



## De Kok Named Executive Director of North Dakota School Boards Association

The NDSBA Board of Directors is pleased to announce current NDSBA General Counsel Amy De Kok has been selected as the association’s next executive director. De Kok will officially begin the role July 1, following the departure of NDSBA current Executive Director Alexis Baxley, whose resignation is effective June 30.

“Amy has been serving North Dakota school boards for many years, both in private practice and for the past seven years at the association. She is well-known amongst our membership, state-wide policymakers, and association partners as one of North Dakota’s leading experts in education law and policy,” said NDSBA and West Fargo School Board President Patti Stedman. “Her long-standing commitment to our association’s mission and our members will ensure a smooth transition for the association, and we couldn’t be more excited for the future under her leadership.”

De Kok will maintain her role as the association’s general counsel for the immediate future and continue to provide limited direct legal representation to school districts via NDSBA Legal Direct. However, the association’s long-term



*Amy De Kok*

plans include growing its legal services programs through the addition of another attorney, and it is committed to finding the best fit for its membership’s needs and the NDSBA team. Current staff will also continue to be available to assist with member needs and questions.

“I am thrilled and deeply honored to take on the role of executive director, and I am committed to building upon the association’s strong foundation and driving our mission forward to best serve our valued members,” says De Kok.

De Kok has been with NDSBA since 2017. She has nearly 20 years of experience practicing law in North Dakota and Minnesota. De Kok graduated from William Mitchell College of Law in St. Paul, Minn., in 2005, and North Dakota State University in 2001. Please join us in congratulating Amy. You can continue to reach her at the office at 701-255-4127, 1-800-932-8791, by email at amy.dekok@ndsba.org, or congratulate her in person at one of NDSBA’s upcoming events or webinars. See the back page of the Bulletin for details.

## Elections Tips: Resources for Election Officials

The North Dakota Office of the Secretary of State has information and resources available at [vote.nd.gov](http://vote.nd.gov) that may be helpful to administrators when conducting school board elections.

If your school board hosts its election in conjunction with the county on Primary Election Day, you’ll find more information on the laws and processes followed by county election officials.

If your school board conducts its own elections separate from the Primary Election, you will find printable election and polling location signage you can post at your election sites in the Election Official section. Additionally, the Election Resources section has information on accommodating election observers who show interest in

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monitoring the election process, guidance for working with media at polling locations, and prohibited voter conduct.

Election officials and the North Dakota Secretary of State are your trusted source for election information. If you have questions about elections-related topics, visit [vote.nd.gov](http://vote.nd.gov), email [soselect@nd.gov](mailto:soselect@nd.gov), or call 701-328-4146.

*CORRECTION – In the last issue of the “Bulletin,” the GIS Hub tool link to check school district residency was broken. The correct link is <https://gishubdata-ndgov.hub.arcgis.com>.*



# Legal Spotlight

## The Updated Title IX Regulations: What Has Changed and What to Expect

By Lexie Bergstrom, NDSBA Staff Attorney

On April 19, the U.S. Department of Education released its long-awaited amendments to the Title IX regulations. Title IX prohibits discrimination on the basis of sex in education programs or activities receiving federal financial assistance. The current (2020) Title IX regulations include a detailed process that must be strictly followed when processing allegations of Title IX sexual harassment, but the recent amendments mark a shift in policy in several key approaches. NDSBA and other educational groups are still reviewing the extensive updates to the regulations (more than 1,500 pages) issued last week. The following are a few of the important changes learned so far.

### SEX-BASED DISCRIMINATION

The 2024 final Title IX regulations broaden the definition of discrimination

based on sex covered by the regulations to include not only sexual harassment, but also discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. The term “sex-based harassment” will be defined more broadly to include harassment based on sexual orientation and gender identity. The final regulations also broaden what is to be considered a “hostile environment.” Under the new definition, a hostile environment exists when “unwelcome sex-based conduct ... 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 recipient’s education program or activity.” Although more possible conduct may constitute sex-based discrimination or harassment under this definition, the final regulations permit more flexibility and informality in the procedures schools must use to address it “to account for variations in school size, student populations, and administrative structures.”

### GRIEVANCE PROCESS

The department dramatically simplified the components of the grievance process each school must establish to address complaints of sex discrimination. Schools may use a single-investigator model, and schools may choose to use this model in some, but not all, cases as long as it is clear in their grievance procedures when it will use this model. Additionally, schools may offer an informal resolution process for sex discrimination complaints unless the complaint includes allegations that an employee engaged in sex-based harassment of a student or such a process would conflict with federal, state, or local law.

### SEPARATION BY SEX

The 2020 regulations allow schools to provide separate toilet, locker room,

and shower facilities on the basis of sex, so long as the facilities are comparable. Now, the 2024 final regulations clarify that such otherwise permissible sex separation is consistent with Title IX as long as it is carried out in a manner that does not impose more than “de minimis” harm on affected students. The new regulations clarify that preventing someone from participating in school (including in sex-separate activities) consistent with their gender identity causes that person more than de minimis harm. The new regulations do not address the eligibility criteria for athletic teams.

### PRIVACY PROTECTIONS

The updated regulations expand privacy protections for students and others involved in sex discrimination claims and investigations. Schools may not disclose personally identifiable information obtained throughout the course of complying with Title IX, with limited exceptions, such as prior written consent or disclosing to the parent of a minor. Schools’ grievance procedures must require reasonable steps to protect the privacy of the parties and witnesses while the grievance procedures are implemented, provided the steps do not restrict the ability of the parties to obtain evidence and participate in the grievance procedures.

### PREGNANT STUDENTS & EMPLOYEES

The updated regulations provide more explicit and broader requirements for schools to support students and employees based on pregnancy or related conditions. Schools must provide reasonable modifications for students based on pregnancy or related conditions, allow for reasonable break time for lactation for employees, and allow access to a clean, private lactation space for students and employees. When a student (or parents of a minor student) informs an employee of a student’s pregnancy or related

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#### EDITOR

Alexis Baxley

#### PUBLISHER

North Dakota School Boards Association  
1224 West Owens Avenue  
Bismarck, ND 58501

**TELEPHONE** 1-800-932-8791

**LOCAL** (701)255-4127

**FAX** (701)258-7992

**WEBSITE** [www.ndsba.org](http://www.ndsba.org)

**TWITTER** @ndsbschoolboards

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condition, the employee must provide the individual with information about the school's obligations to prevent discrimination. Schools cannot disclose personally identifiable information about reasonable modifications for pregnancy or related conditions, with limited exceptions.

#### STUDENTS WITH DISABILITIES

Schools must consult with one or more members of a student's IEP or Section 504 team when a student with a disability is a complainant or respondent in a Title IX matter. If the complainant or respondent is a student with a disability, the school must require the Title IX Coordinator to consult with one or more members of the student's IEP or Section 504 team to determine how to comply with the requirements of the IDEA and Section 504 throughout the grievance procedure process.

#### TITLE IX COORDINATOR DUTIES

The Department of Education expanded the Title IX Coordinators' duties and training requirements. Title IX Coordinators and others responsible for implementing schools' grievance procedures must receive training related to their responsibilities. They

must receive training promptly upon hiring or change of position and annually thereafter. Additionally, Title IX Coordinators may be decisionmakers under the single-investigator model. Non-confidential employees are required to notify the Title IX Coordinator of conduct that might constitute sex discrimination under Title IX.

#### STANDARD OF PROOF

The final regulations direct schools to use a preponderance of the evidence as a standard of proof to determine whether sex discrimination occurred, unless the school uses clear and convincing evidence in other comparable proceedings.

The final Title IX regulations will take effect on August 1. NDSBA will be updating template policy AAC, Nondiscrimination and Anti-Harassment Policy, and any other necessary corresponding policies in accordance with these new regulations. The updates will be complete and available by the end of the fiscal year. For more information on the new regulations, visit the U.S. Department of Education website or contact NDSBA for further guidance.

## Call for Resolutions

Resolutions adopted by the delegate assembly shape NDSBA's advocacy strategy. After being reviewed by the government affairs committee in the summer prior to NDSBA's Annual Convention, resolutions are made available to the NDSBA membership for review before being acted upon at the annual convention. Any member school board may submit a resolution for consideration by the delegate assembly using the format below. Please view current standing resolutions before submitting a new resolution.

Resolutions are automatically dropped after four years unless brought to the delegate assembly for reconsideration by the Government Affairs Committee. Both standing resolutions and beliefs and policies are on the NDSBA website at <https://www.ndsba.org/wp/beliefs-and-policies/>.

To submit a proposal, a school board must follow the format below:

RESOLUTION SUBMITTED BY THE  
\_\_\_\_\_ SCHOOL  
BOARD

A resolution to ... [wording of resolution]

WHEREAS, ...

WHEREAS, ...

WHEREAS, ...

[explanatory and rationale statements]

THEREFORE, BE IT RESOLVED that NDSBA ... [restating of resolution language]

[signature] [title] [address] [city, state, zip] [phone number]

Submit proposed resolutions by email to Taylor Lassiter at [taylor.lassiter@ndsba.org](mailto:taylor.lassiter@ndsba.org). Submissions are due by August 21.

## 2024 Convention Program Cover Contest

NDSBA will once again host a competition for all public school districts that wish to submit a photo from their district to be the cover of the 2024 NDSBA Annual Convention program!

School districts can submit a photo between now and July 12. NDSBA staff will anonymously vote for their pick, and the winning submission will be announced on July 22. The winner will be acknowledged at the 2024 NDSBA Annual Convention and awarded a special door prize at the convention.

To submit a 2024 Annual Convention program cover, go to <https://forms.gle/Hgi7DRV6Xd7bU6aK6>.

Please Note: Submissions must be in .png or .jpg format and must be 8.5 x 11 inches and in vertical orientation. One submission allowed per school district. If a district wishes to change their submission, it must contact Taylor Lassiter at [taylor.lassiter@ndsba.org](mailto:taylor.lassiter@ndsba.org).



## NDSBA Requesting Clinic Proposals

NDSBA is accepting proposals for 2024 NDSBA Annual Convention clinic sessions. The proposal submission form can be found at [www.ndsba.org](http://www.ndsba.org) under Quick Links.

Please consider sharing unique or successful things happening in your district or suggesting a speaker or topic you would like to see.

***The submission deadline is June 7.***



1224 West Owens Avenue  
Bismarck, ND 58501



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## Nominate Leaders for 2024 #InnovativeND Awards

Once again, the 2024 #InnovativeND Awards will be hosted and presented at the 8th annual Governor's Summit on Innovative Education. The #InnovativeND Awards symbolize a recognition of service, leadership, innovation, and excellence in education. Take a moment to reflect on the successes from this last year and nominate a leader in the profession. Help celebrate exceptional educators, education leaders, and students at the 2024 Summit on Innovative Education by nominating someone at <https://tinyurl.com/3wa36ype>.

The 8th annual Governor's Summit on Innovative Education is June 17 at BSC's National Energy Center of Excellence in Bismarck. You can register at <https://www.governor.nd.gov/events/governors-summit-innovative-education-0>.

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### South Heart School District

Alexis Baxley  
701-255-4127  
[alexis.baxley@ndsba.org](mailto:alexis.baxley@ndsba.org)  
Deadline: May 6  
Position Begins: July 1

### Bowman County School District

Debbie Bucholz  
701-523-3283  
[debbie.bucholz@k12.nd.us](mailto:debbie.bucholz@k12.nd.us)  
Deadline: Open until filled  
Position Begins: July 1

### Divide County School District

Stephanie Reistad  
701-339-0630  
[stephaniereistad@hotmail.com](mailto:stephaniereistad@hotmail.com)  
Deadline: Open until filled  
Position Begins: July 1



### 2024 IgniteND Conference

June 4-6  
Bismarck State College, Bismarck

### 2024 Governor's Summit on Innovative Education

July 17  
BSC National Energy Center of Excellence, Bismarck

### 2024 NDDPI & NDSBA Board Member Bootcamp

August 1  
Zoom

### 2024 NDSBA Annual Convention

October 24-25  
Bismarck Event Center, Bismarck

### 2025 NDSBA Negotiations Seminar

February 6-7, 2025  
BSC National Energy Center of Excellence, Bismarck

### 2025 NDSBA Annual Convention

October 9-10, 2025  
Bismarck Event Center, Bismarck