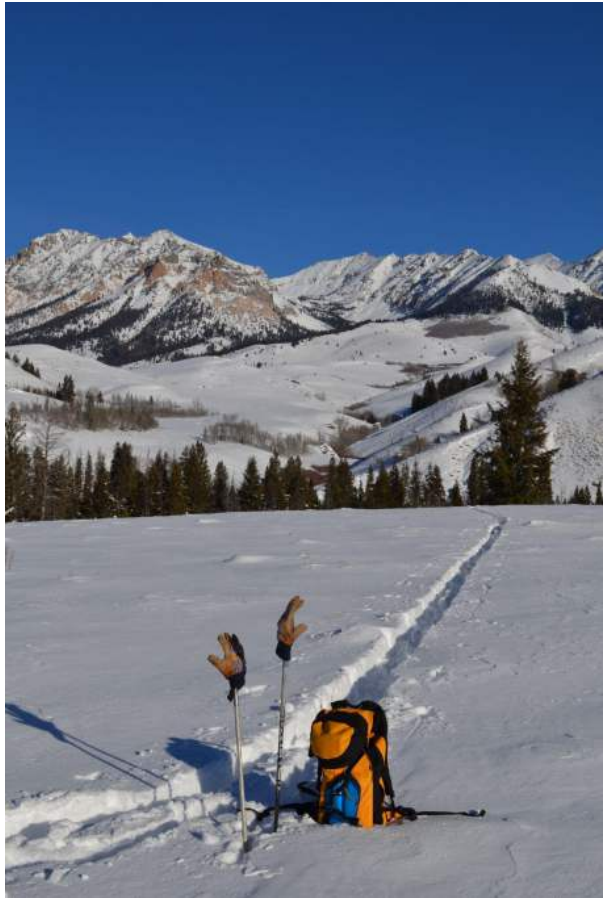
Title IX reaches every school operation

Title IX applies across federally funded school operations:

- Academics, counselling, CTE and extracurriculars
- Athletics and equal opportunity
- Pregnancy and parental status
- Employment and staff practices*
  * use Title VII!
- Sex-based harassment and retaliation



Sexual Harassment Defined

Conduct **on the basis of sex** that satisfies one or more of the following:

1. Quid pro quo

2. **Unwelcome** conduct determined by a reasonable person to be so **severe, pervasive AND objectively offensive** that it effectively denies a person equal access to the recipient's education program or activity; or

3. "Sexual Assault," "Dating Violence," "Domestic Violence" or "Stalking" as defined in the Clery Act.

How to Respond?

- Intake Form for your staff.
- Notice of rights every time.
    - create a simple document that provides notice of rights to the family.
- Supportive Measures.
    - Candy - hand them out!
    - NO complaint needed
    - No Contact Orders
    - Change classes (who?)
- Other policies?
    - Can you solve the problem with another policy?
- Informally Resolve!
    - A negotiated settlement often leads to the same resolution.
- Timeline
    - Keep a spreadsheet of every action and point of contact

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Every district needs a visible compliance system

Coordinator • public notice • grievance procedures • reporting channels • trained personnel • records

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Compliance beyond complaint response

- Course access, counseling and CTE pathways
- Athletic participation, benefits and treatment
- Pregnancy and parenting accommodations
- Employee hiring, assignments and advancement
- Facilities, discipline and retaliation protections

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Five actions for Monday morning

Verify the Coordinator listing • refresh website notices and procedures • train employees to route reports • audit role training and public materials • confirm seven-year recordkeeping

Questions?

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K–12 Title IX Comprehensive Training

Module 2: Title IX Coordinators, August 10, 2026

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Title IX Coordinator

System ownership, role assignment and federal training requirements

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The Coordinator owns the system—not every decision

- Coordinate compliance; track training; receive and evaluate initial reports; arrange supportive measures; explain complaint options; assign trained, impartial personnel; monitor timelines; implement remedies; maintain records.

  The Coordinator may serve as the investigator, but may not serve as the decision-maker in the same formal grievance process.

The role requires access, authority, and independence

- Give the Coordinator direct access to senior leadership and records.

  Avoid conflicting duties that create bias or an appearance of bias.

  The title may be used in public notices, but families must be able to reach a real person promptly.

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Title IX Coordinator Required Training:

no specific hours, does not have to be annual

- **The definition of sexual harassment** under the 2020 regulations.
- **The scope of the recipient's education program or activity**, including when Title IX applies.
- **How to conduct the grievance process**, including:
  - investigations,
  - hearings (for postsecondary institutions),
  - appeals, and
  - informal resolution processes, when offered (no staff).
- **How to serve impartially**, including avoiding:
  - prejudgment of the facts,
  - conflicts of interest, and
  - bias for or against complainants or respondents.
- **Issues of relevance**, including:
  - how to determine whether evidence or questions are relevant,
  - the rape shield provisions limiting questions about a complainant's prior sexual behavior or predisposition.

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When does the federal harassment process apply?

Definition of sexual harassment • U.S. education program or activity • formal complaint • standing

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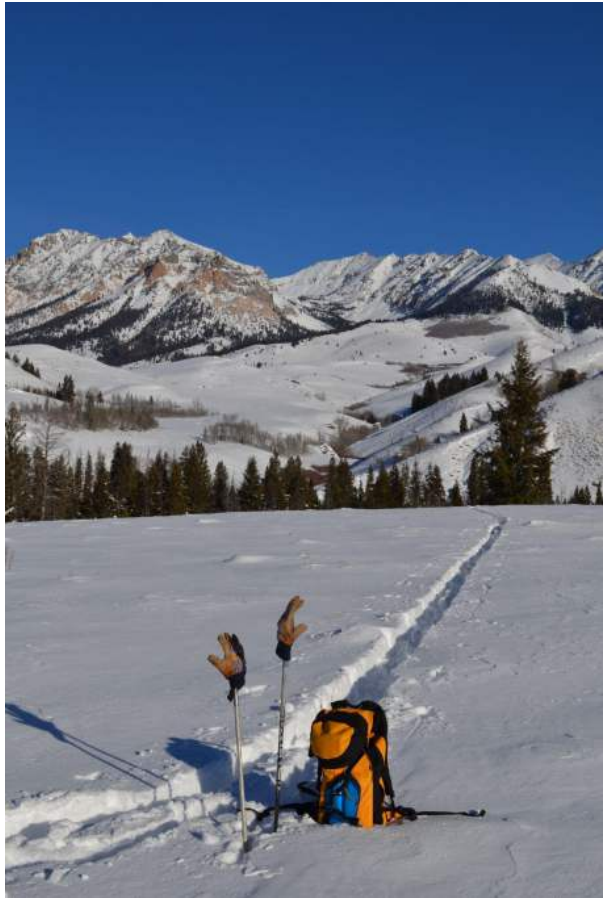
The 2020 definition of sexual harassment has three categories

1. **Quid pro quo** harassment

2. Unwelcome conduct that a reasonable person would find so **severe, pervasive AND objectively offensive** that it effectively denies equal access.

3. Sexual assault, dating violence, domestic violence or stalking – as defined by federal law.



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Definitions of sexual assault

- **Rape**: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling**: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest**: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape**: Sexual intercourse with a person who is under the statutory age of consent under Idaho law.

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dating violence, stalking, domestic violence

- Read the definitions carefully.

Prior dating relationship?
Stalking – is it based on sex?
Domestic violence – live together?

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In K–12, notice to any employee triggers the response duty

- Notice to any elementary or secondary school employee gives the district “actual knowledge.”
- Protect immediate safety, preserve information, route the report promptly, and do not promise secrecy or conduct a side investigation.

Make the Coordinator easy to find before a crisis

- Publish name or title, office address, email, and phone.

  Notify students, parents or guardians, employees, applicants, and unions.

  Accept reports in person, by mail, phone, email, or any method that reaches the Coordinator.

  Reports may be made at any time.

  No statute of limitations.

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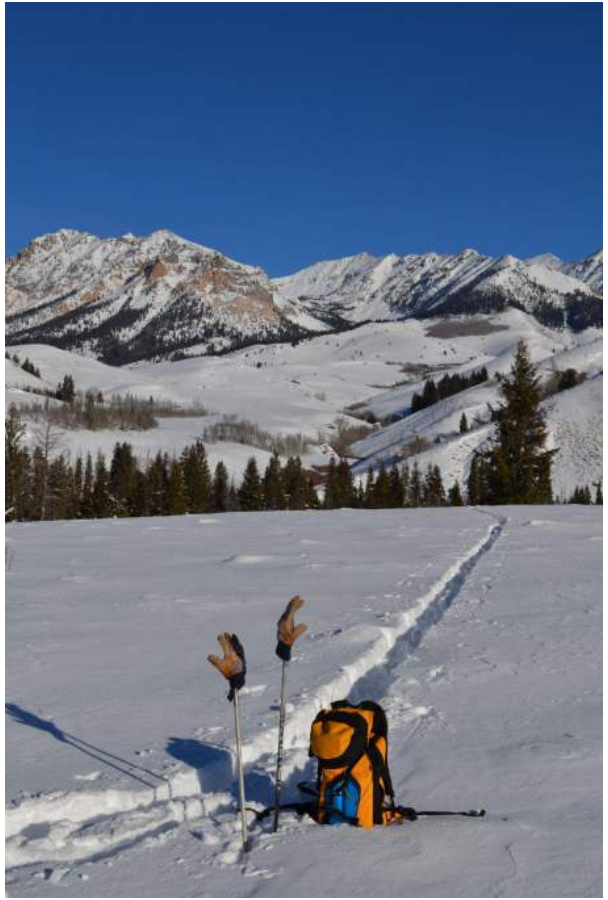
The first response must be prompt and supportive

- The Coordinator promptly contacts the complainant, discusses supportive measures, considers the complainant's wishes, explains how to file a formal complaint, and documents the response.
- Explain confidentiality: must you report to law enforcement? Anonymous reporting is not an option in Title IX.
- Supportive measures are available with or without a formal complaint.

Every report triggers outreach—not necessarily an investigation

Coordinator is the gate keeper – if it is not Title IX level harassment, use other tools.

Screen jurisdiction and immediate safety concerns without prejudging responsibility.



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Intake is a response workflow, not an interrogation

- confirm immediate safety
- listen without pressing for a full account
- explain privacy limits
- discuss supportive measures
- explain the formal complaint option
- document what was offered and why

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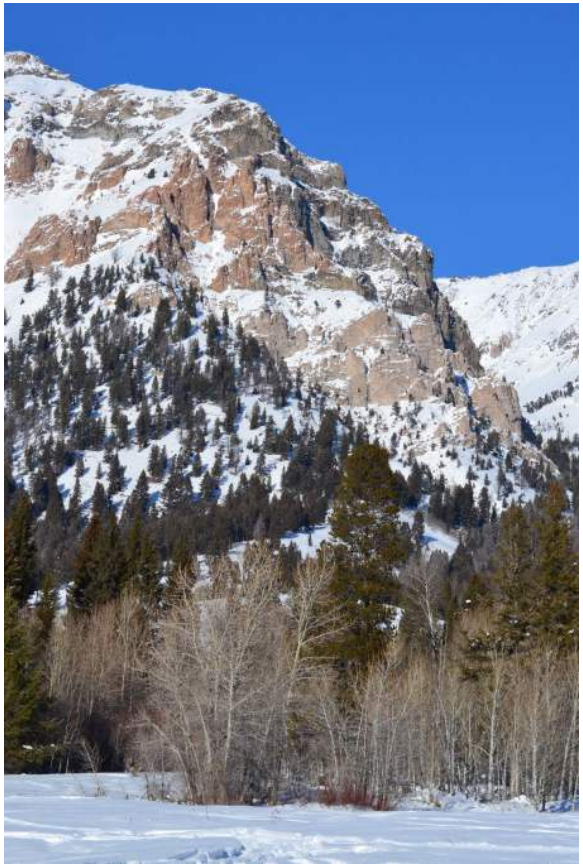
Tools: support, emergency removal and discipline

- **Supportive measures: individualized, non-disciplinary, non-punitive and no fee.**

  Emergency removal: individualized safety and risk analysis; immediate threat to physical health or safety; notice and immediate challenge opportunity.

  Discipline: only after the grievance process determines responsibility.



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The grievance process ….it's SLOW

two real 10-day review periods.

- Report → formal complaint → notice → investigation → evidence review (at least 10 days) → report → report review (at least 10 days before decision or hearing) → decision maker assigned → written questions → determination → appeal.

  Must wait to interview Respodent until AFTER notice, and a "sufficient" time to prepare.

- Manage expectations

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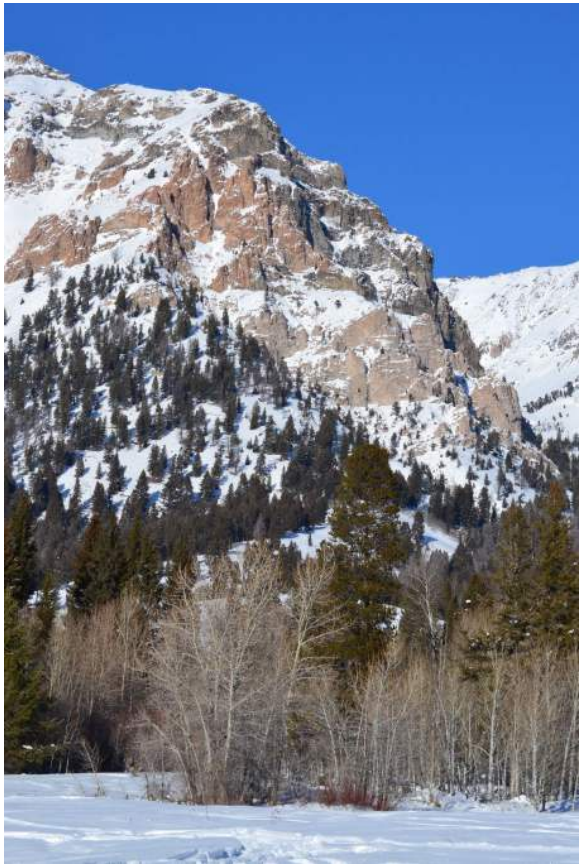
Determine Title IX application without abandoning other duties

- Federal grievance process: regulatory definition + U.S. education program or activity + required complaint conditions.

  If Title IX scope is not met, consider other district policies, safety obligations, disability law, mandatory reporting and supportive action.

  A Title IX dismissal is not a directive to ignore the conduct.



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Supportive measures should be individualized and monitored

No fee • non-disciplinary • non-punitive • preserve equal access • do not unreasonably burden the other party • adjust as circumstances change

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Formal complaints and role assignments

Use authority carefully • separate functions • ensure impartiality

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A formal complaint starts the federal grievance process

- It is a document or electronic submission filed by the complainant—or signed by the Coordinator—requesting an investigation.

  Parents and guardians may exercise rights for minors.

  A Coordinator signature initiates the process but does not make the Coordinator a party or advocate.

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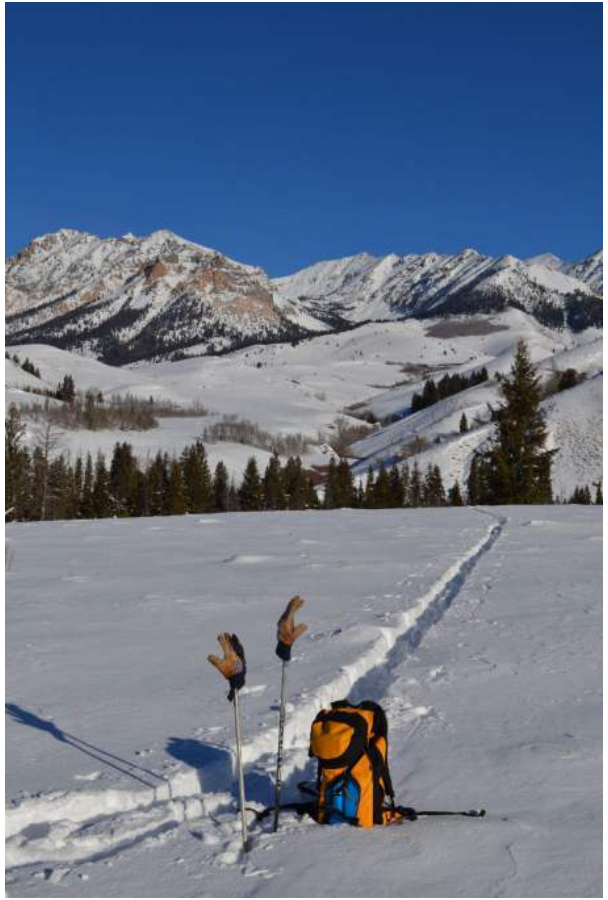
Separate the key functions and check conflicts

- Coordinator: system owner and remedy implementation
- Investigator: evidence gathering and report
- Decision-maker: independent responsibility determination
- Appeal decision-maker: not the original decision-maker, dismissal official, investigator or Coordinator
- Informal Resolution Facilitator: trained, neutral and conflict-free



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Four roles share the same federal training core

Coordinators, investigators, decision-makers and informal-resolution facilitators must be trained on

- 2020 definition of sexual harassment;
- program/activity scope;
- the grievance process—including hearings, appeals and informal resolution as applicable; and
- impartial service without prejudgment, conflicts or bias.

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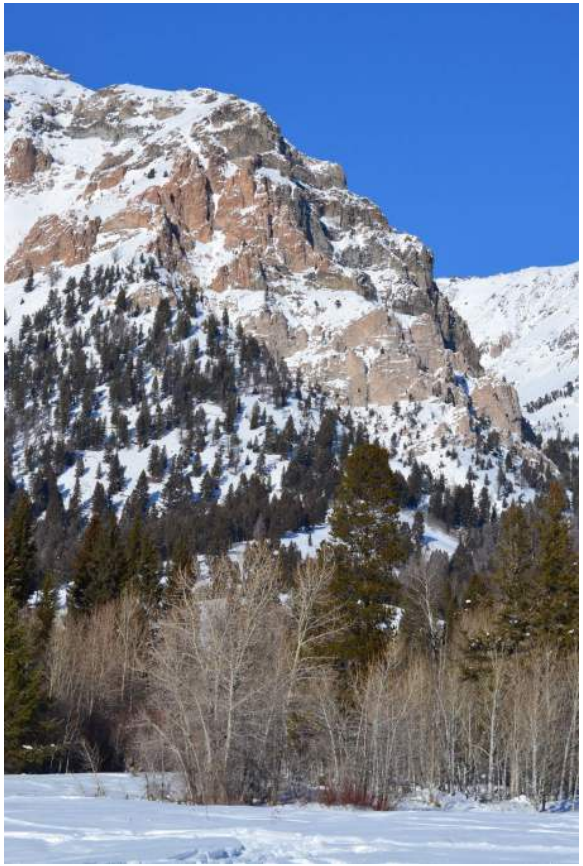
Role-specific training adds practical competencies

- Investigator: relevance needed for a fair summary of relevant evidence.
- Decision-maker: relevance—including sexual-history limits—and live-hearing technology if a hearing is used.
- Appeal decision-maker: the same decision-maker training and independence rules.
- Facilitator: the informal-resolution process as applicable.
- Advisors have no federal training mandate.



Impartiality — The Core Duty

34 C.F.R. § 106.45(b)(1)(iii)

- **No prejudgment**
  Presume the Respondent is not responsible until the process concludes
- **No conflicts of interest**
  No financial, personal, or professional stake in the outcome
- **No bias**
  Not for or against complainants or respondents — generally, or in this specific case
- Applies to every role: Coordinator, investigators, decision-makers, facilitators, appeal officers

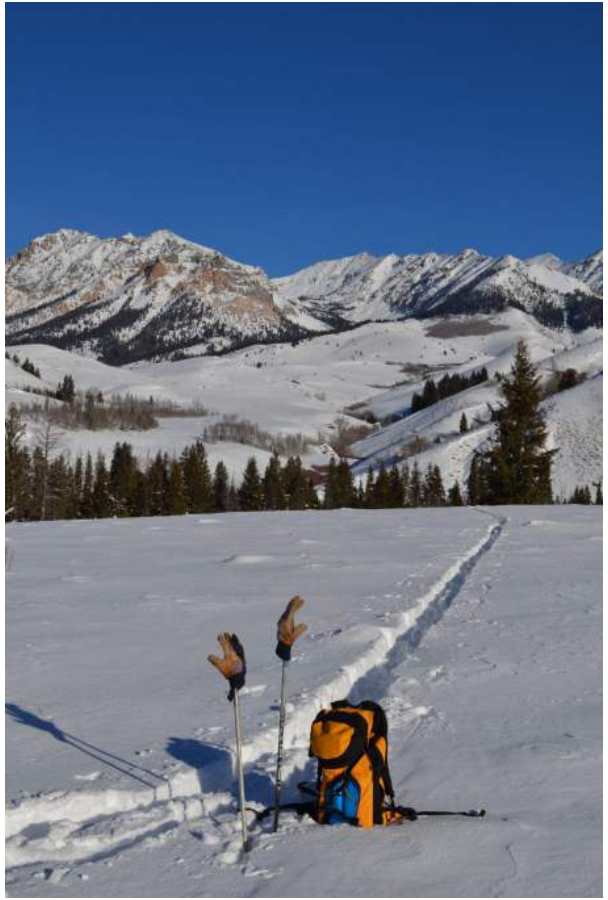
If it is not documented, it is difficult to defend

Retain for seven years:

- Investigations, determinations, sanctions, remedies, appeals, and informal resolutions
- Supportive measures and the basis for the response
- Training materials for Title IX personnel

Post training materials publicly on the district website.

Use a case log to track every contact, deadline, decision, and rationale.



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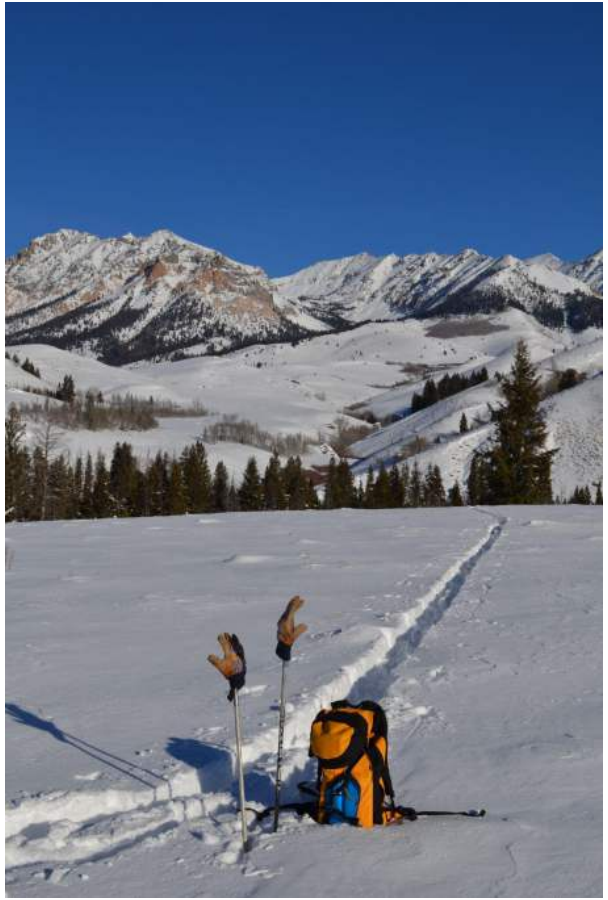
Build a compliance calendar and program map

- Website notice and Coordinator contact information
- Grievance procedures and reporting methods
- Athletics, CTE, pregnancy/parenting and employment checks
- Annual policy review—not a federally mandated annual training rule
- Role training, public materials and seven-year records



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Snapshot Compliance

train staff • post training materials on the district website • avoid sex stereotypes • promote impartiality • retain training and case records seven years

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Questions?

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Investigations

Module 3: Build a complete, impartial and reliable record

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The investigator builds the record—the decision-maker decides

- Gather inculpatory **and** exculpatory evidence; give both parties equal opportunity; follow relevance and privacy limits; document the process; and prepare a fair summary of relevant evidence.

  Do not decide responsibility or advocate for either party.

  Keep an open mind.

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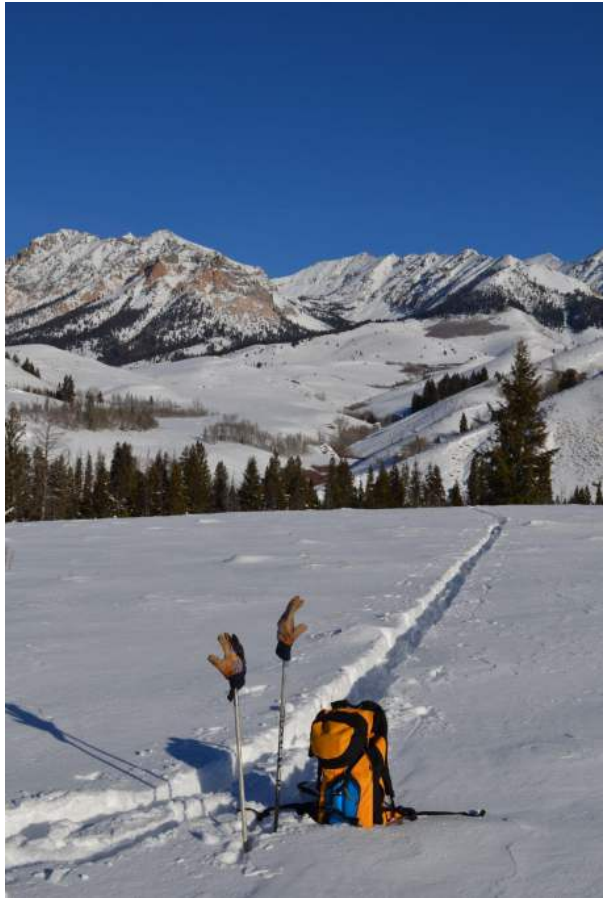
The roadmap includes two review windows—with built in delays

- Formal complaint and notice of allegations
- Investigation and evidence gathering
- Give “sufficient time to prepare” before any initial interview of respondent
- Directly related evidence: at least 10 days to respond *right to comment
- Investigative report completed: at least 10 days before hearing or decision *right to comment



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Confirm the complaint, scope and notice before interviews

- Identify each allegation, parties, conduct, date and location; confirm the federal scope analysis; review the notice of allegations; and issue supplemental notice if new allegations arise during the investigation.

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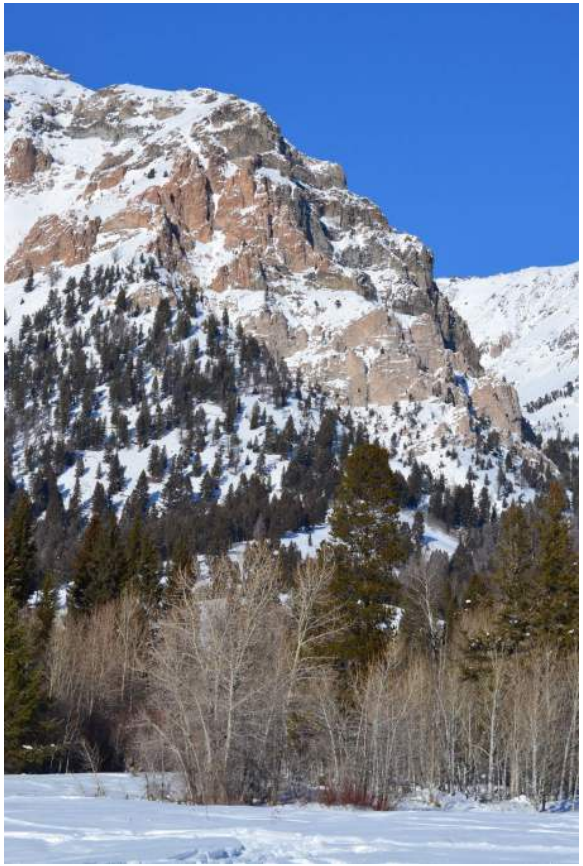
An investigation plan keeps the process neutral and complete

For each allegation, map:

- Policy elements and disputed facts
- Potential witnesses and documents
- Digital, video and communication evidence
- Interview order and logistics
- Known privilege, treatment-record or sexual-history issues
- Target dates and required party notices



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Dismissal?

- **Not "sexual harassment"** The behavior described, even if true, does not count as Title IX sexual harassment.
- **Outside program or activity:** The incident did not happen in the school's own educational program, activity, or a building it controls.
- **Outside the United States:** The event took place against a person outside of the United States

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Evidence and fairness

Equal opportunity • relevant evidence • transparent review • neutral report

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Interview from open narrative to focused clarification

Explain the process • start broad • ask necessary specifics • avoid leading questions and prejudgment • allow an advisor under equal rules • preserve approved recordings, notes and communications

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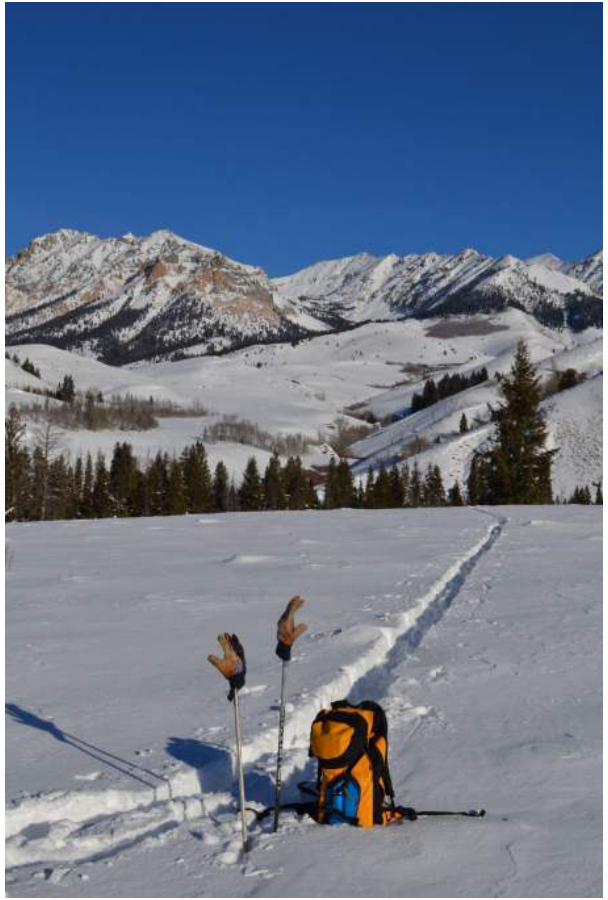
Collect broadly, then apply the evidence rules carefully

- The district bears the burden of gathering sufficient evidence
- Either party may submit whatever they wish
- Seek inculpatory and exculpatory information
- Respect legally recognized privilege unless waived
- Obtain voluntary written consent for treatment records
- Apply the two narrow sexual-history exceptions
- Focus on relevance—not character or propensity



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Relevance is not defined by Title IX

- Idaho Rule of Evidence 401
- Evidence is relevant if:

  (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and

  (b) the fact is of consequence in determining the action.

- What is NOT allowed

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What evidence is barred?

- **Character evidence**
- Complainant's **prior sexual behavior or sexual predisposition**: unless for consent.
- Medical/mental health **treatment records** without written consent.
- **Privileged communications** attorney-client, doctor-patient, clergy
    - NOT School counselor. Mandatory reporting trumps confidentiality.
    - Practice point: school counselors need coaching.

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Trauma-responsive practice must remain outcome-neutral

- Explain what will happen; offer breaks and supports; use developmentally appropriate questions; avoid assumptions about how a person “should” behave; and ask the questions needed to test the facts.

  Empathy is compatible with neutrality. Sex stereotypes are not.

Beware of implicit bias – they would have, they should have, fragmented memories, delayed reporting

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Nonparticipation does not end the investigation

- The district cannot compel an interview or manufacture subpoena power. Document contact efforts, protect against retaliation, evaluate the evidence that is available, and avoid unsupported assumptions from silence or incomplete participation.

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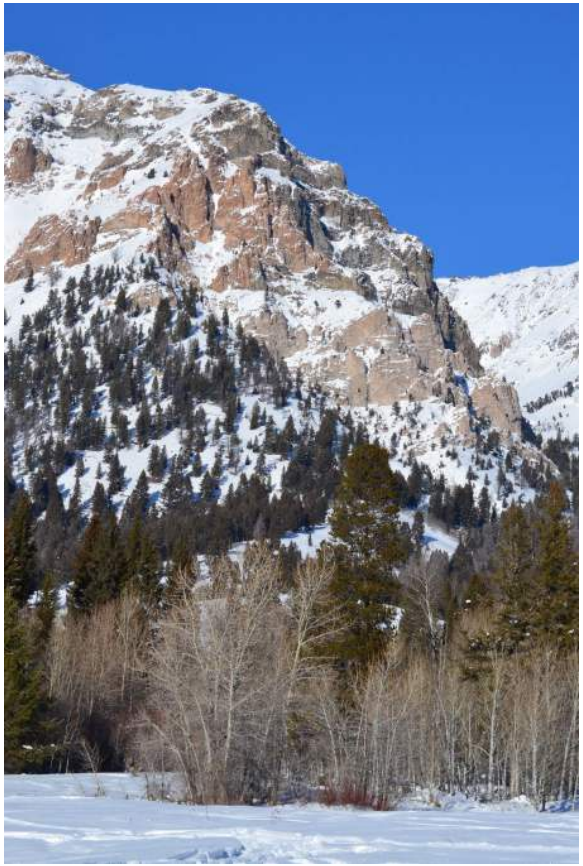
Evidence review and the report are separate quality checks

- Evidence review: provide both parties and advisors the directly related evidence, allow at least 10 days for a written response, and consider it before completing the report.
    - Practice Point: Do NOT provide draft report.
    - Don’t let parties or witnesses edit your work.
- Report: fairly summarize relevant evidence, identify procedural steps and allegations, include party responses as appropriate, and avoid a responsibility conclusion.



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Report of Investigation

Procedural history
Charge
Policy
Interview summaries
Evidence

*No Conclusions

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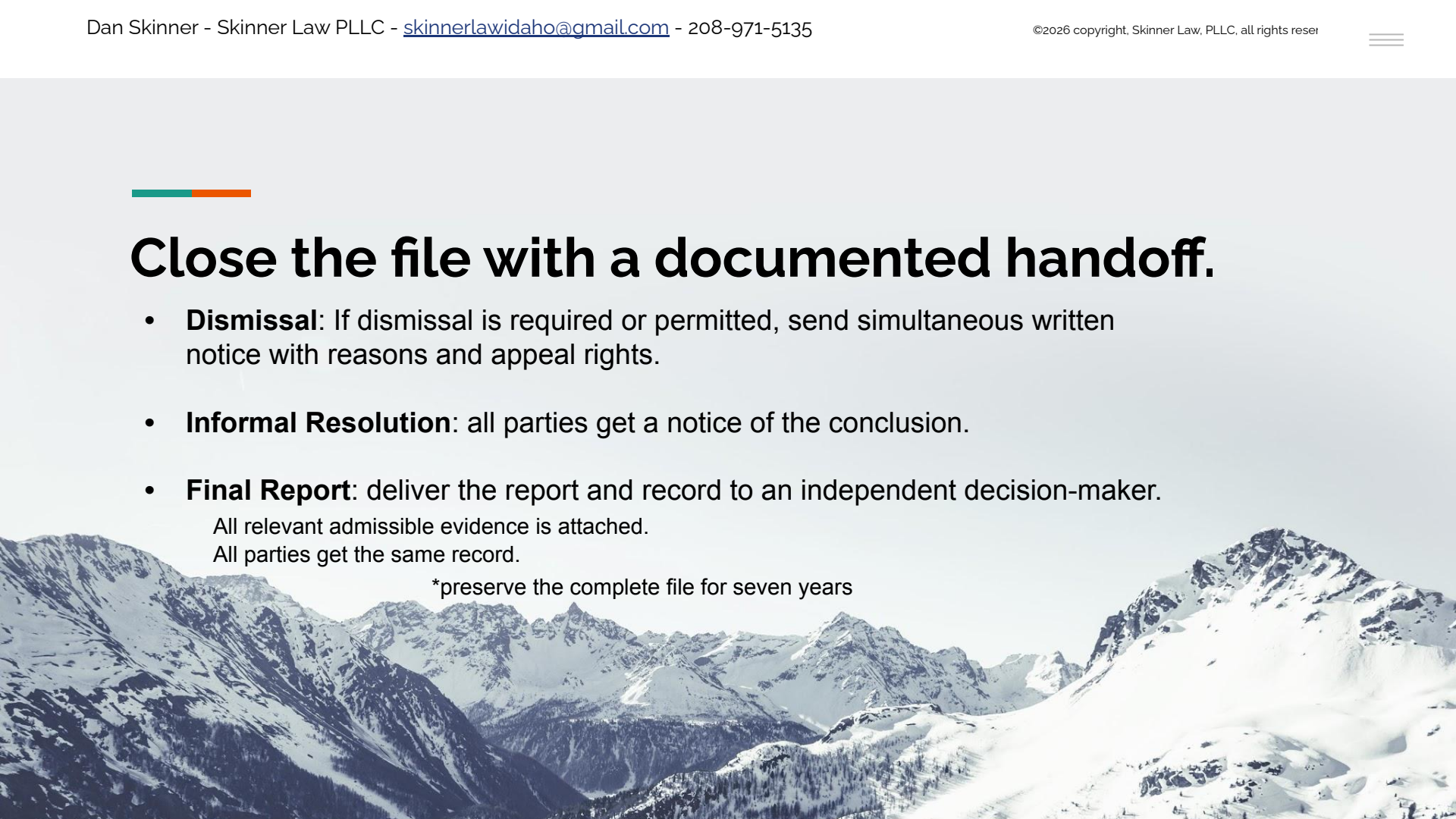
Close the file with a documented handoff.

- **Dismissal**: If dismissal is required or permitted, send simultaneous written notice with reasons and appeal rights.
- **Informal Resolution**: all parties get a notice of the conclusion.
- **Final Report**: deliver the report and record to an independent decision-maker.
  All relevant admissible evidence is attached.
  All parties get the same record.

*preserve the complete file for seven years



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Advisors and Informal Resolution

Module 4: Support the parties • protect voluntariness • keep the process impartial

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The roles support different parts of the process

Advisor: chosen by a party to provide support and process help.

Facilitator: neutral person who manages an optional informal-resolution process.

Coordinator: gives notice, confirms voluntary consent, monitors conflicts, and documents the result or return to the formal process.

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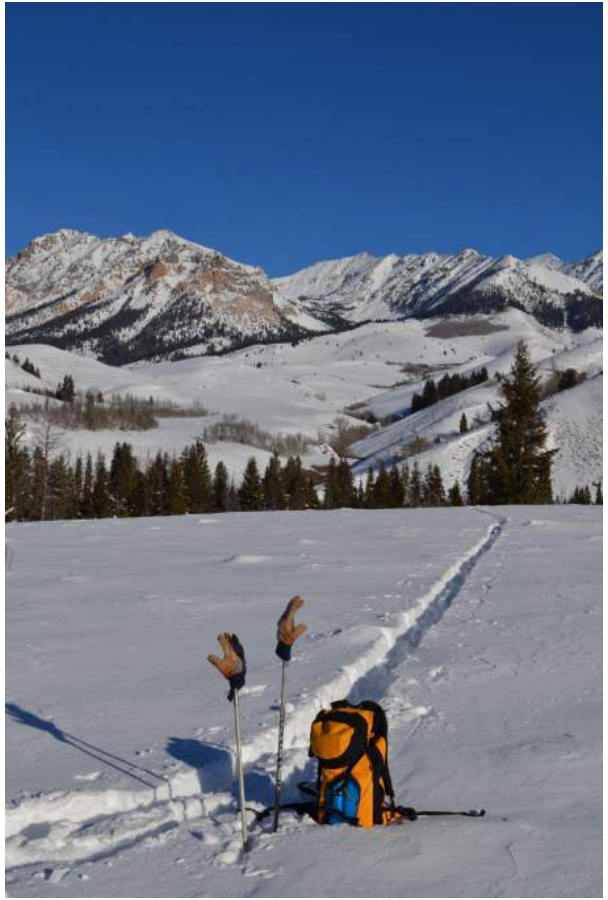
A party may choose almost any advisor

- Family member, friend, counselor, union representative or attorney
- The district need not provide an advisor for K–12 proceedings *unless a live hearing
- Federal regulations do not impose role-specific advisor training
- District rules may address conflicts, disruption and confidentiality
- A witness should not also function as the party's advisor



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Advisors support the party; they do not replace the party

- Advisors do not answer questions.
- Help understand notices and deadlines; attend permitted meetings; review evidence and the report; assist with written questions, impact information and appeals; and support informal resolution if the party chooses it.

*Even if they are a lawyer.

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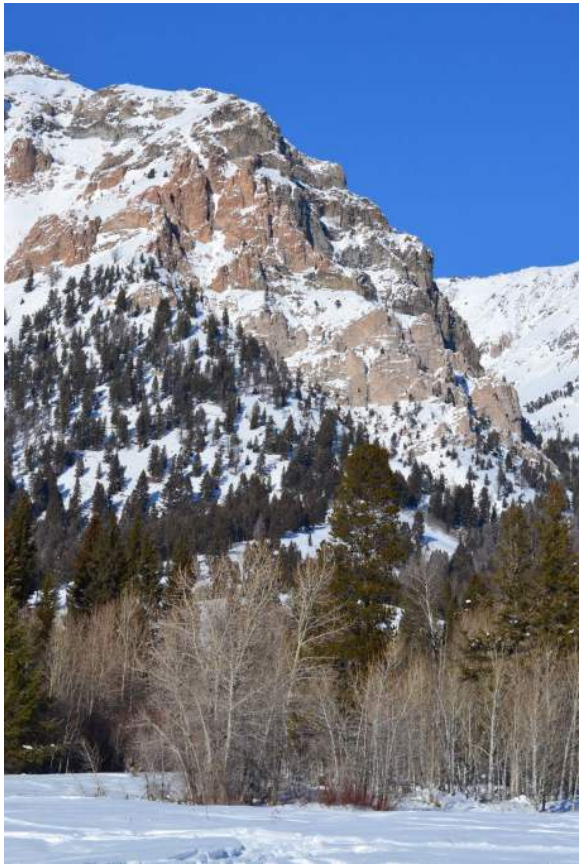
District participation rules must apply equally

- Advisors may not disrupt, intimidate, retaliate or disclose protected student information outside authorized use.

  Attorneys may advise, but district process rules still control.

  Restrictions must be applied equally.



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K–12 does not require a live hearing or advisor cross-examination

Before the decision, each party receives the other party's relevant written questions, answers and limited follow-up questions.

A district may choose a hearing, but federal regulations do not require one. If a hearing is provided – Advisors are mandatory.

Dan Skinner - Skinner Law PLLC - skinnerlawidaho@gmail.com - 208-971-5135

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Informal resolution is an optional off-ramp

Voluntary • informed • impartial • available only between students

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Informal Resolution may begin only after a formal complaint

- A district may offer informal resolution after a formal complaint and before a responsibility determination.

  It may not require participation or make enrolment, employment or another right conditional on waiving the formal process.

  It is not available for an allegation that an employee sexually harassed a student.

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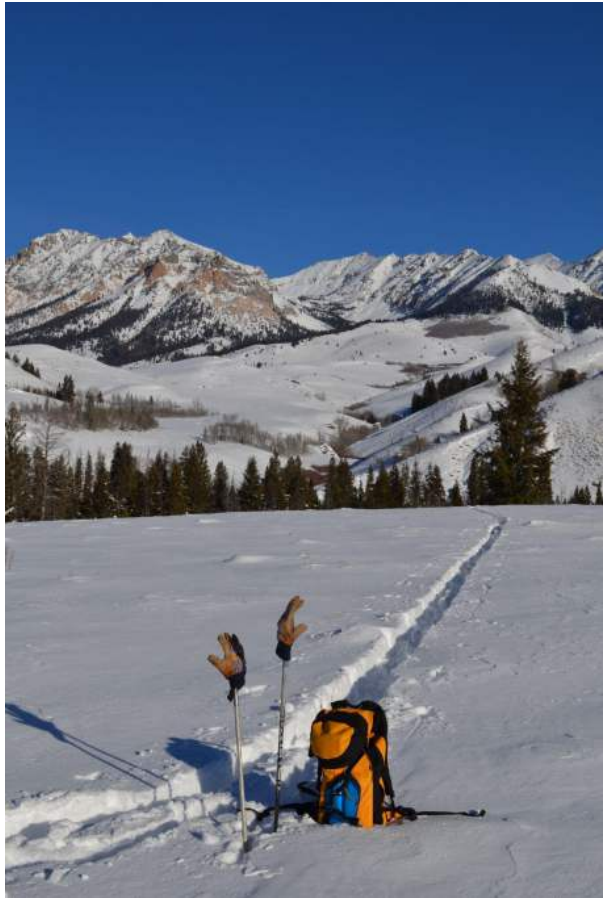
Written notice and voluntary consent protect the process

- Describe the informal process
- Explain circumstances that prevent resuming the same allegations
- Identify records that will be maintained or shared
- Explain the right to withdraw before a final agreement
- Obtain voluntary written consent from both parties



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The facilitator must be trained, neutral and conflict-free

- The Coordinator may facilitate if impartial and free of conflict, but separation is best. Do not use the investigator, decision-maker or a witness.
- Avoid pressure, promised outcomes and the appearance that agreement is inevitable.

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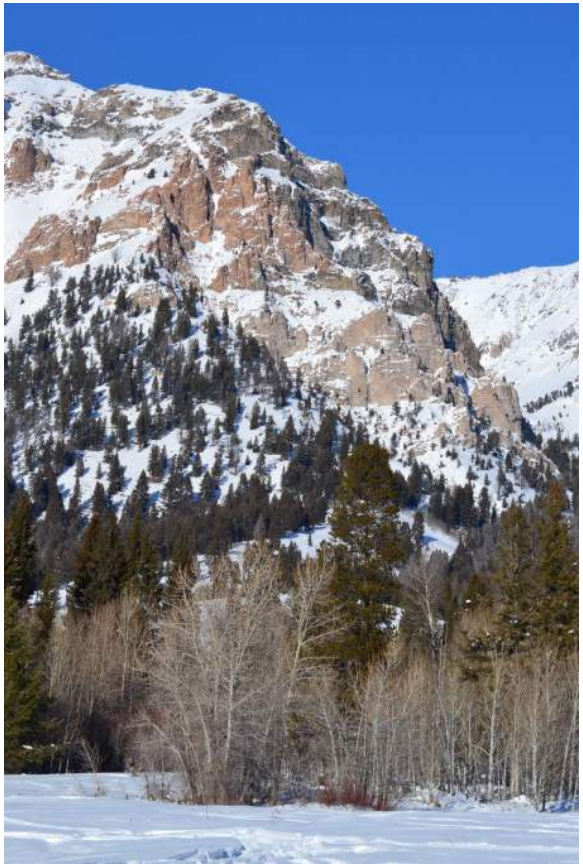
Choose a process that protects choice and access

- Options may include mediation, shuttle negotiation, offer-and-response or restorative practices.

  Set ground rules; clarify what may be shared; use age- and disability-appropriate supports; do not force face-to-face contact; remain neutral; document communications; and confirm that proposed terms are lawful, specific and feasible.



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End with a clear written status

No agreement: either party may withdraw before final agreement and the district resumes the grievance process under the notice and policy.

Agreement: document every term, deadline, monitoring duty, response to noncompliance and record handling

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Decision Making and Appeals

Module 5: Independent findings • reasoned outcomes • limited appellate review

Decision Makers share the same federal training core

- 2020 definition of sexual harassment;
- program/activity scope;
- the grievance process—including hearings, appeals and informal resolution as applicable; and
- impartial service without prejudgment, conflicts or bias.

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The decision-maker applies policy to the record

- Review the report and evidence; manage the K–12 written question process or any optional hearing; rule on relevance; assess credibility; address specific allegations; apply the district's standard of evidence; and issue the written determination.

  The decision-maker may not be the Coordinator or investigator.

  The decision-maker may remand for more evidence. 10 day rules apply again.

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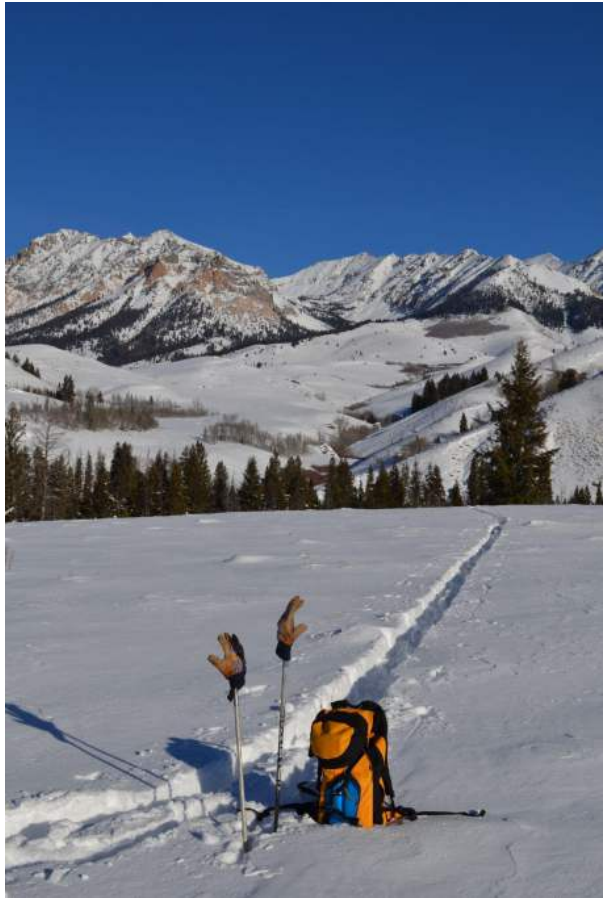
K–12 requires written questions, not a live hearing

- Send each party the other party's relevant written questions *impose a deadline
- Provide each party the answers
- Allow limited, relevant follow-up questions *impose a deadline
- Explain any decision to exclude a question as not relevant
- A district may choose a live hearing, but the 2020 rule does not require one for K–12



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Use the district's chosen evidence standard consistently

- The policy must select either preponderance of the evidence or clear and convincing evidence and apply that standard to all formal complaints—including complaints involving students and employees.

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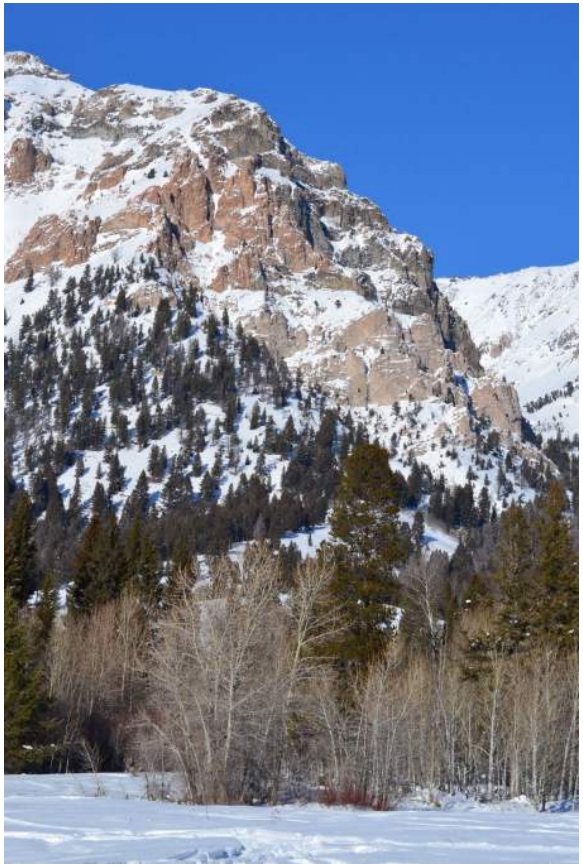
Relevance focuses the decision on facts that matter

- Consider evidence that tends to make a consequential fact more or less probable.

  Exclude privileged information unless waived and treatment records without voluntary written consent.

  Character evidence barred.

  Questions about the complainant's sexual predisposition or prior sexual behavior are barred except for the two regulatory exceptions.



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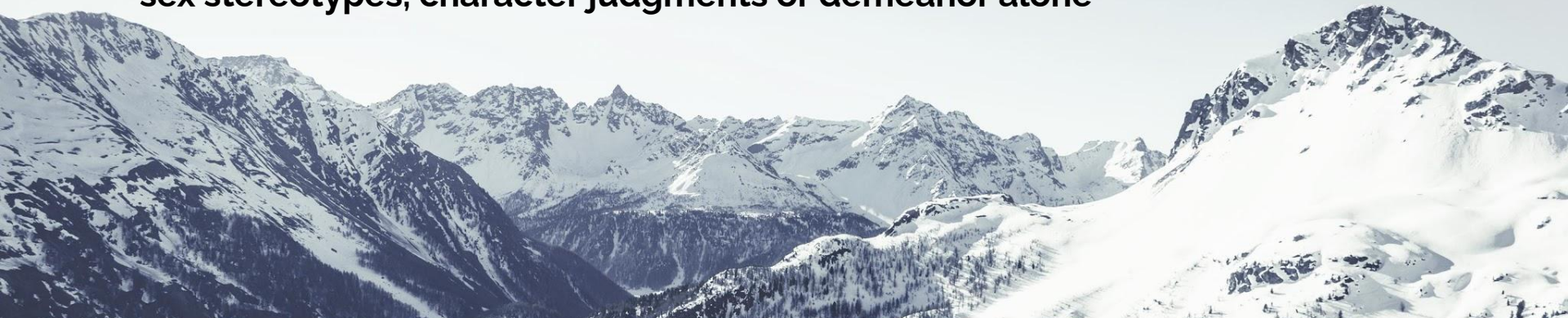
Credibility findings must rest on evidence—not stereotypes

Compare plausibility, internal consistency, detail, corroboration and motive • account for development, trauma and ordinary memory gaps • do not rely on sex stereotypes, character judgments or demeanor alone



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Apply the specific definitions of sexual harassment

Impartiality — The Core Duty

34 C.F.R. § 106.45(b)(1)(iii)

- **No prejudgment**
  Presume the Respondent is not responsible until the process concludes
- **No conflicts of interest**
  No financial, personal, or professional stake in the outcome
- **No bias**
  Not for or against complainants or respondents — generally, or in this specific case
- Applies to every role: Coordinator, investigators, decision-makers, facilitators, appeal officers

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From findings to finality

Reasoned determination • credibility analysis • remedies • notice • limited appeal

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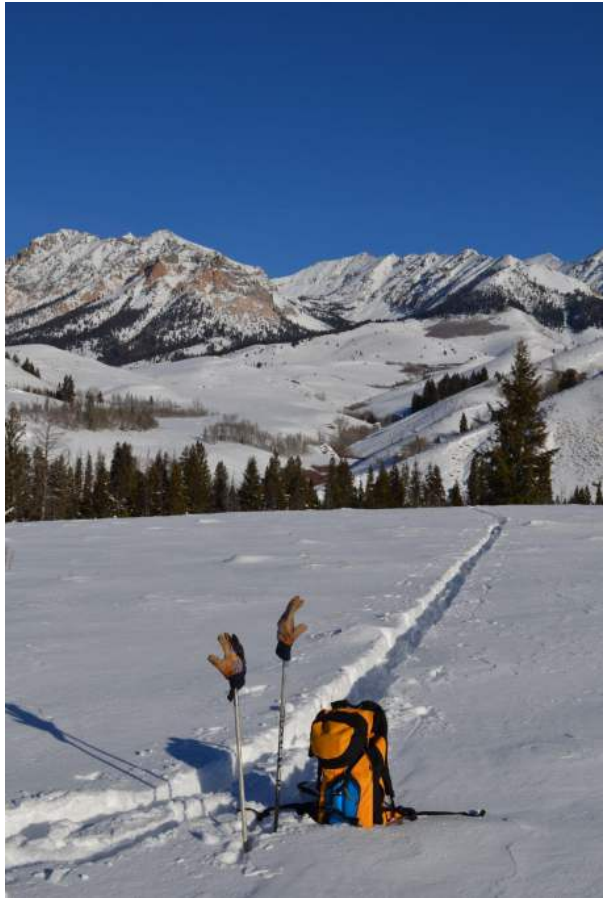
Sanctions and remedies serve different functions

- Team decision
- Sanctions address a responsible respondent under district policy
- Consider severity, circumstances, history and proportionality
- Remedies restore or preserve the complainant's equal access
- The Coordinator is responsible for effective implementation of remedies
- Responsive action should end, prevent and remedy discrimination



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The notice of decision must show the work

- Identify allegations; procedural steps; findings of fact; policy conclusions; the result and rationale for each allegation; sanctions; whether remedies will be provided; and appeal procedures.

- Send it simultaneously to both parties.

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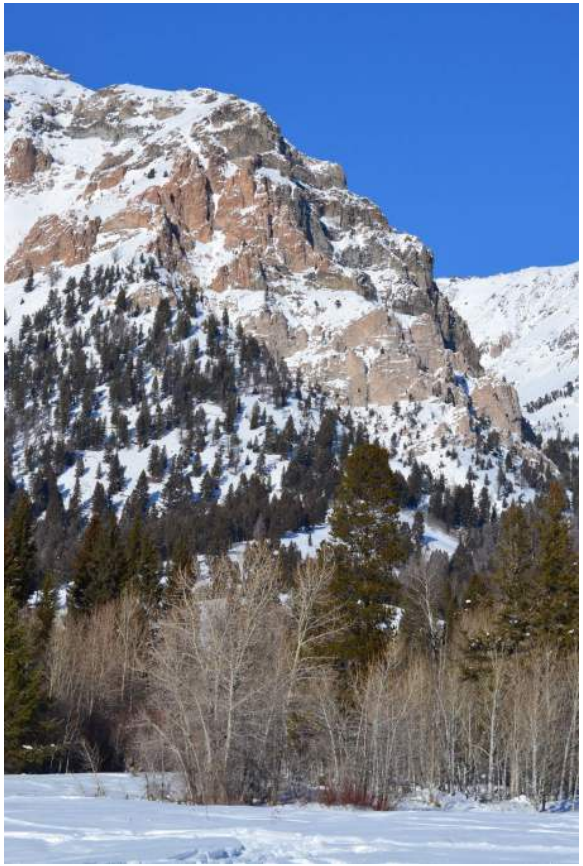
Appeal is limited review—not a second investigation

- A right to appeal arises from a responsibility determination or from a dismissal.

  The appeal decision-maker may not be the original decision-maker, dismissal official, investigator or Coordinator and must satisfy the decision-maker training and impartiality requirements.

  Review the record only through the stated appeal ground. No additional evidence. Nothing outside the record.



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Three federal grounds

Procedural irregularity affecting outcome • new evidence not reasonably available that could affect outcome • conflict or bias affecting outcome

One written, even-handed process

Notify both parties

Equal reasonable opportunity to submit statements

Written result and rationale delivered simultaneously

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Questions?

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Takeaways

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Compliance is not a binder—it is a response system people can use.

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Clear policy. Visible contact. Prompt outreach. Neutral process. Trained team. Complete records.

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Dan Skinner
skinnerlawidaho@gmail.com
208-971-5135

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