

What Parents Need to Know About Title IX in Private K-12 Schools

September 29, 2026
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Title IX is a federal civil rights law that prohibits sex-based discrimination in education programs and activities that receive federal financial assistance. It can apply across a broad range of school programs and concerns, including academics, athletics, student housing, school-sponsored programs and activities, admissions where applicable, pregnancy-related protections, and responses to sexual harassment and other sex-based misconduct. For families at private K-12 schools, the first question is whether Title IX applies at all. If it does not, the school's policies, procedures, and available remedies determine how concerns are addressed.

Understanding Title IX Coverage

That coverage question is especially important for private K-12 schools because not all are subject to Title IX. In general, Title IX applies only when a school receives federal financial assistance. For example, in general, religious institutions do not receive federal funding and, as a result, are exempt from Title IX. Because funding arrangements and exemptions can vary, families should ask whether the school is covered by Title IX, whether it has designated a Title IX coordinator, and what formal process it uses to address sex-based discrimination complaints.

The legal landscape also continues to evolve. Following a federal court decision issued on January 9, 2025, schools covered by Title IX currently operate under the 2020 Title IX regulations rather than the 2024 Final Rule.

What Happens if a Private School Is Not Covered by Title IX?

If a private school is not covered by Title IX, that does not necessarily mean the concern will be ignored or that no process exists. Instead, the matter is often handled under the school's handbook, code of conduct, student safety policies, employment policies, or other complaint procedures. In some situations, other federal, state, or local laws may also apply, depending on the facts and the type of school involved. In New York, the state legislature has opted to separately address campus sexual assault pursuant to New York Education Law Article 129-B. NY Article 129-B, otherwise known as the "Enough is Enough" law, requires all colleges and universities in the state to adopt comprehensive rules regarding sexual assault, dating violence, domestic violence, and stalking. Families should ask who will investigate the complaint, what policy will be used, what interim or supportive measures are available, whether there is an appeal process, and when the school expects to reach a decision.

When Title IX does not apply, the school's response may look more like an internal investigatory process than a formal Title IX grievance procedure. That means the procedural steps, timelines, and available remedies may be defined by school policy rather than federal regulation. In serious situations, families may also wish to consider whether reporting to law enforcement or seeking civil legal remedies is appropriate. In all cases, it's important for families to seek legal advice as soon as they become aware of the campus issue to determine the best way to route their concerns.

Reporting Concerns and Seeking Support

If a student experiences sexual harassment or other sex-based discrimination, families should promptly report the concern to the appropriate school official. At a covered school, that will often be the Title IX coordinator, who can explain the school's procedures, discuss available supportive measures, and answer questions about the complaint process.

If a family believes a covered school has not adequately addressed a complaint, it may file a complaint with the U.S. Department of Education's Office for Civil Rights or seek legal remedies through the court system.

What to Expect During the Process

Every school's procedures differ, but Title IX investigations generally involve gathering information from the parties and witnesses, reviewing relevant documents, and evaluating the parties' credibility. Schools typically notify the parties of the complaint, explain the process, and provide information about available supportive measures.

Investigation timelines vary, but many schools aim to complete investigations within approximately 60 days. Unlike many college and university procedures, K-12 schools are not required to hold live hearings.

Religious Schools and Title IX

Some private schools are affiliated with religious organizations. Even when a religious school receives federal financial assistance, it may qualify for a religious exemption if compliance with certain Title IX requirements would conflict with its religious tenets.

Because the scope of these exemptions has been the subject of ongoing litigation and regulatory debate, families should not assume that Title IX applies identically at every religious school. Parents may wish to ask whether the school claims any Title IX religious exemptions and how those exemptions affect its policies and procedures.

Practical Tips for Families

Families can play an important role in protecting a student's rights by:

- Determining whether the school receives federal financial assistance
- Reporting concerns promptly and identifying the appropriate school contact
- Preserving all documentary and electronic evidence
- Keeping records of emails, meetings, notices, and other communications
- Requesting information about the school's process, timeline, and available supportive measures
- Following up on important conversations with the school in writing
- Asking for an explanation of how the issue affects the student's educational experience, including attendance, participation, safety, or academic performance

Effective Advocacy

For families at private K-12 schools, effective advocacy begins with understanding whether the school is covered by Title IX. If it is, the school should be following the mandated grievance procedure outline under the Title IX Regulations. If it is not, the case will often be handled under the school's own policies and procedures instead. In either situation, families should ask who is responsible for the response, what rules apply, what supportive measures are available, and what timeline the school expects to follow.

Whether the matter proceeds through Title IX or through school-specific procedures, clear communication, careful documentation, and timely reporting can help families seek support and protect a student's access to educational

opportunities.