



Title IX Federal 2024 Amendments — Training for All School Employees

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Overview

Title IX is a Federal Civil Rights law that protects against sex-based discrimination in educational programs and activities.

Title IX states that, "[n]o 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."

In May of 2024, the U.S. Department of Education (DOE) updated Title IX. The new guidelines are effective on August 1, 2024.



Objectives

All school employees must receive Title IX training upon hire and annually thereafter. Additional training may be required for employees with a specialized role or duty under Title IX and whenever an employee assumes new Title IX duties.

The purpose of this course is to:

- Explain what sex discrimination is and how to recognize it, including:
 - Sex-based harassment.
 - Discrimination based on sex stereotypes, sex characteristics, gender identity, sexual orientation, pregnancy and related conditions.
- Describe the different roles employees play in a school's response to sex discrimination.
- Explain the actions employees must take as according to their Title IX role.

The chapters of this course are:

1. Sex Discrimination
2. Employee Roles
3. Employee Actions



PLEASE NOTE: Throughout this course, text from Title IX has been paraphrased and/or shortened for conciseness and readability. [Here](#) is a link to Title IX in its entirety.

1

Chapter

Sex Discrimination

Topics in this chapter include:

- Important terms
- Sex discrimination
- Quid pro quo harassment
- Specific offenses
- Hostile environment
- Unwelcome conduct
- Subjectively and objectively offensive
- Severe or pervasive
- Denied access
- Recognizing a hostile environment
- Age
- Location
- Online activity
- Sex discrimination and gender identity
- Dress codes
- Conflicts with state laws

Important Terms

Title IX prohibits all forms of sex discrimination in a *recipient's* education program or activity. **Recipients** include state education agencies, elementary and secondary school systems and vocational schools. In this course, the term *schools* is used for readability purposes.

Schools must appoint a "lead" **Title IX Coordinator** who has the ultimate authority to oversee a school's compliance with Title IX. Schools can have more than one Title IX Coordinator designee to assist with Title IX procedures. For example, a large district could have a lead Title IX Coordinator at the district level who appoints Title IX Coordinator designees to coordinate Title IX efforts at the building levels. A Title IX Coordinator can also appoint designees to oversee different aspects of a school's Title IX obligations, such as those related to pregnant and parenting students or coordinating informal resolution procedures.



Important Terms, continued



The main parties involved in Title IX proceedings are *complainants* and *respondents*:

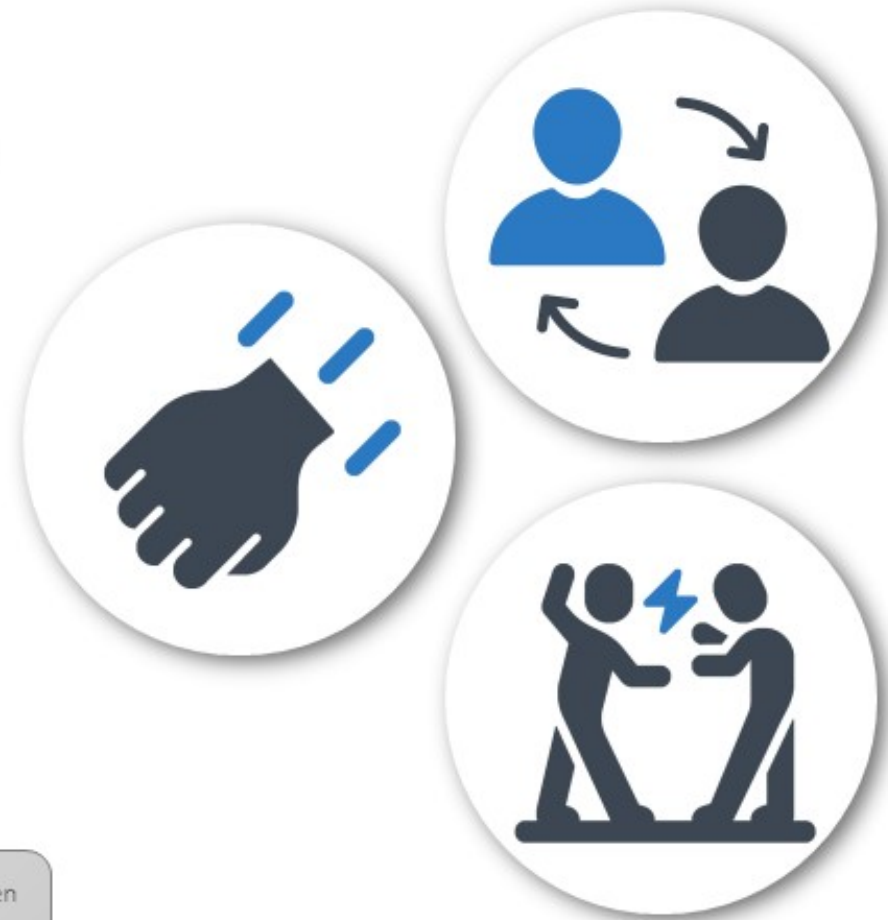
- A **complainant** is a student, employee or person who is alleged to have been subjected to sex discrimination while participating or attempting to participate in the school's education program or activity. Examples of complainants other than students and employees are prospective students, a visiting student-athlete, a volunteer or a guest speaker.
- A **respondent** is an individual reported to be the alleged perpetrator of conduct that could constitute sex discrimination.

Sex Discrimination

Sex discrimination refers to any discrimination based on sex, including:

- Sex-based harassment.
- Discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation or gender identity.

There are three categories of sex-based harassment: quid pro quo harassment, specific offenses and hostile environment harassment.



Allegations of sex discrimination that are not sex-based harassment often implicate a school's policies or practices.

Quid Pro Quo Harassment

The first category, **Quid pro quo harassment**, includes situations where someone in authority conditions the provision of an aid, benefit or service on another person's participation in *unwelcome sexual conduct*. For example, a teacher can promise a student a good grade or an administrator may promise an employee a job benefit.

- A person with authority over a student could include a teacher, faculty member, coach, volunteer or person contracted by the school.
- The proposed 'bargain' can be obvious or implied.
- The threat does not have to be carried out to qualify as quid pro quo harassment.
- The term **unwelcome** is subjective. Someone who does not reject sexual conduct does not necessarily welcome it.



In addition to violating Title IX, acts of sexual harassment committed by adults against students may violate criminal law.

Specific Offenses

The second category is **specific offenses**. A single incident of sexual assault, stalking, dating violence or domestic violence is an act of sex-based harassment.

Sexual assault is a forcible or nonforcible sex offense. Whether an act is considered sexual assault often hinges on consent. Consent is generally defined as the voluntary agreement to engage in sexual activity.

Dating violence is perpetrated by someone who has been in a social relationship of a romantic or intimate nature with their victim.

Domestic violence is a crime committed by the victim's current or former spouse or intimate partner, the victim's current or former cohabitant, someone who shares a child with the victim or anyone (youth or adult victim) who is protected from such acts.

Stalking is a course of conduct (meaning, it happens more than once) directed at a specific person that would cause a reasonable person:

- To fear for their safety or the safety of others, or
- Experience substantial emotional distress.



Stalking can occur in person or using technology.

Hostile Environment

The third category, **hostile environment harassment**, is *unwelcome sex-based conduct* that is *subjectively and objectively offensive* and is *so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the school's education program or activity*.



The specific factors that establish a hostile environment are explained on the following slides.

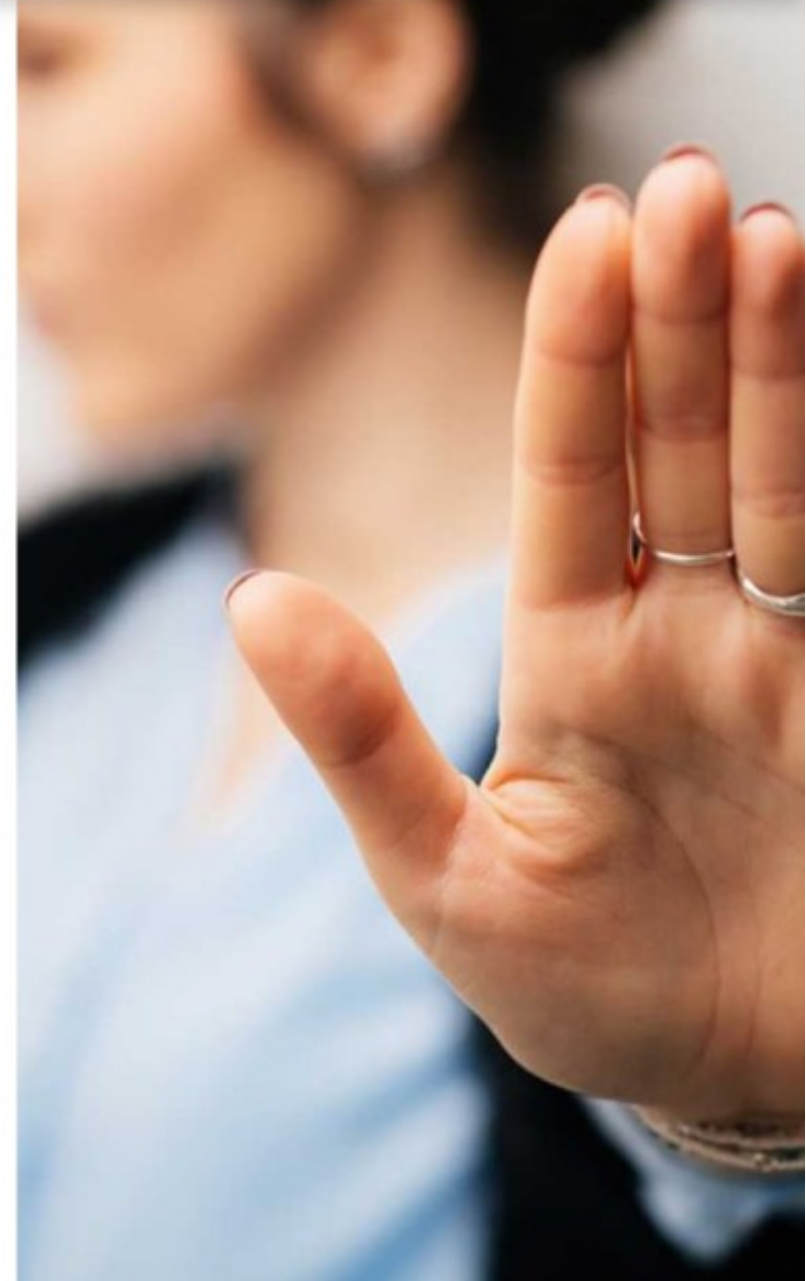
Unwelcome Conduct

Conduct is **unwelcome** if a person did not request or invite it and regarded the conduct as undesirable or offensive.

Accepting or submitting to the conduct or failing to complain, resist or object to it does not mean the conduct was welcome. For example, a student may not object to unwelcome, sex-based comments from their peers out of concern that their objections could cause further harassment.

Participating in conduct on one occasion does not mean the same conduct cannot be unwelcome at a later time.

Specific issues related to welcomeness arise if the person who engages in harassment is in a position of authority. For example, students are expected to follow the instructions of an adult who is in charge. If a school employee inappropriately touches a student (for example, gives a back rub, massages their shoulders or rubs their thigh) the student may feel pressured to accept the attention. This does not mean the conduct was welcome.



Subjectively and Objectively Offensive



Sex-based: Conduct that falls within the definition of *sex-based harassment* must be **based on sex** — though it does not have to be sexual in nature.

Unwelcome sex-based conduct must be evaluated *objectively* and *subjectively*.

The **objective standard** considers the perspective of a reasonable person in the complainant's position. Common sense, while considering the context in which conduct occurs, helps to identify what a *reasonable person* would find offensive.

A **subjective standard** is also used to determine whether conduct is unwelcome. Even if a reasonable person views the conduct as offensive, there is likely no violation if the victim does not subjectively (meaning, personally) perceive the environment or behavior(s) to be offensive. For example, if a student actively participates in sexual banter and discussions with no indication that they object, that conduct would generally not be considered unwelcome to that student.

Severe or Pervasive

To be sex-based harassment, conduct must be *severe* or *pervasive* to the extent that it limits or denies a person's ability to participate in or benefit from the school's education program or activity. The more severe or pervasive conduct is, the more likely it is to create a hostile environment.

Click each button to proceed.

Severe

Pervasive

Severe or Pervasive

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Click each button to proceed.

Severe

A single serious incident — even if not pervasive — can be so **severe** that it limits or denies participation in an activity. Simple teasing, offhand comments and minor, isolated incidents generally do not meet the definition of hostile environment sex-based harassment.

Though an offensive, crude, insulting or demeaning comment may not qualify as severe, it doesn't have to be ignored. Behaviors that violate the student code of conduct can be handled outside of Title IX procedures.

Severe or Pervasive

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[Click each button to proceed.](#)

Pervasive

Harassment is **pervasive** if it is widespread, openly practiced or well-known to students and staff.

A series of harassing incidents can create a hostile environment even if each incident by itself would not. For example, a student's peers repeatedly belittling a student as "girly" over a period of weeks to the extent that it interferes with his ability to concentrate in class and complete assigned work would likely qualify as pervasive sex-based conduct.

Individuals may experience a hostile environment even if they are not the target of the harassment. For example, if a group of students or a teacher regularly directs sex-based comments toward a student, they may create a hostile environment for others in the classroom, along with the targeted student.

Denied Access

Sex-based conduct meets the severe or pervasive standard of sex-based harassment if it *limits or denies a person's ability to participate in or benefit from the school's education program or activity.*

While there must be some impact on a student's access to a program or activity, no specific criteria are specified, nor is any specific type of reaction to the harassment required.



Recognizing a Hostile Environment

Different people will respond to a **hostile environment** in different ways. In some cases, a student's grades may suffer, or they may withdraw from school because of the harassing behavior. Some students may be able to maintain their grades, but struggle to do so. For example, a student may remain in class while enduring a teacher's repeated unwelcome comments about the student's gender identity, but they may be anxious throughout the day and have difficulty concentrating in class. Similarly, a student may be able to remain on a sports team, despite performing less successfully or with greater effort than previously due to humiliation and anger caused by repeated, unwelcome sexual advances from their team members.



[Click here for more examples.](#)

Recognizing a Hostile Environment

Here are some additional examples to illustrate the point:

- A one-off comment by a student to her friend that her outfit is "butch," or she is dressed "like a boy" is not likely to create a hostile environment, but if multiple peers repeatedly make similar statements, or if the same statement is repeated over multiple days, a hostile environment may exist.
- A single request for a date or a gift of flowers from one student to another, even if unwelcome, generally would not create a hostile environment. However, repeated unwelcome requests for dates could create a hostile environment.
- Disagreeing with a statement of one's point of view on an issue of debate is not conduct that creates a hostile environment.
- Whether misgendering constitutes sex-based harassment is fact-specific. A stray remark, such as a misuse of language, would not create a hostile environment.



Age

As younger students develop social skills and learn to interact with others, they are likely to act in ways that are unacceptable to adults. Similarly, as older students engage in the robust exchange of ideas, opinions and beliefs, they are likely to test boundaries and fail to consider how they are perceived by others. These types of behaviors do not automatically qualify as actionable under Title IX.



Location

Where conduct takes place and whether the school has control over the perpetrator are relevant factors for recognizing sex-based harassment. Sexual harassment includes:

- Situations and actions that are subject to a school's disciplinary authority, such as on a school bus, during field trips, at a class or training program sponsored by the school at another location or in athletic programs.
- Conduct occurring outside of a school program or activity that creates a hostile environment at school.

For example, a student is sexually assaulted by a fellow student while participating in a travel soccer program not sponsored by the school. While at school, the student who perpetrated the sexual assault and his friends intimidate and mock the student, creating a hostile environment.

Another consideration is conduct that originates outside of the United States. If a student were assaulted by a peer in a study abroad program, a hostile environment could exist when the students return to school.



Online Activity

Schools must address all forms of sex discrimination, including:

- Conduct that occurs in online classes; or
- Conduct perpetrated using school-sponsored electronic devices including computer and Internet networks and digital platforms.

Acts of online sex-based harassment include, but are not limited to:

- Derogatory name-calling.
- Sending sex-based pictures or illustrations.
- The nonconsensual distribution of intimate images (including real images and images that have been altered or generated by artificial intelligence).
- Cyberstalking.



Sex Discrimination and Gender Identity

Title IX bars all discrimination on the basis of sex, including discrimination based on gender identity. Treating a student worse because their sex assigned at birth differs from their gender identity is sex discrimination. Schools generally must treat transgender individuals consistent with their gender identity. Students experience sex-based harm when they are barred from accessing facilities or activities consistent with their gender identity.

- Transgender students are allowed to use the bathroom or locker room that matches their gender identity.
- For students who do not want to use shared facilities, schools may offer access to gender neutral or single-occupancy facilities.
- **This does not apply to athletics.**



Title IX does not require a person to provide documentation (such as an amended birth certificate or evidence of medical treatment) of their gender identity.

Dress Codes

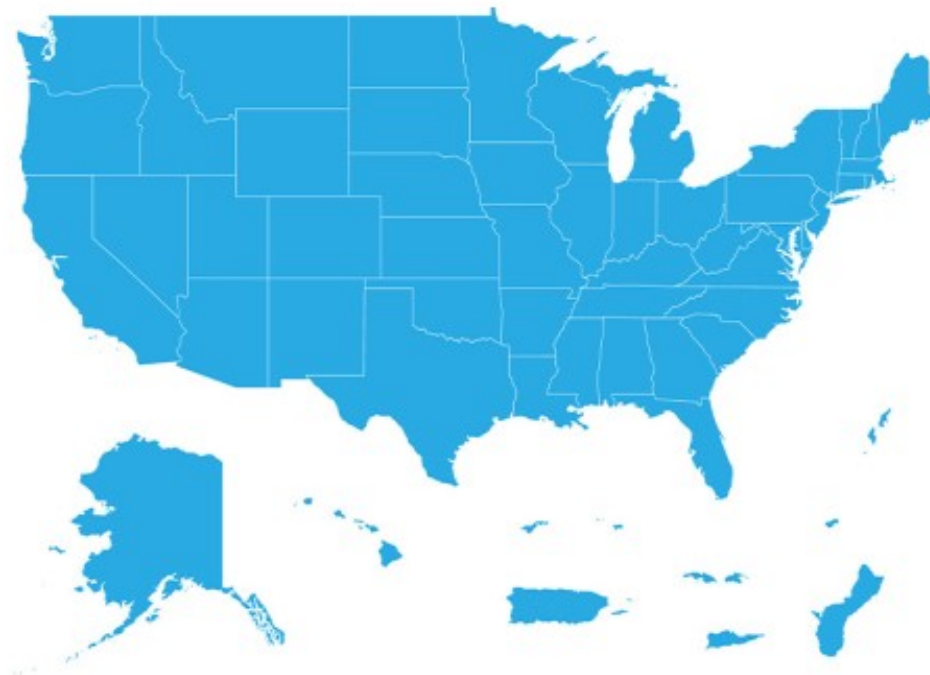
The assumption that persons must act and dress in a particular way based on their biological sex can be a form of discrimination. Sex-specific dress and grooming codes that impose different restrictions on how males and females dress or their appearance might violate Title IX. For example, a female transgender student should be permitted to follow the female dress code and not limited to dressing in accordance with the male dress code. Or a male cisgendered student should not be prohibited from wearing nail polish simply because they are male.

Some sex-based distinctions may be appropriate for protective gear or uniforms for athletics or physical education classes.



Conflicts with State Laws

State laws are preempted by Federal statutes and regulations when it is impossible to comply with both. When Title IX protections for sexual orientation and gender identity conflict with state law, a school is obligated to comply with Title IX.



Knowledge Check

Select the correct answer and click the Submit button to see feedback. **NOTE: Knowledge Checks do not count toward your final test score.**

What is the main role of a Title IX Coordinator?

- A. Training staff on sexual harassment.
- B. Talking with parents about sexual harassment incidents.
- C. Overseeing a school's compliance with Title IX.
- D. Observing in classrooms.

The correct answer is "C. Overseeing a school's compliance with Title IX."

Submit

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2 Chapter

Employee Roles

Topics in this chapter include:

- Prompt and Equitable Response
- Non-confidential employees — notification requirements
- Confidential employees — required response
- Employee-employee notification

Prompt and Equitable Response

A school is required to provide a **prompt and equitable response** to sex discrimination it has *knowledge of*.

All employees must take action when they have information — and therefore knowledge — of conduct that may constitute sex discrimination. Such conduct cannot be ignored.

Employees do not have to determine whether the conduct they witness or learn of meets every aspect of sex discrimination. Meaning, educators must draw on their training and exercise professional judgment to assess whether conduct may constitute sex discrimination.



Non-Confidential Employees — Notification Requirements

A **non-confidential school employee** must notify a Title IX Coordinator when they have information about conduct that may constitute sex discrimination.



Confidential Employees — Required Response

Not all students who are affected by sex discrimination will want to initiate grievance procedures. They may be seeking guidance and support. A student who wants confidential support has the option to consult a *confidential employee*.

A **confidential employee** is an employee designated by a school as not required to notify a Title IX Coordinator when a student informs them of conduct that may constitute sex discrimination.

[Click each image to proceed.](#)



Confidential Employees — Required Response

Schools have the option whether to provide confidential employees — it is not a requirement. Employees designated as confidential employees will vary. A confidential employee could be a guidance counselor, administrator or other school employee.

If provided, schools must provide notice to all students of how to contact their confidential employees.



Confidential Employees — Required Response

When a student informs a confidential employee of conduct that may constitute sex discrimination, the confidential employee must inform the student of the following:

- The employee's confidential status and the circumstances for which the employee will not notify the Title IX Coordinator. A confidential employee can also explain the purpose for which their status is not confidential, such as under mandatory child abuse reporting laws.
- How to contact the Title IX Coordinator and make a complaint of sex discrimination.
- The Title IX Coordinator may be able to offer and coordinate supportive measures, initiate an informal resolution process or initiate an investigation under the grievance procedures.

Confidential employees do not maintain their confidential status while engaging in other professional duties, such as teaching or coaching. This means that outside of their confidential status, they must notify a Title IX Coordinator of conduct that may constitute sex discrimination, the same as a non-confidential employee.



Employee-Employee Notification

An employee's decision whether to notify the Title IX Coordinator if they were personally subjected to sex discrimination is left up to that employee. However, if one employee informs another employee that they are experiencing sex discrimination, then the employee who receives this information must notify a Title IX Coordinator of that situation.



Knowledge Check

Select the correct answer and click the Submit button to see feedback. **NOTE: Knowledge Checks do not count toward your final test score.**

Employees should wait to take action until they determine whether the conduct they learn of meets every aspect of sex discrimination.

- True
- False

The correct answer is "False."



TAKE
ACTION

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3 Chapter

Employee Actions

Topics in this chapter include:

- Response
- Sex discrimination: parenting and pregnancy
- Pregnancy or related conditions
- Notification
- Related conditions and Section 504
- Reasonable modifications for students
- Menstruation
- Retaliation
- Speech
- Privacy
- FERPA
- Legal rights
- Resources

Response



A school that has knowledge of conduct that may constitute sex discrimination must provide a prompt, effective and equitable response to ensure sex discrimination does not continue or recur.

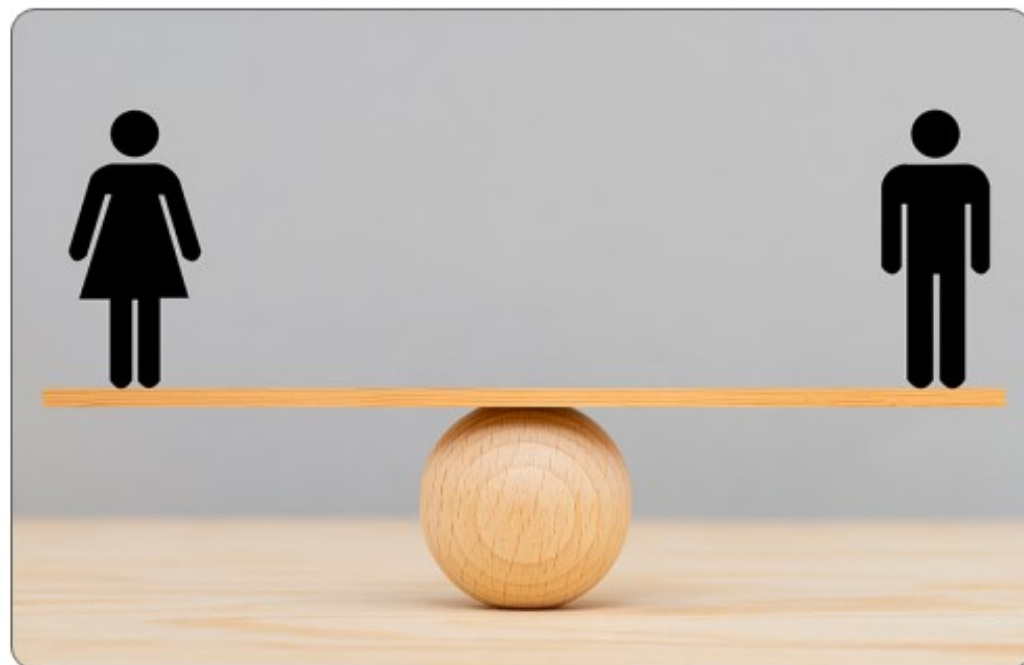
Upon being notified of conduct that may constitute sex discrimination, there are certain actions a Title IX Coordinator must take, including offering and coordinating supportive measures, offering participation in an informal resolution process (as appropriate) or resolving a complaint through the Title IX resolution process.

A **complaint** is an oral or written request for a school to initiate its grievance procedures to investigate and determine whether sex discrimination occurred.

The **resolution process** sets baseline requirements to resolve allegations of sex discrimination.

Sex Discrimination: Parenting and Pregnancy

Discrimination can result from the stereotypical treatment of males and females based on the traditional parenting roles of mothers and fathers. School policies, practices and procedures related to a student's parental, family or marital status cannot treat persons differently on the basis of sex.



Pregnancy or Related Conditions

Title IX prohibits discrimination based on a current, potential or past pregnancy and related conditions. This includes medical conditions related to pregnancy, childbirth, termination of pregnancy (such as a miscarriage or abortion) and the recovery from each.

Schools have an obligation to provide reasonable modifications to policies, practices or procedures for students who are pregnant or experiencing pregnancy-related conditions. Reasonable modifications are based on the student's individualized needs as identified through consultation with the student.



Notification

When a student, or a person with a legal right to act on behalf of the student, informs a school employee of the student's pregnancy or related condition, the employee who receives that information must share two pieces of information:

1. The Title IX Coordinator's contact information; and
2. The Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the school's education program or activity.

Providing information on how to notify the Title IX Coordinator will differ depending on a student's age and maturity level. Employees are allowed to offer to accompany a student to speak with the Title IX Coordinator or contact them on the student's behalf, if requested by the student.

There is no obligation for a student or a person who has a legal right to act on behalf of the student to inform the school or the Title IX Coordinator of a student's pregnancy. They may choose not to.

To clarify:

- An employee is not required to notify a Title IX Coordinator of a student's pregnancy or related condition.
- The employee's only responsibility is to provide the student with the required information regarding the Title IX Coordinator.
- Employees are not required to ask a student if they are pregnant based on physical indicators of pregnancy.
- Employees are still obligated to report conduct that may constitute sex discrimination based on pregnancy, such as if a student is prohibited from trying out for the school play because they are pregnant.



Notification, continued

An employee has notice of pregnancy or a related condition when a student or a person who has a legal right to act on behalf of the student confirms the student pregnancy or related condition. If a student tells a teacher, "I am pregnant and will be late to class on Wednesday due to a doctor's appointment," the student has informed the teacher of the pregnancy, and the teacher must provide the student with the required information.

An employee is not required to act when the employee only *suspects* that a student is pregnant based on physical indicators or when they learn of a student pregnancy from anyone other than the student or their legal representative. Meaning, if the teacher merely overhears a student telling another student of their pregnancy, no response is required.

Notification is not needed if the employee reasonably believes that the Title IX Coordinator has been notified. There is no requirement that an employee ask a student whether the Title IX Coordinator has been notified. Meaning, if a student says, "I'm pregnant and working with the Title IX Coordinator to make sure I have a larger desk," the employee has no obligation to inform the Title IX Coordinator.



Notice of pregnancy can be made verbally or in writing.

Related Conditions and Section 504



Under Section 504, schools have a duty to identify any student who needs or is believed to need special education or related services because of a disability. Certain pregnancy-related conditions could trigger a school's obligation to evaluate the student for a suspected physical disability (pregnancy itself is not a disability). For example, if a student emails her teacher that she is home on bed rest due to pregnancy-related high blood pressure, this may be sufficient to initiate such a duty.

Reasonable Modifications for Students

Reasonable modifications for students because of pregnancy or related conditions. A Title IX Coordinator can delegate specific duties to one or more designees to coordinate modifications for pregnancy or related conditions. The Title IX Coordinator can choose the staff they think are most appropriate to carry out these duties, but the Title IX Coordinator retains ultimate responsibility.

Click each icon to proceed.



A school's obligations to students continues through all stages of pregnancy, including recovery and related medical conditions.

Reasonable Modifications for Students

Lactation Space

Schools must provide students with lactation space to express breast milk or breastfeed. This space cannot be a bathroom; it must be clean, shielded from view and free from intrusion from others. Schools are allowed to provide lactation space for shared use by employees and students.



A school's obligations to students continues through all stages of pregnancy, including recovery and related medical conditions.

Reasonable Modifications for Students

Termination of Pregnancy

Schools may not punish or retaliate against a student or employee for seeking or obtaining an abortion. For example, a school may not exclude a student from participating in student counsel or restrict a privilege because they had an abortion.

Inquiries into the circumstances of an abortion may constitute discrimination if they are based on sex stereotypes or handled differently than how the school treats other medical conditions.



A school's obligations to students continues through all stages of pregnancy, including recovery and related medical conditions.

Menstruation

Discrimination based on menstruation or related conditions is prohibited. When menstruation or related conditions become a barrier to participation in a school's education program or activity, schools have an obligation to address such barriers, prevent their recurrence and remedy their effects. These barriers could include, but are not limited to:

- Menstruation-related harassment by students or employees.
- Unreasonable limits on students' or employees' bathroom access to address menstrual needs.
- Conduct by a school employee that publicly exposes that a student is menstruating (e.g., requiring a student to remove a garment around their waist that exposes indicators of menstruation).
- Prohibiting a student from changing clothes at school to address a menstruation-related issue.



Retaliation

Schools must prohibit all forms of retaliation against a student or employee for the purpose of interfering with a person's rights under Title IX or if they, in any way, participated in Title IX grievance procedures or refused to participate. This includes peer retaliation.

Acts of retaliation include (but are not limited to):

- Making adverse assessments for hiring and promotional decisions.
- Lowering a student's grades.
- Making threats or disclosing confidential information on social media.
- Acts of intimidation, threats or coercion.
- Imposing disciplinary procedures.

Instances of retaliation should be handled similar to other instances of sex-based harassment, which includes reporting possible retaliatory conduct to a Title IX Coordinator.



Speech

Title IX does not infringe upon the First Amendment rights of students or employees, nor does it regulate the content of speech. A school's Title IX enforcement should not interfere with free speech or academic freedom.



Title IX does not prohibit any view on sexual orientation, gender identity or any other topic.

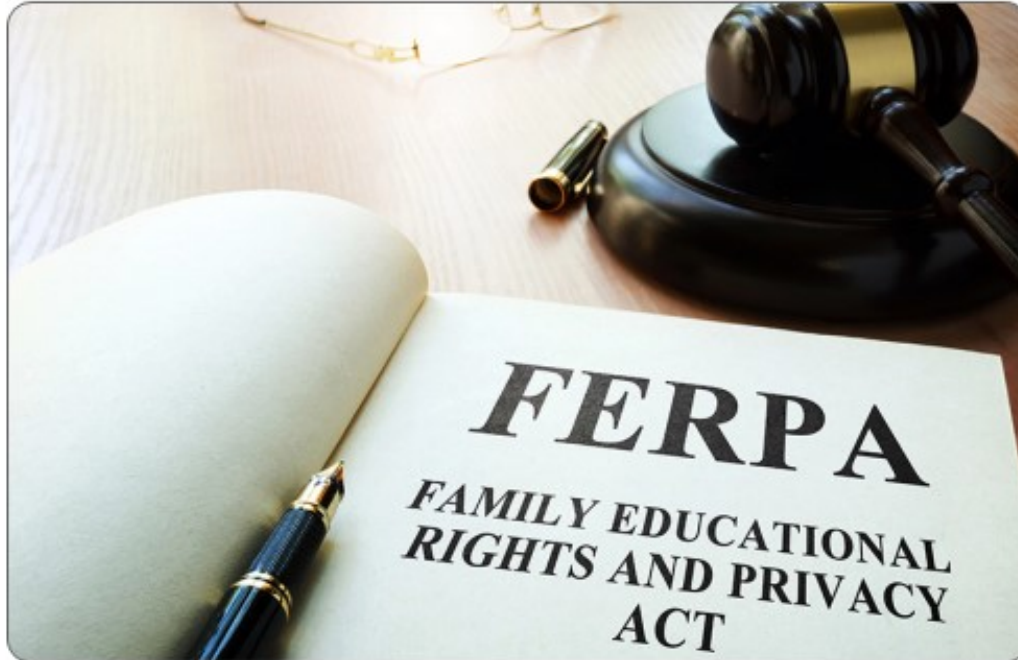
Privacy

Title IX proceedings will include sensitive information about students. Students and their parents or guardians can reasonably expect that their private information will not be disclosed to anyone other than those with a legitimate need and legal right to know.

The unauthorized disclosure of personal and private information can lead to sex-based harm, including harassment, retaliation and other forms of discrimination. For example, the inappropriate and unauthorized disclosure of a student's sexual orientation or gender identity to other students or employees could result in sex-based harassment.



FERPA



The Family Educational Rights and Privacy Act (FERPA) protects the privacy of students' education records and the personally identifiable information they contain. As consistent with FERPA, disclosure is permitted when the school has obtained prior written consent for the disclosure. When there is a direct conflict between the requirements of FERPA and Title IX, the requirements of Title IX override any conflicting FERPA provisions.

Legal Rights

Nothing in Title IX interferes with any legal right of a parent, guardian or other authorized legal representative to act on behalf of a minor child. Nor does Title IX prevent a school from disclosing information about a minor child to a parent/person who has the legal right to receive disclosures on behalf of their child.

Some students feel unsafe at home or could have fears about their safety if disclosures about their gender or sexual orientation are made to their parent or guardian. Concerns about abuse or threats to a student's safety should be addressed in a manner consistent with state and local laws, which may provide some protection in such circumstances.



Mandatory reporters do not meet their mandatory-reporting obligations through their compliance with Title IX procedures.

Knowledge Check

Select the correct answer and click the Submit button to see feedback. **NOTE: Knowledge Checks do not count toward your final test score.**

Which of the following are acts of retaliation?

- A. Lowering a student's grades.
- B. Making threats.
- C. Acts of intimidation.
- D. Imposing disciplinary procedures.
- E. All of the above.

The correct answer is "E. All of the above."

Submit

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Resources

The following documents were used in the development of this course and can be consulted for further information:

- [Fact Sheet: U.S. Department of Education's 2024 Title IX Final Rule Overview](#)
- [Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance \(Unofficial Version\)](#)
- [Resource for Drafting Nondiscrimination Policies, Notices of Nondiscrimination, and Grievance Procedures Under 2024 Amendments to the U.S. Department of Education's Title IX Regulations](#)
- [Brief Overview of Key Provisions of the Department of Education's 2024 Title IX Final Rule](#)



U.S. Department of Education

End of Section

You have completed this section of the course.

You must complete all sections and take the test to receive credit for this course.

Click on the next section in the left-hand navigation bar. If you've completed all sections, please click "Take Test."

