CASB Conversations: Title IX Overview
INTRODUCTIONS

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TITLE IX - AGENDA

➢ Essential Background Information: What is Title IX?
➢ New Regulations: What is happening now?
➢ The Board’s Role: Why is it important for local boards to understand Title IX and the changes?
➢ Action Steps: What do local boards need to do?
➢ Resources
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Resources
TITLE IX - STATUTE

- Federal civil rights law
- Prohibits discrimination on the basis of sex in education programs and activities
- All elementary and secondary schools, school districts, colleges, and universities, often times referred to as “recipients,” receiving any Federal funds must comply with Title IX
- The Office for Civil Rights enforces Title IX
“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving Federal financial assistance.”

20 U.S. Code § 1681.
TITLE IX - SEX-BASED DISCRIMINATION

- Sexual harassment
- Sexual assault
- Domestic violence
- Dating violence
- Stalking
- Gender-based bullying and harassment
- Single-sex only classes
TITLE IX - IMPLEMENTATION

❖ The statute
❖ Implementing regulations
❖ United States Supreme Court cases
  ➢ *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999)
❖ OCR guidance documents
  ➢ Dear Colleague Letters
  ➢ Resource Guides
United States Supreme Court Cases
  ➢ Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)
OCR Guidance Documents

- Dear Colleague Letters
- Resource Guides
Questions
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NEW 2020 REGULATIONS

❖ On May 6, 2020, the United States Department of Education issued new final rule
  ➢ 2,033 pages including 100,000 comments
  ➢ New language went into effect on August 14, 2020
❖ Rescinded a number of previous “guidance documents”
New definition of sexual harassment. Three types:

➢ Any instance of quid pro quo harassment by a school's employee;
➢ Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access;
➢ Any instance of sexual assault (dating violence, domestic violence, or stalking)
NEW 2020 REGULATIONS

- Board policy
- Grievance procedures (NEW CASB Sample AC-R-2)
  - Written notice
  - Investigative report
  - Timelines
NEW 2020 REGULATIONS

- Specify types of roles and training needed
  - Must identify the Title IX Coordinator
  - Consider who will serve as investigator(s)
  - Identify who will be the decision maker
  - Other roles:
    - Advisor
    - Informal Resolution Facilitator
- Detail record retention requirements
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THE BOARD’S ROLE - Governance Role

● It is essential for the board to think through the principles by which it wants the school district to be governed and to record these principles in the form of comprehensive written policies.

● Policy is the voice of the board. It speaks even when the board is not convened and anchors the school district by providing consistency and stability.

● School board policies have the force of law in the school district.
The purpose of Title IX is to protect individuals from discrimination based on sex in educational programs and activities. School board members play an important role in supporting this purpose and leading districts in realizing the goal of Title IX. This begins with policy.

- A school board may serve as the district’s decision maker in Title IX investigations.
- A school board can be liable for money damages under Title IX for student to student harassment, if certain conditions are met.
Questions
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- **Action Steps:** What do local boards need to do?
- **Resources**
WHAT DO BOARDS NEED TO DO?

- Appoint a Title IX Coordinator
- Review and update policies
- Discuss training
WHAT DO BOARDS NEED TO DO?

- Provide Notice on your website
- Protect against retaliation
- Maintain records for 7 years
WHAT DO BOARDS NEED TO DO?

Plan for review, feedback, and updates
AC, Nondiscrimination/Equal Opportunity

AC-R-1 (Option 1), Nondiscrimination/Equal Opportunity (Complaint and Compliance Process)

AC-R-1 (Option 2), Nondiscrimination/Equal Opportunity (Complaint and Compliance Process)

**NEW!** AC-R-2, Sexual Harassment Investigation Procedures (Title IX)

AC-E-1, Nondiscrimination/Equal Opportunity (Sample Notice)

AC-E-2, Nondiscrimination/Equal Opportunity (Complaint Form)
Includes an updated equity statement that addresses the Title IX issues and issues pertaining to state legislative updates.

Addition of a new regulation that is specific to Title IX sexual harassment.

Specifies the new roles outlined in the rules:
- Title IX Coordinator
- Investigator(s)
- Decision Maker

Updates the definition of “sexual harassment” to align with both Title IX and state law.
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ADDITIONAL RESOURCES

CASB RESOURCES

Visit the CASB website:
- Additional information and resources [www.casb.org](http://www.casb.org)
- [SPU Webinar Recording: July 27, 2020](http://www.casb.org)

Can’t find what you need? Contact CASB at [info@casb.org](mailto:info@casb.org) with your questions.