SUPREME COURT OF THE UNITED STATES

No. 96–1866

ALIDA STAR GEBSER AND ALIDA JEAN MCCULLOUGH, PETITIONERS *v.* LAGO VISTA INDEPENDENT SCHOOL DISTRICT

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

[June 22, 1998]

JUSTICE O'CONNOR delivered the opinion of the Court.

The question in this case is when a school district may be held liable in damages in an implied right of action under Title IX of the Education Amendments of 1972, 86 Stat. 373, as amended, 20 U. S. C. §1681 *et seq.* (Title IX), for the sexual harassment of a student by one of the district's teachers. We conclude that damages may not be recovered in those circumstances unless an official of the school district who at a minimum has authority to institute corrective measures on the district's behalf has actual notice of, and is deliberately indifferent to, the teacher's misconduct.

I

In the spring of 1991, when petitioner Alida Star Gebser was an eighth-grade student at a middle school in respondent Lago Vista Independent School District (Lago Vista), she joined a high school book discussion group led by Frank Waldrop, a teacher at Lago Vista's high school. Lago Vista received federal funds at all pertinent times.

During the book discussion sessions, Waldrop often made sexually suggestive comments to the students. Gebser entered high school in the fall and was assigned to classes taught by Waldrop in both semesters. Waldrop continued to make inappropriate remarks to the students, and he began to direct more of his suggestive comments toward Gebser, including during the substantial amount of time that the two were alone in his classroom. He initiated sexual contact with Gebser in the spring, when, while visiting her home ostensibly to give her a book, he kissed and fondled her. The two had sexual intercourse on a number of occasions during the remainder of the school year. Their relationship continued through the summer and into the following school year, and they often had intercourse during class time, although never on school property.

Gebser did not report the relationship to school officials, testifying that while she realized Waldrop's conduct was improper, she was uncertain how to react and she wanted to continue having him as a teacher. In October 1992, the parents of two other students complained to the high school principal about Waldrop's comments in class. The principal arranged a meeting, at which, according to the principal, Waldrop indicated that he did not believe he had made offensive remarks but apologized to the parents and said it would not happen again. The principal also advised Waldrop to be careful about his classroom comments and told the school guidance counselor about the meeting, but he did not report the parents' complaint to Lago Vista's superintendent, who was the district's Title IX coordinator. A couple of months later, in January 1993, a police officer discovered Waldrop and Gebser engaging in sexual intercourse and arrested Waldrop. Lago Vista terminated his employment, and subsequently, the Texas Education Agency revoked his teaching license. During this time, the district had not promulgated or distributed

an official grievance procedure for lodging sexual harassment complaints; nor had it issued a formal anti-harassment policy.

Gebser and her mother filed suit against Lago Vista and Waldrop in state court in November 1993, raising claims against the school district under Title IX, Rev. Stat. §1979, 42 U. S. C. §1983, and state negligence law, and claims against Waldrop primarily under state law. They sought compensatory and punitive damages from both defendants. After the case was removed, the United States District Court for the Western District of Texas granted summary judgment in favor of Lago Vista on all claims, and remanded the allegations against Waldrop to state court. In rejecting the Title IX claim against the school district, the court reasoned that the statute "was enacted to counter *policies* of discrimination . . . in federally funded education programs," and that "[o]nly if school administrators have some type of notice of the gender discrimination and fail to respond in good faith can the discrimination be interpreted as a *policy* of the school district." App. to Pet. for Cert. 6a–7a. Here, the court determined, the parents' complaint to the principal concerning Waldrop's comments in class was the only one Lago Vista had received about Waldrop, and that evidence was inadequate to raise a genuine issue on whether the school district had actual or constructive notice that Waldrop was involved in a sexual relationship with a student.

Petitioners appealed only on the Title IX claim. The Court of Appeals for the Fifth Circuit affirmed, *Doe* v. *Lago Vista Independent School Dist.*, 106 F. 3d 1223 (1997), relying in large part on two of its recent decisions, *Rosa H.* v. *San Elizario Independent School Dist.*, 106 F. 3d 648 (CA5 1997), and *Canutillo Independent School Dist.* v. *Leija*, 101 F. 3d 393 (CA5 1996), cert. denied, 520 U. S. ___ (1997). The court first declined to impose strict liability on school districts for a teacher's sexual harass-

ment of a student, reiterating its conclusion in *Leija* that strict liability is inconsistent with "the Title IX contract." 106 F. 3d, at 1225 (internal quotation marks omitted). The court then determined that Lago Vista could not be liable on the basis of constructive notice, finding that there was insufficient evidence to suggest that a school official should have known about Waldrop's relationship with Gebser. *Ibid.* Finally, the court refused to invoke the common law principle that holds an employer vicariously liable when an employee is "aided in accomplishing [a] tort by the existence of the agency relation," Restatement (Second) of Agency §219(2)(d) (1957) (hereinafter Restatement), explaining that application of that principle would result in school district liability in essentially every case of teacher-student harassment. 106 F. 3d, at 1225–1226.

The court concluded its analysis by reaffirming its holding in *Rosa H.* that, "school districts are not liable in tort for teacher-student sexual harassment under Title IX unless an employee who has been invested by the school board with supervisory power over the offending employee actually knew of the abuse, had the power to end the abuse, and failed to do so," 106 F. 3d, at 1226, and ruling that petitioners could not satisfy that standard. The Fifth Circuit's analysis represents one of the varying approaches adopted by the Courts of Appeals in assessing a school district's liability under Title IX for a teacher's sexual harassment of a student. See *Smith* v. *Metropolitan School Dist. Perry Twp.*, 128 F. 3d 1014 (CA7 1997); *Kracunas* v. *Iona College*, 119 F. 3d 80 (CA2 1997); *Doe* v. *Claiborne County*, 103 F. 3d 495, 513–515 (CA6 1996); *Kinman* v. *Omaha Public School Dist.*, 94 F. 3d 463, 469 (CA8 1996). We granted certiorari to address the issue, 522 U. S. ___ (1997), and we now affirm.

II

Title IX provides in pertinent part that, "[n]o person . . .

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." 20 U. S. C. §1681(a). The express statutory means of enforcement is administrative: The statute directs federal agencies who distribute education funding to establish requirements to effectuate the nondiscrimination mandate, and permits the agencies to enforce those requirements through "any . . . means authorized by law," including ultimately the termination of federal funding. §1682. The Court held in *Cannon* v. *University of Chicago*, 441 U. S. 677 (1979), that Title IX is also enforceable through an implied private right of action, a conclusion we do not revisit here. We subsequently established in *Franklin* v. *Gwinnett County Public Schools*, 503 U. S. 60 (1992), that monetary damages are available in the implied private action.

In *Franklin*, a high school student alleged that a teacher had sexually abused her on repeated occasions and that teachers and school administrators knew about the harassment but took no action, even to the point of dissuading her from initiating charges. See *id.*, at 63–64. The lower courts dismissed Franklin's complaint against the school district on the ground that the implied right of action under Title IX, as a categorical matter, does not encompass recovery in damages. We reversed the lower courts' blanket rule, concluding that Title IX supports a private action for damages, at least "in a case such as this, in which intentional discrimination is alleged." See *id.*, at 74–75. *Franklin* thereby establishes that a school district can be held liable in damages in cases involving a teacher's sexual harassment of a student; the decision, however, does not purport to define the contours of that liability.

We face that issue squarely in this case. Petitioners, joined by the United States as *amicus curiae*, would invoke standards used by the Courts of Appeals in Title VII

cases involving a supervisor's sexual harassment of an employee in the workplace. In support of that approach, they point to a passage in *Franklin* in which we stated: "Unquestionably, Title IX placed on the Gwinnett County Public Schools the duty not to discriminate on the basis of sex, and 'when a supervisor sexually harasses a subordinate because of the subordinate's sex, that supervisor "discriminate[s]" on the basis of sex.' *Meritor Sav. Bank, FSB* v. *Vinson*, 477 U. S. 57, 64 (1986). We believe the same rule should apply when a teacher sexually harasses and abuses a student." *Franklin*, *supra*, at 75. *Meritor Savings Bank, FSB* v. *Vinson*, 477 U. S. 57 (1986), directs courts to look to common-law agency principles when assessing an employer's liability under Title VII for sexual harassment of an employee by a supervisor. See *id.*, at 72. Petitioners and the United States submit that, in light of *Franklin*'s comparison of teacher-student harassment with supervisor-employee harassment, agency principles should likewise apply in Title IX actions.

Specifically, they advance two possible standards under which Lago Vista would be liable for Waldrop's conduct. First, relying on a 1997 "Policy Guidance" issued by the Department of Education, they would hold a school district liable in damages under Title IX where a teacher is "'aided in carrying out the sexual harassment of students by his or her position of authority with the institution,'" irrespective of whether school district officials had any knowledge of the harassment and irrespective of their response upon becoming aware. Brief for Petitioners 36 (quoting Dept. of Education, Office of Civil Rights, Sexual Harassment Policy Guidance, 62 Fed. Reg. 12034, 12039 (1997) (1997 Policy Guidance)); Brief for United States as *Amicus Curiae* 14. That rule is an expression of *respondeat superior* liability, *i.e.*, vicarious or imputed liability, see Restatement §219(2)(d), under which recovery in damages against a school district would generally follow whenever a teacher's

authority over a student facilitates the harassment. Second, petitioners and the United States submit that a school district should at a minimum be liable for damages based on a theory of constructive notice, *i.e.*, where the district knew or "should have known" about harassment but failed to uncover and eliminate it. Brief for Petitioners 28; Brief for United States as *Amicus Curiae* 15–16; see Restatement §219(2)(b). Both standards would allow a damages recovery in a broader range of situations than the rule adopted by the Court of Appeals, which hinges on actual knowledge by a school official with authority to end the harassment.

Whether educational institutions can be said to violate Title IX based solely on principles of *respondeat superior* or constructive notice was not resolved by *Franklin*'s citation of *Meritor*. That reference to *Meritor* was made with regard to the general proposition that sexual harassment can constitute discrimination on the basis of sex under Title IX, see *Oncale* v. *Sundowner Offshore Services, Inc.*, 523 U. S. ___ (1998) (slip op., at 5–6), an issue not in dispute here. In fact, the school district's liability in *Franklin* did not necessarily turn on principles of imputed liability or constructive notice, as there was evidence that school officials knew about the harassment but took no action to stop it. See 503 U. S., at 63–64. Moreover, *Meritor*'s rationale for concluding that agency principles guide the liability inquiry under Title VII rests on an aspect of that statute not found in Title IX: Title VII, in which the prohibition against employment discrimination runs against "an employer," 42 U. S. C. §2000e-2(a), explicitly defines "employer" to include "any agent," §2000e(b). See *Meritor*, *supra*, at 72. Title IX contains no comparable reference to an educational institution's "agents," and so does not expressly call for application of agency principles.

In this case, moreover, petitioners seek not just to establish a Title IX violation but to recover *damages* based

on theories of *respondeat superior* and constructive notice. It is that aspect of their action, in our view, which is most critical to resolving the case. Unlike Title IX, Title VII contains an express cause of action, §2000e-5(f), and specifically provides for relief in the form of monetary damages, §1981a. Congress therefore has directly addressed the subject of damages relief under Title VII and has set out the particular situations in which damages are available as well as the maximum amounts recoverable. §1981a(b). With respect to Title IX, however, the private right of action is judicially implied, see *Cannon*, 441 U. S., at 717, and there is thus no legislative expression of the scope of available remedies, including when it is appropriate to award monetary damages. In addition, although the general presumption that courts can award any appropriate relief in an established cause of action, *e.g.*, *Bell* v. *Hood*, 327 U. S. 678, 684 (1946), coupled with Congress' abrogation of the States' Eleventh Amendment immunity under Title IX, see 42 U. S. C. §2000d-7, led us to conclude in *Franklin* that Title IX recognizes a damages remedy, 503 U. S., at 68–73; see *id.*, at 78 (SCALIA, J., concurring in judgment), we did so in response to lower court decisions holding that Title IX does not support damages relief at all. We made no effort in *Franklin* to delimit the circumstances in which a damages remedy should lie.

III

Because the private right of action under Title IX is judicially implied, we have a measure of latitude to shape a sensible remedial scheme that best comports with the statute. See, *e.g.*, *Musick, Peeler & Garrett* v. *Employers Ins. of Wausau*, 508 U. S. 286, 292–293 (1993); *Virginia Bankshares, Inc.* v. *Sandberg*, 501 U. S. 1083, 1104 (1991). That endeavor inherently entails a degree of speculation, since it addresses an issue on which Congress has not specifically spoken. See, *e.g.*, *Lampf, Pleva, Lipkind, Pru-*

pis & Petigrow v. *Gilbertson*, 501 U. S. 350, 359 (1991). To guide the analysis, we generally examine the relevant statute to ensure that we do not fashion the parameters of an implied right in a manner at odds with the statutory structure and purpose. See *Musick, Peeler*, 508 U. S., at 294–297; *id.*, at 300 (THOMAS, J., dissenting); *Virginia Bankshares, supra*, at 1102.

Those considerations, we think, are pertinent not only to the scope of the implied right, but also to the scope of the available remedies. See *Transamerica Mortgage Advisors, Inc.* v. *Lewis*, 444 U. S. 11 (1979); see also *Franklin, supra*, at 77–78 (SCALIA, J., concurring in judgment). We suggested as much in *Franklin*, where we recognized "the general rule that all appropriate relief is available in an action brought to vindicate a federal right," but indicated that the rule must be reconciled with congressional purpose. 503 U. S., at 68. The "general rule," that is, "yields where necessary to carry out the intent of Congress or to avoid frustrating the purposes of the statute involved." *Guardians Assn.* v. *Civil Serv. Comm'n of New York City*, 463 U. S. 582, 595 (1983) (opinion of White, J.); cf., *Cannon*, 441 U. S, at 703 ("[A] private remedy should not be implied if it would frustrate the underlying purpose of the legislative scheme").

Applying those principles here, we conclude that it would "frustrate the purposes" of Title IX to permit a damages recovery against a school district for a teacher's sexual harassment of a student based on principles of *respondeat superior* or constructive notice, *i.e.*, without actual notice to a school district official. Because Congress did not expressly create a private right of action under Title IX, the statutory text does not shed light on Congress' intent with respect to the scope of available remedies. *Franklin*, 503 U. S., at 71; *id.*, at 76 (SCALIA, J., concurring in judgment). Instead, "we attempt to infer how the [1972] Congress would have addressed the issue had

the . . . action been included as an express provision in the" statute. *Central Bank of Denver, N. A.* v. *First Interstate Bank of Denver, N. A.*, 511 U. S. 164, 178 (1994); see *Musick, Peeler, supra*, at 294–295; *North Haven Bd. of Ed.* v. *Bell*, 456 U. S. 512, 529 (1982).

As a general matter, it does not appear that Congress contemplated unlimited recovery in damages against a funding recipient where the recipient is unaware of discrimination in its programs. When Title IX was enacted in 1972, the principal civil rights statutes containing an express right of action did not provide for recovery of monetary damages at all, instead allowing only injunctive and equitable relief. See 42 U. S. C. §2000a-3(a) (1970 ed.); §2000e-5(e), (g) (1970 ed., Supp. II). It was not until 1991 that Congress made damages available under Title VII, and even then, Congress carefully limited the amount recoverable in any individual case, calibrating the maximum recovery to the size of the employer. See 42 U. S. C. §1981a(b)(3). Adopting petitioners' position would amount, then, to allowing unlimited recovery of damages under Title IX where Congress has not spoken on the subject of either the right or the remedy, and in the face of evidence that when Congress expressly considered both in Title VII it restricted the amount of damages available.

Congress enacted Title IX in 1972 with two principal objectives in mind: "to avoid the use of federal resources to support discriminatory practices" and "to provide individual citizens effective protection against those practices." *Cannon*, *supra*, at 704. The statute was modeled after Title VI of the Civil Rights Act of 1964, see 441 U. S., at 694–696; *Grove City College* v. *Bell*, 465 U. S. 555, 566 (1984), which is parallel to Title IX except that it prohibits race discrimination, not sex discrimination, and applies in all programs receiving federal funds, not only in education programs. See 42 U. S. C. §2000d *et seq.* The two statutes operate in the same manner, conditioning an offer of fed-

eral funding on a promise by the recipient not to discriminate, in what amounts essentially to a contract between the Government and the recipient of funds. See *Guardians*, 463 U. S., at 599 (opinion of White, J.); *id.*, at 609 (Powell, J., concurring in judgment); cf., *Pennhurst State School and Hospital* v. *Halderman*, 451 U. S. 1, 17 (1981).

That contractual framework distinguishes Title IX from Title VII, which is framed in terms not of a condition but of an outright prohibition. Title VII applies to all employers without regard to federal funding and aims broadly to "eradicat[e] discrimination throughout the economy." *Landgraf* v. *USI Film Products*, 511 U. S. 244, 254 (1994) (internal quotation marks omitted). Title VII, moreover, seeks to "make persons whole for injuries suffered through past discrimination." *Ibid.* (internal quotation marks omitted). Thus, whereas Title VII aims centrally to compensate victims of discrimination, Title IX focuses more on "protecting" individuals from discriminatory practices carried out by recipients of federal funds. *Cannon*, *supra*, at 704. That might explain why, when the Court first recognized the implied right under Title IX in *Cannon*, the opinion referred to injunctive or equitable relief in a private action, see 441 U. S., at 705, and n. 38, 710, n. 44, 711, but not to a damages remedy.

Title IX's contractual nature has implications for our construction of the scope of available remedies. When Congress attaches conditions to the award of federal funds under its spending power, U. S. Const., Art. I, §8, cl. 1, as it has in Title IX and Title VI, we examine closely the propriety of private actions holding the recipient liable in monetary damages for noncompliance with the condition. See *Franklin*, 463 U. S., at 74–75; *Guardians*, *supra*, at 596–603 (White, J.); see generally *Pennhurst*, *supra*, at 28–29. Our central concern in that regard is with ensuring "that the receiving entity of federal funds [has] notice that it will be liable for a monetary award." *Franklin*,

supra, at 74. Justice White's opinion announcing the Court's judgment in *Guardians Assn.* v. *Civil Serv. Comm'n of New York City*, for instance, concluded that the relief in an action under Title VI alleging unintentional discrimination should be prospective only, because where discrimination is unintentional, "it is surely not obvious that the grantee was aware that it was administering the program in violation of the [condition]." 463 U. S., at 598. We confront similar concerns here. If a school district's liability for a teacher's sexual harassment rests on principles of constructive notice or *respondeat superior*, it will likewise be the case that the recipient of funds was unaware of the discrimination. It is sensible to assume that Congress did not envision a recipient's liability in damages in that situation. See *Rosa H.*, 106 F.3d, at 654 ("When the school board accepted federal funds, it agreed not to discriminate on the basis of sex. We think it unlikely that it further agreed to suffer liability whenever its employees discriminate on the basis of sex").

Most significantly, Title IX contains important clues that Congress did not intend to allow recovery in damages where liability rests solely on principles of vicarious liability or constructive notice. Title IX's express means of enforcement– by administrative agencies– operates on an assumption of actual notice to officials of the funding recipient. The statute entitles agencies who disburse education funding to enforce their rules implementing the nondiscrimination mandate through proceedings to suspend or terminate funding or through "other means authorized by law." 20 U. S. C. §1682. Significantly, however, an agency may not initiate enforcement proceedings until it "has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means." *Ibid.* The administrative regulations implement that obligation, requiring resolution of compliance issues "by in-

formal means whenever possible," 34 CFR §100.7(d) (1997), and prohibiting commencement of enforcement proceedings until the agency has determined that voluntary compliance is unobtainable and "the recipient . . . has been notified of its failure to comply and of the action to be taken to effect compliance," §100.8(d); see §100.8(c).

In the event of a violation, a funding recipient may be required to take "such remedial action as [is] deem[ed] necessary to overcome the effects of [the] discrimination." §106.3. While agencies have conditioned continued funding on providing equitable relief to the victim, see, *e.g.*, *North Haven*, 456 U. S., at 518 (reinstatement of employee), the regulations do not appear to contemplate a condition ordering payment of monetary damages, and there is no indication that payment of damages has been demanded as a condition of finding a recipient to be in compliance with the statute. See Brief for United States as *Amicus Curiae* in *Franklin* v. *Gwinnett County School District*, O. T. 1991, No. 918, p. 24. In *Franklin*, for instance, the Department of Education found a violation of Title IX but determined that the school district came into compliance by virtue of the offending teacher's resignation and the district's institution of a grievance procedure for sexual harassment complaints. 503 U. S., at 64, n. 3.

Presumably, a central purpose of requiring notice of the violation "to the appropriate person" and an opportunity for voluntary compliance before administrative enforcement proceedings can commence is to avoid diverting education funding from beneficial uses where a recipient was unaware of discrimination in its programs and is willing to institute prompt corrective measures. The scope of private damages relief proposed by petitioners is at odds with that basic objective. When a teacher's sexual harassment is imputed to a school district or when a school district is deemed to have "constructively" known of the teacher's harassment, by assumption the district had no actual

knowledge of the teacher's conduct. Nor, of course, did the district have an opportunity to take action to end the harassment or to limit further harassment.

It would be unsound, we think, for a statute's *express* system of enforcement to require notice to the recipient and an opportunity to come into voluntary compliance while a judicially *implied* system of enforcement permits substantial liability without regard to the recipient's knowledge or its corrective actions upon receiving notice. Cf., *Central Bank of Denver, N. A.* v. *First Interstate Bank of Denver, N. A.*, 511 U. S., at 180 ("[I]t would be 'anomalous to impute to Congress an intention to expand the plaintiff class for a judicially implied cause of action beyond the bounds it delineated for comparable express causes of action'"), quoting *Blue Chip Stamps* v. *Manor Drug Stores*, 421 U. S. 723, 736 (1975). Moreover, an award of damages in a particular case might well exceed a recipient's level of federal funding. See Tr. of Oral Arg. 35 (Lago Vista's federal funding for 1992–1993 was roughly $120,000). Where a statute's express enforcement scheme hinges its most severe sanction on notice and unsuccessful efforts to obtain compliance, we cannot attribute to Congress the intention to have implied an enforcement scheme that allows imposition of greater liability without comparable conditions.

IV

Because the express remedial scheme under Title IX is predicated upon notice to an "appropriate person" and an opportunity to rectify any violation, 20 U. S. C. §1682, we conclude, in the absence of further direction from Congress, that the implied damages remedy should be fashioned along the same lines. An "appropriate person" under §1682 is, at a minimum, an official of the recipient entity with authority to take corrective action to end the discrimination. Consequently, in cases like this one that do not involve official policy of the recipient entity, we hold

that a damages remedy will not lie under Title IX unless an official who at a minimum has authority to address the alleged discrimination and to institute corrective measures on the recipient's behalf has actual knowledge of discrimination in the recipient's programs and fails adequately to respond.

We think, moreover, that the response must amount to deliberate indifference to discrimination. The administrative enforcement scheme presupposes that an official who is advised of a Title IX violation refuses to take action to bring the recipient into compliance. The premise, in other words, is an official decision by the recipient not to remedy the violation. That framework finds a rough parallel in the standard of deliberate indifference. Under a lower standard, there would be a risk that the recipient would be liable in damages not for its own official decision but instead for its employees' independent actions. Comparable considerations led to our adoption of a deliberate indifference standard for claims under §1983 alleging that a municipality's actions in failing to prevent a deprivation of federal rights was the cause of the violation. See *Board of Comm'rs of Bryan Cty.* v. *Brown*, 520 U. S. 397 (1997); *Canton* v. *Harris*, 489 U. S. 378, 388–392 (1989); see also *Collins* v. *Harker Heights*, 503 U. S. 115, 123–124 (1992).

Applying the framework to this case is fairly straightforward, as petitioners do not contend they can prevail under an actual notice standard. The only official alleged to have had information about Waldrop's misconduct is the high school principal. That information, however, consisted of a complaint from parents of other students charging only that Waldrop had made inappropriate comments during class, which was plainly insufficient to alert the principal to the possibility that Waldrop was involved in a sexual relationship with a student. Lago Vista, moreover, terminated Waldrop's employment upon learning of his relationship with Gebser. JUSTICE STEVENS

points out in his dissenting opinion that Waldrop of course had knowledge of his own actions. See *post*, at 7, n. 8. Where a school district's liability rests on actual notice principles, however, the knowledge of the wrongdoer himself is not pertinent to the analysis. See Restatement §280.

Petitioners focus primarily on Lago Vista's asserted failure to promulgate and publicize an effective policy and grievance procedure for sexual harassment claims. They point to Department of Education regulations requiring each funding recipient to "adopt and publish grievance procedures providing for prompt and equitable resolution" of discrimination complaints, 34 CFR §106.8(b) (1997), and to notify students and others "that it does not discriminate on the basis of sex in the educational programs or activities which it operates," §106.9(a). Lago Vista's alleged failure to comply with the regulations, however, does not establish the requisite actual notice and deliberate indifference. And in any event, the failure to promulgate a grievance procedure does not itself constitute "discrimination" under Title IX. Of course, the Department of Education could enforce the requirement administratively: Agencies generally have authority to promulgate and enforce requirements that effectuate the statute's nondiscrimination mandate, 20 U. S. C. §1682, even if those requirements do not purport to represent a definition of discrimination under the statute. *E.g.*, *Grove City*, 465 U. S., at 574–575 (permitting administrative enforcement of regulation requiring college to execute an "Assurance of Compliance" with Title IX). We have never held, however, that the implied private right of action under Title IX allows recovery in damages for violation of those sorts of administrative requirements.

V

The number of reported cases involving sexual harass-

ment of students in schools confirms that harassment unfortunately is an all too common aspect of the educational experience. No one questions that a student suffers extraordinary harm when subjected to sexual harassment and abuse by a teacher, and that the teacher's conduct is reprehensible and undermines the basic purposes of the educational system. The issue in this case, however, is whether the independent misconduct of a teacher is attributable to the school district that employs him under a specific federal statute designed primarily to prevent recipients of federal financial assistance from using the funds in a discriminatory manner. Our decision does not affect any right of recovery that an individual may have against a school district as a matter of state law or against the teacher in his individual capacity under state law or under 42 U. S. C. §1983. Until Congress speaks directly on the subject, however, we will not hold a school district liable in damages under Title IX for a teacher's sexual harassment of a student absent actual notice and deliberate indifference. We therefore affirm the judgment of the Court of Appeals.

It is so ordered.