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## Title IX Coordinators as Street-Level Bureaucrats in U.S. Schools: Challenges Addressing Sex Discrimination in the #MeToo Era

*Elizabeth J. Meyer*

University of Colorado Boulder

*Andrea Somoza-Norton*

*Natalie Lovgren*

*Andrea Rubin*

California Polytechnic State University

&

*Mary Quantz*

University of Colorado Boulder

United States

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**Abstract:** Sex discrimination in educational contexts is an ongoing problem despite the passage of Title IX in 1972. Many schools have not aligned their policies with new laws protecting students from bullying and harassment, and many professionals are unaware of their new obligations in regards to new state regulations. This article presents the findings

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from semi-structured interviews with 10 participants reporting on the roles and responsibilities of Title IX coordinators in their K-12 school districts. Title IX coordinators were difficult to locate and recruitment was a challenge in this study. However, our findings indicate a strong alignment with Lipsky's concept of "street-level bureaucrats" (1971, 2010). We found that these school administrators had autonomy and discretion in interpreting and enacting their duties, however they lacked time, information, and other resources necessary to respond properly to the stated duties in their position. They reported spending very little time on Title IX-related duties, many felt under-supported and under-prepared, and few had comprehensive understanding of their responsibilities. We conclude with recommendations for policy and practice regarding the training and supports of Title IX coordinators and related gender equity efforts in K-12 schools.

**Keywords:** gender equity; policy; law; gender studies; administration; qualitative research; sex fairness; discrimination; USA

### **Coordinadores del Título IX como burócratas a nivel de calle en las escuelas de los Estados Unidos: Desafíos para abordar la discriminación sexual en la era #MeToo**

**Resumen:** La discriminación sexual en contextos educativos es un problema continuo a pesar de la aprobación del Título IX en 1972. Muchas escuelas no han alineado sus políticas con nuevas leyes que protegen a los estudiantes de la intimidación y el acoso, y muchos profesionales desconocen sus nuevas obligaciones con respecto a regulaciones estatales. Este artículo presenta los hallazgos de entrevistas semiestructuradas con 10 participantes que informan sobre los roles y responsabilidades de los coordinadores del Título IX en sus distritos escolares K-12. Los coordinadores del Título IX fueron difíciles de localizar y el reclutamiento fue un desafío en este estudio. Sin embargo, nuestros hallazgos indican una fuerte alineación con el concepto de Lipsky de "burócratas a nivel de calle" (1971, 2010). Descubrimos que estos administradores escolares tenían autonomía y discreción para interpretar y cumplir sus deberes, sin embargo, carecían de tiempo, información y otros recursos necesarios para responder adecuadamente a los deberes establecidos en su puesto. Informaron que dedicaron muy poco tiempo a los deberes relacionados con el Título IX, muchos se sintieron insuficientemente apoyados y poco preparados, y pocos tenían una comprensión exhaustiva de sus responsabilidades. Concluimos con recomendaciones de políticas y prácticas con respecto a la capacitación y el apoyo de los coordinadores del Título IX y los esfuerzos relacionados con la equidad de género en las escuelas K-12.

**Palabras clave:** equidad de género; política; ley; estudios de género; administración; investigación cualitativa; equidad sexual; discriminación; Estados Unidos

### **Coordenadores do Título IX como burocratas de nível de rua nas escolas dos Estados Unidos: Desafios para enfrentar a discriminação sexual na era #MeToo**

**Resumo:** A discriminação sexual em ambientes educacionais é um problema contínuo, apesar da aprovação do Título IX em 1972. Muitas escolas não alinharam suas políticas com novas leis que protegem os alunos de intimidação e assédio, e muitos profissionais desconhecem seus direitos. novas obrigações com relação aos regulamentos estaduais. Este artigo apresenta os resultados de entrevistas semi-estruturadas com 10 participantes que relatam os papéis e responsabilidades dos coordenadores do Título IX em seus distritos escolares K-12. Os coordenadores do Título IX foram difíceis de localizar e o recrutamento foi um desafio neste estudo. No entanto, nossos resultados indicam um forte

alinhamento com o conceito de "burocratas de rua" de Lipsky (1971, 2010). Descobrimos que esses administradores escolares tinham autonomia e discricão para interpretar e cumprir suas obrigações, no entanto, eles não tinham tempo, informações e outros recursos necessários para responder adequadamente aos deveres estabelecidos em sua posição. Eles relataram que gastaram muito pouco tempo em tarefas relacionadas ao Título IX, muitos se sentiram insuficientemente apoiados e despreparados, e poucos tinham uma compreensão abrangente de suas responsabilidades. Concluímos com recomendações e práticas de políticas relacionadas à formação e apoio de coordenadores do Título IX e esforços relacionados à equidade de gênero nas escolas do ensino fundamental e médio. **Palavras-chave:** equidade de gênero; política; lei; estudos de gênero; administração; pesquisa qualitativa; equidade sexual; discriminação; Estados Unidos

### **Title IX Coordinators as Street-Level Bureaucrats in U.S. Schools: Challenges Addressing Sex Discrimination in the #MeToo Era**

“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.”  
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 C.F.R. (1972).

Sex discrimination in educational contexts is an ongoing problem despite the passage of Title IX in 1972. School districts often lack the local expertise and support needed to enforce Title IX effectively (Block, 2012; Paule-Koba, Harris, & Freysinger, 2013; Stromquist, 2013). With the change in the presidential administration in 2017, Title IX guidance and enforcement is even more uncertain. The Obama administration focused some attention on Title IX, with the intent of strengthening its enforcement and to increase protections and prevention efforts against sex discrimination. However, Trump’s administration has rescinded some those protections, including protections for transgender and gender-nonconforming students (Battle & Wheeler, 2017, February 22) and sexual assault reporting and investigating procedures (Press Office Staff, 2017). These actions contradict the prior eight years’ of enforcement, which makes it more difficult to clearly understand responsibilities with regards to compliance. In the face of these changing realities, including the recent #MeToo and #MeTooK12 moment, it is important to understand the current context of Title IX implementation and enforcement. This article presents findings from an empirical study aimed at understanding the knowledge base, supports, and challenges experienced by Title IX coordinators in K-12 school districts in two regions of the United States.

A recent report published by the Gay, Lesbian and Straight Education Network (GLSEN) found that even in states that have passed bullying and harassment laws, over a quarter of school districts did not have a bullying or harassment policy (Kull, Kosciw, & Greytak, 2015). In our study, we focused our examination on two states where we had professional networks to support this study: California and Colorado. In 2011, both states passed new anti-bullying laws that strengthened existing bullying protections and ensured the protection against bullying and harassment based on sexual orientation and gender identity. A recent survey of policies in Colorado (One Colorado, 2017) indicates that 20% of school districts still have not updated their policies since 2011. Since there is close overlap between bullying and harassment laws and elements of Title IX (Meyer & Stader, 200), we were interested in identifying how district personnel understood these related mandates, and if Title IX coordinators were adequately prepared and supported to uphold state and federal

regulations regarding student safety, focusing particular attention on gender equity and sex-based discrimination.

Although Title IX language specifically addresses discrimination “on the basis of sex” it has also been used to address issues of sexual orientation harassment and unlawful gender stereotyping in schools. Several cases have successfully made the argument that Title IX protects students from peer sexual orientation harassment. For example, a California Federal District Court concluded, the Court finds no material difference between the instance in which a female student is subject to unwelcome sexual comments and advances due to her harasser’s perception that she is a sex object, and the instance in which a male student is insulted and abused due to his harasser’s perception that he is a homosexual, and therefore a subject of prey. In both instances, the conduct is a heinous response to the harasser’s perception of the victim’s sexuality, and is not distinguishable to this court. (*Ray v. Antioch Unified School District*, 2000)

In 2000, two cases were decided that applied Title IX to incidences of sexual orientation harassment: *Ray v. Antioch Unified School District* (2000), and *Montgomery v. Independent School District* (2000). A few years later, a Kansas federal district court considered that the gender stereotyping and related anti-gay harassment of a student who did not identify as gay was actionable under Title IX (*Theno v. Tonganoxie Unified School Dist. No. 464*, 2005). The court wrote that, “the plaintiff was harassed because he failed to satisfy his peers’ stereotyped expectations for his gender because the primary objective of plaintiff’s harassers appears to have been to disparage his perceived lack of masculinity” (*Theno v. Tonganoxie*, 2005). More recently, in 2013, the Department of Education entered into a resolution agreement with the Arcadia Unified School District for Title IX violations with respect to a transgender student. The district was directed to allow the transgender male student to participate in sex-segregated activities based on his male gender identity and separating him from other students based on his sex assigned at birth was found to be in violation of Title IX (Resolution Agreement between the Arcadia Unified School District the U.S. Department of Education, Office of Civil Rights and the U.S. Department of Justice, Civil Rights Division, 2013).

The scope of Title IX continues to be subject to interpretation as indicated in a statement issued by the Education Department spokeswoman Elizabeth Hill in February 2018 where she asserted that, “Title IX prohibits discrimination on the basis of sex, not gender identity. Where students, including transgender students, are penalized or harassed for failing to conform to sex-based stereotypes, that is, sex discrimination prohibited by Title IX. In the case of bathrooms, however, longstanding regulations provide that separating facilities on the basis of sex is not a form of discrimination prohibited by Title IX” (Balingit, 2018). While many queer and feminist theorists argue for the importance of recognizing the difference between: sex assigned at birth, gender expression, gender identity, and sexual orientation, these distinctions are not always relevant under the law. Queer and trans legal scholars have argued that laws and norms in schools have done much to erase bodies that transcend heteronormative and cis-normative identities (Lugg, 2003a, 2003b, 2006; Spade, 2011) and that the law’s definitions don’t allow for a nuanced understanding of these categories. Additionally, the law often imposes narrow categories that don’t recognize the diversity of human experience and don’t allow for claims that span multiple identity categories (Crenshaw, 1991). Since Title IX has successfully been used to address all of the multiple forms of discrimination under the language “on the basis of sex”, we interpret the scope and potential impacts of Title IX broadly. Our discussion here is grounded in the intent of the law to address all forms of sex discrimination and improve gender equity in schools – including forms of discrimination experienced by lesbian, gay, bisexual, transgender, queer and gender nonconforming individuals.

Title IX coordinators have a long list of specific legal obligations, and we wanted to understand to what extent school districts have staff who are informed about upholding these job responsibilities, specifically in regards to sensitive issues including sexual and homophobic harassment, and gender-based discrimination, with particular attention to transgender students. The U.S. Department of Education (USDE), Office For Civil Rights (OCR) issued several “Dear Colleague Letters” (DCL) (Ali, 2010; Lhamon, 2015; Lhamon & Gupta, 2016) clarifying districts’ responsibilities under Title IX, as well as specific job duties advised for coordinators, and guidance re: transgender students, yet there have been several settlement agreements that indicate school districts are not adequately upholding these guidelines (Staff, 2013; U.S. Department of Education, 2011, July 1). Since the penalty for the violation of these legal standards could result in the loss of all federal funding, having unprepared Title IX coordinators is a significant liability and one that is important to better understand.

The role of Title IX coordinator aligns well with the research introduced by Michael Lipsky (1971) about “street level bureaucrats.” In his research, he defined and described the qualities of workers who are tasked with implementing policy at the individual level. He defines the role as having the following features: directly interacting with citizens, wide latitude in job performance, and impact on the lives of citizens is extensive (2010, p. 393). Lipsky explains how these individuals are not just policy implementers, but in many ways are policy-makers, “they exercise wide discretion in decisions about citizens with whom they interact. Then, when taken in concert, their individual actions add up to agency behavior” (2010, p. 13). He goes on to explain the large amount of discretion and minimal oversight street-level bureaucrats enjoy and gives the example of federal civil-rights compliance officers who have, “so many mandated responsibilities in comparison to their resources that they have been free to determine their own priorities” (2010, p. 14). This results in significant variation of support, enforcement, and implementation of federal regulations such as Title IX.

In addition to high levels of discretion and autonomy, Lipsky identified five working conditions that provide particular challenges to individuals in these roles and their ability to successfully do their jobs: 1) inadequate resources, 2) demand for services exceeds supply, 3) agency goals are ambiguous, vague, or conflicting, 4) performance is difficult to measure, and 5) clients are non-voluntary (2010, p. 28). Four of these five elements were discussed by participants in our study and offer a lens through which to understand the experiences of Title IX coordinators in K-12 schools. No one explicitly mentioned the issue of ‘non-voluntary’ clients, however it is relevant to public educators since students in public schools are subject to compulsory attendance laws and enforcement.

## **Review of the Literature**

There is a surprising dearth of empirical studies on Title IX in K-12 schools. In conducting our literature review for this study, we identified 70 articles published since 1972 in peer-reviewed journals that specifically addressed Title IX. Overall, we found there were a limited amount of empirical studies (23) that attended to Title IX and about one-third of these focused on athletics (8). This indicates that little empirical research has been done on Title IX. Of the 70 articles reviewed, 52 focused on K-12 schools and 34 focused on higher education (16 articles addressed both contexts). The majority of the articles (39) focused on legal cases related to Title IX violations. There were 30 articles related to athletics and 16 of those articles overlapped with articles about legal cases. The athletics cases most often revolved around unequal resources between male and female sports teams. This demonstrates the overemphasis on questions related to athletics funding in research on

Title IX. This has resulted in a limited knowledge-base about other elements of sex discrimination in schools covered by Title IX.

The first decade of research after the passage of Title IX had a strong focus on legal analyses and recommendations for practice, and only four of these articles were empirical studies in K-12 schools (Adkison, 1983; Griffin, 1982; Licht & Bordier, 1983; Nies & Griggs, 1980). Adkison's (1983) study is particularly helpful because it provides a picture of what the implementation of Title IX looked like in seven K-12 school districts over a two-year period after Title IX became law. This study focused primarily on the different administrative roles involved in the implementation of Title IX, which Adkison divides into "compliance" roles and "advocate" roles (p. 155). Grievance officers and compliance officers, most often superintendents or assistant superintendents, handled complaints related to sex equity, as well as leading efforts in complying with the Title IX federal mandates within their districts. The administrators fulfilling advocate roles were also made up, most often, of high-level district employees, but their roles focused less on basic compliance and more on changing the culture in the districts to encourage sex equity. Adkison identifies these advocates as superintendents, "Trainers", "Desegregators," and "Brokers" (pp. 157-159), and describes these individuals as being more intrinsically motivated because they did not have the same external pressures as compliance and grievance officers.

The research on Title IX decreased after 1983, with only five articles produced between 1984 and 1997 (Fox, 1992; Parker, 1991; Steinberg, 1991; Vargyas, 1989, 1992), none of which were empirical studies in K-12 districts. The third wave of research we identified (1998-2005), increasingly focused on K-12 environments with 14 of the 20 articles focusing on K-12 schools. Six of these K-12 articles were legal analyses that included four articles focusing on sexual harassment and assault cases (DeMitchell, 1998; Mann & Hughes, 1998; McCarthy, 2002; McClain, 1999) and two on whistleblower protections (Epstein, 2005, Essex, 2005). Only one of these was an empirical study in K-12 schools, a report by the Connecticut Women's Education and Legal Fund (1998), in which they surveyed athletics directors in 67 Connecticut high schools and did in-depth studies of six schools' athletics programs.

The fourth and final wave we identified included more empirical studies on a growing variety of topics. There were 16 empirical studies and greater diversity in questions, topics, and methodologies in the 28 articles included from 2006-2016. The empirical studies in K-12 environments studied: gender in urban school administration (Mertz, 2006), a content analysis of sex bias in choral textbooks (Hawkins, 2007), gender bias in special education programs (Arms, Bickett, & Graf, 2008), sexual harassment policies in K-12 schools (Lichty, Torres, Valenti, & Buchanan, 2008), studies on single-sex schooling (Billger, 2009, Friend, 2007, Hill, Hannon, & Knowles 2012, Mansfield 2013), content analysis of state bullying laws (Weaver, Brown, Weddle, & Aalsma, 2013), policy examination of federal implementation of Title IX (Stromquist, 2013)

The most recent report from the U. S. Department of Education, Office for Civil Rights (OCR) outlines the growing need for Title IX coordinators to understand and effectively implement this law (2016). It indicates there were 16,720 civil rights complaints filed in 2016, which led to 8,625 resolutions. Of these, only 1,116 (6%) led to resolutions that "secured changes protective of students' civil rights in schools" (p. 5). These reporting levels are 61% higher than 2015, and that they had "record-high complaint receipts and declining staffing levels." Additionally, the OCR initiated only 13 proactive investigations (also known as compliance reviews). In terms of Title IX, sex discrimination claims made up 46% (7,747) of all complaints received compared to 28% (2,939) in 2015. In two case-studies included in this report, there were no Title IX coordinators in place at the time of the incident. The data from the review of the scholarly literature and the 2016 report indicate that little is known about how Title IX is actually being implemented and there is great variation in how it is understood by the personnel tasked with upholding this law. As a result, this

inquiry into the knowledge and experiences of Title IX coordinators is novel and an important area for investigation.

## Methods

This study is a qualitative exploratory study designed to better understand the issues and challenges experienced by current Title IX coordinators. As such we developed a semi-structured interview protocol to ensure we addressed common themes but allowed room for individual participant's experiences to emerge (Maykut & Morehouse, 1994; Seidman, 1998). We sought to secure a diverse range of participants to get a broad idea of the various ways Title IX coordinators understood their roles and responsibilities, however, as a qualitative exploratory study our population is not designed to be a random sample that produces generalizable findings, rather is intended to surface common issues experienced by Title IX coordinators for preliminary analysis and follow up study.

We began outreach to school districts to identify participants in October 2015. Recruitment and data collection continued through November 2016. We identified 86 school districts in California and 32 school districts in Colorado in our initial search for Title IX coordinators. We chose a mix of urban, city, suburban, and rural districts within the same geographic region as our two institutions. We started by visiting each of the school district's websites to locate their Title IX coordinator. We generally could not find anything related to Title IX coordinators on the district websites or the information was often incorrect. Because of the OCR guidance which states this information should be easily accessible, we conducted deeper website searches to see if and where the Title IX coordinator information was located on the websites.

Once we had confirmed who the appropriate contact person was, we sent email invitations describing the study and inviting them to participate in an interview. We had very low response rates to our invitations to participate (11%), however we were able to recruit 10 participants from eight different school districts in the two states. In two districts, the superintendent wished to participate in the interview with the primary Title IX coordinator. Participants included six males and four females, who all self-identified as White or Caucasian except one who self-identified as Hispanic. Participants had an average age of 49 and an average of 15 years working as school administrators. They represented very small rural districts (100 students), large suburban (17,000 students), and small city (30, 000 students) districts. We were unable to secure an interview with anyone working in a large urban district so the findings shared here may not represent the realities in these larger districts which may be more likely to have personnel dedicated to more specialized roles, including civil rights compliance. See Table 1 for a summary of participant demographics.

Table 1  
*Participant Demographics (n= 10)*

Gender	Male	Female
	6	4
Category	Range	Mean
Age	28-60	49.9
Years as administrator	2-36	15.9
Years as Title IX coordinator	.5-6	2.57
District student enrollment	100-30,000	8556

Once an individual agreed to be interviewed, a member of the research team conducted a 35-60 minute face-to-face interview with the participant(s) at a location selected by the participant. Interviews were audio-recorded and transcribed and sent back to the participant for verification. Interviewers asked about: job descriptions, protocols for Title IX complaints, professional development related to Title IX coordinator duties, and how they addressed issues related to transgender students. The research team then used grounded theory (Creswell, 2013) to develop a codebook by defining codes, selecting model excerpts of each code, and reaching consensus as a team for each coded item. All interview transcripts and codes were entered into qualitative research software to facilitate further analysis. The themes presented here were most prevalent and reflective of challenges facing Title IX coordinators. Following our analysis we identified strong overlaps with Lipsky's framework and organized our findings around common themes identified in his work on street-level bureaucracy. See Appendix A for more information about methods, including the codebook.

## Findings

### Ambiguous Job Descriptions and Duties

Having clearly outlined job descriptions and responsibilities is an essential part of having a successfully functioning administrative structure. Typically, human resources departments in school districts across the nation must have a written job description for each unique position. A job description is a living document that helps in the hiring, managing, evaluating, promoting, training and, if necessary, disciplining or terminating an employee. As Lipsky found in his study, "some jobs cannot be done properly, given the ambiguity of the goals and the technology of particular social services" (2010, p. 31). One element of this challenge is related to the conflicts that emerge in balancing client-centered goals and organizational goals (2010, p. 44). For example, while an individual Title IX coordinator might be empathetic to the negative experience a student is having in a school due to incidences of sexual harassment and discrimination, the administrative organization of an educational institution is designed to protect the institution from liability –not necessarily protect each individual under its care. These conflicts and ambiguities regarding Title IX responsibilities were evident in the ways participants described their job duties and responsibilities.

These map onto the first theme presented here which was the wide variation in job roles and descriptions discussed by the interviewees. We developed an *a priori* code called "Job Descriptions and Duties" which we applied to any discussion of the participants' job titles, assigned duties, and any time they mentioned Title IX responsibilities while discussing their jobs. Two sub-themes that emerged within this category were: (a) learning about their Title IX duties after being in their role for some time and (b) Title IX duties being a small part of a very big job. For example, one participant described how they came to learn about their job as Title IX coordinator saying, "I was given the keys, told where my desk was, and said oh, and by the way, you're the Title IX coordinator". Another participant explained, "I got a letter from the federal government saying, 'Who's your Title IX coordinator?' And I went to my secretary and she said, 'You are.'" A third coordinator reported, "I don't think I even knew I was the Title IX coordinator until I had been here, probably, a year. I went, oh, really, that falls under me?"

Another troubling finding was that respondents stated that the Title IX Coordinator duties took less than 10% of their time, often much less. Three participants replied that they spent from .01% -1% of their time on Title IX responsibilities, and two others estimated that it took 5-10% of their time. One coordinator said Title IX responsibilities took up "none" of their time. Since specific responsibilities were not clearly identified in the coordinators' job descriptions, their understanding

of the scope of Title IX was limited, and they reported performing reactive rather than proactive tasks. These circumstances may explain the small amount of time interviewees said they spent on Title IX and reflects another element of street-level bureaucrats' lives, resource inadequacy. Lipsky reported that street-level bureaucrats typically have job demands or case-loads that far exceed an individual's capacity (2010, p. 29). Public defenders, social workers, classroom teachers, and police officers are all examples he gives of other street-level bureaucrats who experience this extreme imbalance which reduces time for decision-making and developing expertise (2010, p. 30). One participant explained how the Title IX coordinator was one of his smaller roles in the district:

I'm the principal/superintendent of a K-8 single-school district. Therefore, being a very small district, we have 210 students. I get to do many things. Title IX coordinator is one of several hats; a very small hat. We don't have a lot of the things that fall under Title IX. We don't deal with them a lot. So it's one of my very small hats.

The coordinators we interviewed often had a very narrow understanding of "things that fall under Title IX" and did not see it as a general school climate issue, which may help explain why they described these duties as a small part of their jobs.

Along with the lack of attention coordinators gave to their Title IX responsibilities, participants were not, overall, able to identify how the Title IX coordinator was chosen within the district. One participant described how the position was passed around the district:

The actual position of the Title IX coordinator for the district has bounced around a bit. We shift duties here and there. It had been over in curriculum. We were without an assistant superintendent for curriculum for about nine months, and so the duty shifted over to me [in HR] for this year. It's likely that we'll probably shift it back over to curriculum in the future years, so I'm handling it now.

This indicates that no single individual is being given the opportunity to develop leadership and expertise around the role. Some experience it like a game of "hot potato" where the coordinator role lands in someone's job duties for various reasons that don't appear to be strategic or systematic. Related to the theme of job duties and responsibilities is the topic of training and education. A lack of defined expectations or dedicated time to the job role can lead to spending less time on proactive responsibilities such as providing training to faculty and staff, participating in Title IX professional associations, and attending workshops related to Title IX and civil rights topics.

### **Training, Education, and Evaluation**

A second theme that emerged was related to how Title IX coordinators were trained and provided ongoing development to learn about their responsibilities and how to handle Title IX issues effectively. Title IX coordinators in this study revealed that their districts rarely or never offered professional development or training related to Title IX. This is also consistent with the research on street-level bureaucrats. Lipsky found that street-level bureaucrats, "may also lack personal resources in conducting their work. They may be undertrained or inexperienced" (2010, p. 31). Our participants reported that they relied heavily on as-needed phone calls with district legal counsel and personal networks to generate solutions when dealing with issues or complaints. One participant explained, "If it was a question about a tricky case, I called my friend in my former district and ask her advice. If it's trickier than just advice, I'd call our district's lawyers." A second participant explained, "Our legal firm represents more than 50% of the school districts in the state

of California. We have an individual legal counsel that's assigned directly to me. I am on the phone with him, sometimes, daily."

None of the participants reported attending a specialized training. Based on the coordinators' responses, professional development was a low-priority or completely absent in their districts. One coordinator in California responded, "For this year I remember seeing something offered. But other than the sexual harassment training for managers, no; there hasn't been any other training that I've been aware of." Another participant indicated that she received "zero" instruction and support. When the participants did discuss specific professional training, it was almost always related to Title IX issues that came up in their district. The coordinators described the training they did receive in terms of reacting to a problem. Their education comes through both formal and informal means. While some referenced depending on their districts' legal counsels for guidance, others shared that their resources derived from simple internet searches.

I like to honestly Google. The grad school part of me just goes and Googles things and what comes up and obviously you check dates and things like that. But if it's something that I can find that is valuable say for [athletic] coaches and then those are things I print and I keep. And honestly a lot of the research is just finding what I can find.

Response times and costs may both decrease if Title IX Coordinators were sufficiently trained in their position by circumventing the need to rely substantially on formal legal counsel or potentially incorrect or incomprehensive internet searches. However, seeking supportive networks that are well-suited to provide training, such as the OCR, was, at times, seen as a potential threat by the participants. When one interviewer asked a Title IX Coordinator about their relationship with the OCR, the interviewee responded by stating, "No. What I've been told is we're better off to stay out of their way." Questioning policies and critically analyzing practices did not appear to be encouraged, according to the same participant: "Talking about, I think, in my position you have to be careful not to overthink. Don't apply too much thinking to it. Do what is in place to do. At least that's how I've handled it, especially given my ignorance."

None of the interviewees referenced professional development resources or indicated that they received Title IX education and support, even though information and education is available from the OCR and the Association for Title IX Administrators (ATIXA). Neither of these resources were mentioned by any of our participants. District administrators' jobs are inherently isolated, and the position of Title IX coordinator is no different. The advantages of an individualized professional development plan would not only help coordinators to keep up with the latest advances in this area, but would also promote collaboration with colleagues in the field.

Participants also reported not being formally evaluated on their performance as Title IX coordinators which is another factor that may impact why it is a lower-priority responsibility when resources are constrained. It has been demonstrated that organizational behavior shifts towards "compatibility with the ways the organization is being evaluated" (Lipsky, 2010, p. 51). For example, one participant explained,

I do get evaluated on my professional work as a superintendent. I would say this is not a formal part of the evaluation. It's not specifically identified in the job responsibilities as a part of, it's the governing board that oversees my work that evaluates me, and part of that evaluation does include job responsibilities, but they're pretty high level. I would say probably only if there were problems would it get to their attention. So far that's not been the case.

A second response provided by the superintendent who was interviewed with his Title IX coordinator offered a similar answer by stating, “I would be honest and say I don't know that we do have a specific feedback loop for Title IX other than she's really involved in the community and keeps her ear to the ground. But we don't have a section of our annual staff evaluation specifically devoted to Title IX or anything.” Lipsky points out that the evaluation of performance is critical yet complicated due to the role ambiguity and “too many variables to take into account to make evaluation realistic” (2010, p. 49). Therefore, if coordinators are not evaluated or provided feedback on their duties related to Title IX it makes sense that priorities related to gender equity and sex discrimination remain low and under-addressed in school districts.

### **Transgender Students**

A third theme that was central to shaping this study was to understand how school districts interpreted Title IX in terms of supporting transgender students. In the middle of our data collection, the OCR issued guidance on the role of Title IX for supporting transgender students in the form of a “Dear Colleague Letter” (DCL). This letter was distributed on May 13, 2016. However two years earlier, the state of California passed a new law, the School Success and Opportunity Act (AB1266) that specifically addressed the actions schools need to take to affirm and include transgender students (Ammiano, 2015). This law went into effect in 2015 and was part of the context that motivated this study. The California interviews were completed after the passage of AB1266 and prior to the issuance of the 2016 OCR guidance. The Colorado interviews were completed after the issuance of the May 2016 OCR guidance and prior to its being rescinded by the Trump administration in February 2017. Due to its novelty and uncertainty, it is not surprising that several coordinators (3 participants) did not mention the term “transgender” or stated that working with transgender students didn't fall under their responsibilities (two participants). For example, one participant in California explained, “It would come, maybe, initially through me, and then I would say, this one belongs to you, student services; because they understand all the laws related to students. I understand all the laws related to adults.” A second participant had a similar response: “No student issues come to this office. No one would call for that, so that's an interesting piece. Why am I the coordinator?” This begs the question of why Human Resources officers are sometimes tasked with Title IX implementation when they officially have no oversight over student relationships or experiences in the district.

One participant, who was the outlier in this study in that he was knowledgeable and had clear supports and processes in place to ensure effective implementation of Title IX, discussed supports for transgender students as follows:

I would say our most recent work around transgender, they have not tended to fall under Title IX...I mean, the point is, if there is a concern that needs to be resolved and we work to resolve it, whether it goes through Title IX or just through a form of grievance, we tend to approach it in much the same way.

It appeared that none of Title IX coordinators in the study saw supporting transgender students or responding to harassment or exclusion related to gender identity as falling under their responsibilities to prevent discrimination on the basis of sex in their districts.

When prompted specifically to speak about their work with transgender students, the participants' responses demonstrated a trend that showed that districts were more reactive in their protocols, “putting out fires” instead of being proactive to better serve all students. For example, one participant explained, “We haven't had anybody inquire about locker rooms at this point, just restroom facilities, but we recognize not only is it a legal compliance but it's just the right thing to do. *We'll kind of tackle that as it bubbles up.* It can be a challenge depending on the community”

(emphasis added). Another coordinator explained that they were thinking about these issues more with their staff because it had been part of public discourse and so they responded accordingly. They explained, “*Because it’s in the news*, so we’ve been getting information out, and I know they’ve been reading it. Had that not been in the news, and I was trying to send something out, I’m not so sure” (emphasis added). These kinds of responses place transgender students in the category of “emergencies” in Lipsky’s framework of street-level bureaucracies. By handling these students’ requests and needs in an ad hoc, reactive fashion, they allow districts to make them a higher priority and reallocate resources, including time, to this issue (2010, p. 138). However, these are only short-term responses that are limited in sustainability and don’t allow for a more prolonged and meaningful shift in practices that will be more affirming and supportive of transgender students’ needs for full participation in their school communities.

We also noted that the few actions mentioned by districts thinking about transgender students were directed toward bathroom/locker room accessibility as described by one participant: We actually had our middle school and our high school campus have a...I want to use the right phrase. I think it’s a gender neutral, what we talked about, restroom identified. At both locations we have students who are transgender and have reached out to administration to say, ‘How can you support me?’ So it’s happening at both campuses.

Transgender students need more than safe access to bathrooms and locker rooms and are often subjected to severe and pervasive harassment at school. It is our hope that this study may help districts act more proactively and sustainably to address issues of school climate and discrimination “on the basis of sex” in all aspects of their school communities.

### **Recommendations for Policy and Practice**

In order to address some of these challenges we have identified, we offer some recommendations for improved policy and practice. First, we address suggested policy changes including: (a) developing a funding mandate to train Title IX coordinators, (b) increasing the availability of resources for Title IX coordinators, and (c) developing networks to support the learning and practice of these unique administrative roles.

While increasing funding is not the universal remedy for all related educational conditions, we recognize that deliberate local, state, and federal fiscal allocations can further the professional development opportunities currently offered to Title IX coordinators around the country. A well-informed and knowledgeable Title IX coordinator would be better prepared to prevent disputes from arising in school districts. Therefore, allocating a portion of the financial resources to this effort should be in the stakeholders’ agenda during the budgetary planning season. It is important to remember, as stated in the Title IX guidance (Lhamon 2015), local educational agencies are mandated to adequately support their coordinators. For example, in California, the following language has been added to state law:

To the extent that one-time funding is made available in the Budget Act of 2016, the department shall apportion funds to a designated county office of education to be the fiduciary agent for an instructional video to train school administrators, designated Title IX coordinators, and other school personnel on comprehensive compliance with Title IX of the federal Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.). (SB-429, Title IX Instructional Video 53340)

This bill, passed in 2015, is a step forward in this area. It requires county offices of education to house at least one instructional video and monitor the number of times the video has been downloaded. The law also encourages county offices to include available resources for comprehensive Title IX compliance. The state of Colorado also has a 20-minute video available on its Title IX website for the Colorado Department of Education (Colorado Department of Education).

With regards to non-financial resources, school districts or regional support agencies (County Offices of Education, Boards of Cooperative Educational Services, etc.) may consider gathering pertinent Title IX materials, such as federal guidance documents, research-based articles, and collection of reporting forms and tracking systems. This may involve creating a Title IX professional development library with readily accessible items for coordinators and staff members.

Finally, guidance documents from the Office of Civil Rights also recommend that, “the recipient should ensure that all employees whose work relates to Title IX communicate with one another and that these employees have the support they need to ensure consistent practices and enforcement of the recipient’s policies and compliance with Title IX” (Lhamon, 2015, p. 7). Creating policy language to support the creation of regional study groups or professional learning communities specifically for Title IX coordinators would be another helpful step to address some of the challenges noted here.

The findings of this study also indicate that adjustments must be made in practice to better support Title IX coordinators and students to ensure full implementation of this law; mainly, in the following five areas: (a) coordinators’ contact information must be easy to find and readily available; (b) streamline and clarify coordinators’ job duties and priorities; (c) shift the focus from reactive compliance to proactive tasks, such as prevention and education efforts; (d) offer targeted and long-term Title IX professional development; and (e) provide reliable and supportive resources for transgender students. We also offer recommendations for specific action items that fall in three main categories directed toward the responsible parties for leading such shifts in procedures and practices: (f) The Office for Civil Rights and Department of Education, (g) K-12 School District Superintendents, and (h) Title IX Coordinators.

### **Contact Information**

Throughout the study, the researchers encountered challenges finding contact information for the Title IX coordinators at school districts. In many instances, school districts’ websites did not include the Title IX coordinators’ contact information. According to the DCL issued by the OCR in 2015 and the accompanying resource guide for Title IX coordinators, the Assistant Secretary for Civil Rights indicated that “the Title IX coordinator’s contact information must be widely distributed and should be easily found on the recipient’s website and in various publications” (Lhamon, 2015, p. 5). Unfortunately, we did not find this to be generally true. We recommend that school districts list “Title IX Coordinator” alongside other official job titles for the appointed personnel so that when a family or staff member does a search of the district website, that person’s information could be quickly and easily located. Additionally, this person’s name and contact information should be on all documentation and websites that address issues of harassment and discrimination at the school district.

### **Clarify Coordinators’ Job Duties and Priorities**

The interviews revealed that Title IX coordinators have a limited understanding of their role. Most participants had a very narrow interpretation of their duties as coordinator and found it mostly limited to responding to complaints or ensuring their athletics programs were in compliance. Human resources officers should review and revise the Title IX coordinator job descriptions

periodically to ensure compliance with the law. Furthermore, job descriptions must be designed in a way that would allow coordinators to complete all of the core responsibilities, give and receive training for themselves and staff and faculty, disseminate the policy, and attend to monitoring compliance and grievance procedures, just to name a few. As noted above, prevention and education efforts were never mentioned in relation to coordinators' Title IX duties.

Our findings revealed that Title IX coordinators did not receive a job description that delineates the duties and responsibilities unique to this position. Based on the Title IX coordinators' testimonies, it was evident that this particular job function did not take priority on their daily to-do list. Tasks pertinent to Title IX appeared to be reactive rather than proactive. Their managerial role in other areas was so extensive that Title IX duties took a relegated last place in the scope of their overall responsibilities.

### **Shift Focus from Compliance to Prevention**

One of the core responsibilities of Title IX coordinators consists of providing program development, including in-service training for faculty and staff to eliminate sex discrimination in the school district (Title IX, 1972). None of our participants described making efforts to use their role to educate district personnel or students about Title IX, district harassment and non-discrimination policies and procedures, or engaging in general school climate or other proactive efforts. Education and prevention should be seen as central and systematic parts of a Title IX coordinator's duties. Along with providing training for school personnel, coordinators can also ensure students in all grades are aware of school policies on bullying, harassment, and nondiscrimination. Coordinators can partner with counselors and other staff tasked with implementing Social Emotional Learning (SEL) curricula and other school climate efforts to ensure that gender bias and sex-based discrimination education efforts are taking place systematically throughout the district.

### **Professional Development**

When appointing a new Title IX coordinator, districts should ensure that person is aware of what it means to be a Title IX coordinator by providing the DCL (Lhamon, 2015) and other OCR guidance as a starting point. Additionally, annual professional development on topics related to Title IX duties for the person in this role should be funded and prioritized by the district.

### **Reliable Resources for Transgender Students**

This is an area of growing importance as transgender children and their families are becoming a more visible presence in public schools and are sharing their experiences in schools more widely. Title IX coordinators should play an important role in providing supports and resources for students and families. This is an area where they should plan on being informed and ready to support schools and districts as they get a growing number of requests to accommodate and support transgender students in their communities. In spite of the rescinded guidance, there are current resolution agreements that establish a precedent for protecting transgender individuals from exclusion and discrimination on the basis of Title IX (Staff 2013; U.S. Department of Education 2011).

### **Office for Civil Rights, Department of Education**

We recommend that the OCR take a more proactive role in ensuring that Title IX is widely supported and understood. First, the OCR should systematically and regularly audit randomly selected districts in all 50 states each year to verify the presence of a publicly named Title IX coordinator. Second, in addition to random audits, they should create a public, searchable database of Title IX coordinators. Regional offices of the OCR should develop and provide free, mandatory

webinars for newly appointed Title IX Coordinators. Finally, these offices could also coordinate regional networks or Professional Learning Communities for Title IX Coordinators in partnership with large districts or administrative units that serve regions of large rural areas (such as the Boards of Cooperative Educational Services [BOCES] in Colorado, or County Offices of Education in California).

### **School District Administrators**

School district superintendents should be responsible for ensuring the names and contact information for their Title IX coordinators are clearly listed and searchable on their websites and in all district communications regarding non-discrimination, harassment, and safety policies. Directors of Human Resources, along with Superintendents, should review and revise Title IX coordinators' job descriptions and ensure these responsibilities are clearly delineated whenever bundled alongside other job responsibilities. Superintendents also should prioritize time and resources to ensure that Title IX coordinators can design and lead prevention and education activities to address issues of sex-based discrimination in schools. Finally, Human Resources should ensure that a process for annual and reliable professional development and evaluation is in place for Title IX coordinators.

### **Title IX Coordinators**

For individuals who are appointed in this role we recommend they take initiative to pursue professional development opportunities through organizations that focus on Title IX and gender equity issues such as: Office for Civil Rights, Association of Title IX Administrators (ATIXA), and the Education Law Association. They should also find ways to work with district leadership to identify approaches to be proactive in educating district staff and students about harassment and gender equity issues, including regular reviews and updates of policies and practices. We also recommend that Title IX coordinators request support and clarification from immediate supervisors when there is no clear priority or time allocated for Title IX-related duties and responsibilities.

## **Conclusion**

It is clear that Title IX coordinators in K-12 districts in this study experience many of the features Lipsky identified as shared among street-level bureaucrats: (1) inadequate resources, (2) demand for services exceeds supply, (3) agency goals are ambiguous, vague, or conflicting, (4) performance is difficult to measure, and (5) clients are non-voluntary (2010, p. 28). These challenges cannot be overcome by individuals or by isolated organizations, even though some individuals may have developed some effective coping mechanisms and ways to balance the competing demands of their jobs. We need a combination of improved policies and practices to address the systemic lack of supports to reduce issues of gender bias and sex discrimination in schools.

Due to the lack of empirical research available about the Title IX in K-12 schools and what we know about street-level bureaucracies, it is not surprising that the coordinators in this study were not, overall, knowledgeable about the scope of the law and their responsibilities in the role. Because this responsibility was always attached to other high-demand responsibilities in the district, it seems inevitable that coordinators would place other responsibilities that have clearer outcomes and evaluation standards as higher priority. The OCR, while providing guidance through the Dear Colleague Letters issued under the Obama administration, is not currently taking an active role in ensuring that information is disseminated and implemented correctly. Additionally, because the OCR is primarily focused on investigating civil rights violations, districts may see the OCR as something to fear rather than as a resource, especially since Attorney General Sessions and Secretary DeVos have started rescinding many guidance documents issued by the prior administration. As

evidenced in the 2016 report, proactive Title IX education appears to be a low priority in many school districts. However, the consequences for neglecting Title IX compliance can be not only costly for the district, but dire for students who are experiencing discrimination.

The implications of these findings are significant for students, professionals, and the school district as a whole. We learned some troubling facts during the course of this study that indicate many school districts are exposing themselves to legal liability and the potential to lose federal funding, as well as falling far short of their legal and ethical responsibilities to provide students and staff an environment free from discrimination. We continue to fail our students when gender equity, full access, and safety remain low priorities in districts. It is our hope that this study and its recommendations will provide support and guidance for Title IX coordinators to keep improving our efforts to make every school a place where every student and family feels safe, affirmed, and welcomed.

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## Appendix A: Methods

### Recruitment

In Colorado, we tried conducting Google searches containing the name of the school districts and the words “Title IX coordinator” which led to documents on the district website called “Board Policies.” Title IX sex discrimination policies were outlined within these policies and a person called the “General Compliance Officer” was listed as the contact person for sex discrimination issues. Similar information was found under “Board Policies” on nearly every Colorado district website on our list. One district did not contain any information about the compliance officer and nobody from the district responded to emails or voicemails requesting the information. In the course of this investigation we learned that all Title IX coordinators are called General Compliance Officers in the districts we identified. Once we knew the correct title, we were then able to find the names of the General Compliance Officers on nearly all of the district websites to find their contact information. We recorded their names, email addresses and phone numbers listed on the district website on a spreadsheet. We sent a recruitment email to each of them separately in order to protect identities, and to address each compliance officer individually. We included a description of the project and a consent form detailing what their participation would mean as attachments to the email. In California, we also encountered difficulties finding Title IX coordinator information on the school district websites and Google searches, so we called the districts directly to obtain the necessary information. We received a range of responses, with some districts unaware of what Title IX was or who their Title IX coordinator was, and others providing the necessary information. In some instances, when office staff was contacted over the phone, they stated: “We don’t have those type of problems here,” “We don’t get Title IX funds,” “We don’t have a Title IX coordinator,” or “Let me find out who is our coordinator and get back to you.”

In Colorado, two districts responded to the initial recruitment email telling us that they were not the compliance officers for the district and providing the correct names. We sent the recruitment email to the correct people the same day we received the updated information. One compliance officer, a superintendent, agreed to participate in the study after the first recruitment email. There were no other responses. One week after sending the initial email, we called the remaining coordinators individually to invite them to participate. One more compliance officer, a human resources director, agreed to participate in the study. Three compliance officers declined via email. One officer agreed to participate on the phone, but failed to respond to any of the follow-up emails requesting to schedule an interview. Twenty-six officers failed to respond to any of the emails or phone calls.

For the California districts, we contacted 72 confirmed and potential Title IX coordinators, inviting them to participate in this study. Once we had identified a person to contact in each district, we sent an introductory email to coordinators explaining the purpose and design of the study, and inviting them to participate in an interview. Second and third emails were sent to follow up with coordinators who did not respond. All emails were addressed to each coordinator individually. Six coordinators agreed to participate, two of whom were joined by the superintendents for their interviews, making a total of eight participants, five coordinators declined to participate, and 61 coordinators did not respond to the invitation. Title IX coordinators from six different California school districts participated in the study.

## **Interview Protocol**

### Part I:

1. Can you tell me about your current job description and how you became Title IX coordinator?
  - a. What other functions do you perform besides Title IX related duties?
  - b. How much of your time is taken up with Title IX concerns?
  - c. On average how many Title IX complaints do you work on in an academic year?
2. Explain what protocols you use in your district regarding Title IX issues.
3. Can you elaborate on the culture of seeking advice/support on Title IX issues in your district?
4. Can you talk about the training and support you were offered as you entered into the position of Title IX coordinator?
  - a. In what ways do you stay updated on new cases, issues, protocols, etc? (ie - transgender student supports)
  - b. What is your relationship like with your local OCR representative/office?
5. Can you give an example of a typical successful resolution or outcome of a Title IX-related complaint in your district?

### Part II:

1. Can you talk about an “average” or common Title IX issue you deal with at your district?
  - a. What resources do you generally use when resolving a formal complaint?
  - b. Could you describe some typical interactions you might have with parents while working on Title IX issues? students? colleagues?
2. How do you and your district get feedback on Title IX related supports and reporting?
  - a. Do you get evaluated on your Title IX responsibilities? By whom? How often?
3. What are some of the challenges you’ve experienced in this position?
4. Can you talk about the effectiveness of the various stages of Title IX support and implementation in your district? This state? In general?

### Part III:

1. First, I’d like to give you the chance to bring up anything else related to your role as Title IX coordinator that I haven’t asked about you’d like to discuss?
2. Would you be willing to be contacted again for another interview in the future?
3. Would you be interested in getting a copy of our findings?

### Demographic Questionnaire

- 1) Current position title: \_\_\_\_\_
- 2) Years in this position: \_\_\_\_\_
- 3) School District: \_\_\_\_\_
- 4) Years at this district: \_\_\_\_\_
- 5a) Other schools/school districts you've worked in: \_\_\_\_\_
- 6) Total years working in K-12 schools: \_\_\_\_\_
- 7) Total years as an administrator: \_\_\_\_\_

- 8) Family Status:
- 1. Single
  - 2. In a relationship
  - 3. Common law partners
  - 4. Married
  - 5. Divorced
  - 6. Widowed

- 9) Highest Level of Education Completed:
- 1. Bachelor's completed
  - 2. Bachelor's + some graduate work
  - 3. Master's completed
  - 4. Master's + additional course work
  - 5. Doctorate
- Date completed: \_\_\_\_\_

*How do you identify?*

- 10) Gender identity: \_\_\_\_\_
- 11) Age: \_\_\_\_\_
- 12) Ethnic Background: \_\_\_\_\_
- 13) Religious affiliation: \_\_\_\_\_
- 14) Sexual Orientation: \_\_\_\_\_

## Code Book

- **Athletics:** Any mention of or reference to sports, athletics facilities, coaching, etc.
- **Challenges:** Any descriptions of difficulties or complexities or challenges in the job
- **Complaint:** Any description of experiences or lack thereof with a formal complaint
- **Compliance:** Emphasis on compliance and finances/facilities and avoiding liability; Any mention of the word “compliance”
- **Culture:** Any mention of the school district and/or local community; regional specific information about students, teachers, families, religion, school features, etc. such as: description of the school, school district, student action, family involvement.
- **Feedback & evaluation:** Description of any data collection or formal evaluation procedures that do or do not include/address Title IX
- **Interview as intervention:** Interviewer provided helpful information to participants, participant noted learning something useful during the interview
- **Outside resources:** Any mention of OCR interactions/relationships or getting information and supports from outside agencies
- **JDD (Job Description & Duties):** Description of job title and responsibilities attached
- **Personal perspective:** Mentioning of one’s own identity and experience as shaping how they perceive Title IX issues
- **Proactive:** Any mention of efforts to educate, inform, support, “get ahead” of issues
- **Resolution:** Any description of resolution processes for any level of concern or complaint
- **Systems/processes:** Any description of training, PD, reporting and compliance procedures (or lack thereof)
- **Training & education:** Description of supports provided, or how they learned about Title IX responsibilities
- **Transgender:** Any discussion of transgender students or gender-neutral facilities

## **About the Authors**

### **Elizabeth J. Meyer**

University of Colorado Boulder

[Elizabeth.j.meyer@colorado.edu](mailto:Elizabeth.j.meyer@colorado.edu)

<http://orcid.org/0000-0002-1974-1576>

Elizabeth Meyer is the Associate Dean of Students at the University of Colorado Boulder and Associate Professor in the Educational Foundations, Policy, and Practice program in the School of Education.

### **Andrea Somoza-Norton**

California Polytechnic State University

[asomozan@calpoly.edu](mailto:asomozan@calpoly.edu)

Dr. Norton is an Assistant Professor and Coordinator of the Educational Leadership and Administration program in the School of Education at California Polytechnic State University.

### **Natalie Lovgren**

Ms. Lovgren is a graduate of the Masters in Educational Leadership and Administration program in the School of Education at California Polytechnic State University.

### **Andrea Rubin**

Ms. Rubin is a graduate of the Masters in Educational Leadership and Administration program in the School of Education at California Polytechnic State University.

### **Mary Quantz**

University of Colorado Boulder

Ms. Quantz is a Ph.D. candidate in the Educational Foundations, Policy, and Practice program in the School of Education at the University of Colorado Boulder.

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