



NDSBA POLICY UPDATE

AT A GLANCE

- Reminder about revisions
- Second quarter policy updates
 - Updates to new Title IX Regulations
 - Other policy updates

It's time for another NDSBA Policy Update. As part of this publication, NDSBA reviewed and updated a number of policies, exhibits, administrative regulations, and board regulations, as you will see below. These updates are a part of NDSBA's ongoing review of our template policy documents to ensure they remain up-to-date and legally compliant. NDSBA is dedicated to continuing to provide our Policy Services members with the most relevant, insightful, and accessible resources in the ever-evolving landscape of policy services. NDSBA plans to move through each policy tier, updating policy templates, adding new relevant policy templates, and removing any policy templates that no longer serve our members.

If NDSBA reviews a policy, exhibit, or regulation and makes any substantive revisions (e.g., revisions due to change in the law, change in the content, change in the title, etc.), NDSBA recommends updating your document to reflect those revisions. However, if NDSBA makes only non-substantive revisions (e.g., revisions due to formatting changes, grammatical corrections, spelling corrections, etc.), you are not required to update your document accordingly. You may choose to update any non-substantive revisions at your own discretion.

SECOND QUARTER POLICY UPDATES - UPDATES DUE TO NEW TITLE IX REGULATIONS:

In April, the U.S. Department of Education released its final Title IX regulations, which prohibit discrimination on the basis of sex in education programs or activities receiving federal financial decisions. The final 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 new rules also expand the ability of educational institutions to investigate sexual harassment complaints, guarantee protection under the law for LGBTQ students and employees, as well as remove some required parameters from earlier Title IX amendments, including live hearings and cross examinations.

Since the release of the final Title IX regulations, several states, including North Dakota, have sued the Biden Administration to block the regulations. However, as of the release of this NDSBA Policy Update, North Dakota's lawsuit has not been ruled on. Therefore, these final regulations are still scheduled to go into effect on August 1, 2024. At that time, you will need to update Required policy AAC, Nondiscrimination and Anti-harassment, and accompanying regulations and exhibits to reflect these changes. Below you will find the updates NDSBA made to template policy AAC and accompanying documents.

- **Required Policy AAC (Nondiscrimination and Anti-harassment Policy)** - Policy AAC was reviewed for updates following the Department of Education releasing its Final Title IX Regulations. Several substantive edits were made throughout the policy to reflect the regulations. NDSBA recommends updating your policy ACC to reflect these updates.



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- **Required Regulation AAC-BR1 (Discrimination and Harassment Grievance Procedure); and AAC-BR2 (Title IX Sex-based Harassment Grievance Procedure)** - Regulation AAC-BR1 was reviewed for updates following the Department of Education releasing its Final Title IX Regulations. Several substantive edits were made throughout the regulation to reflect those regulations. NDSBA recommends updating your regulations AAC-BR1 and AAC-BR2 to reflect these updates.
- **Required Exhibit AAC-E1 (Filing a State or Federal Discrimination and/or Harassment Complaint); AAC-E2 (Discrimination and/or Harassment Complaint Confidentiality Assessment); AAC-E3 (Discrimination and Harassment Training Requirements for Employees); AAC-E4 (Reasonable Accommodation Request Physician Form); AAC-E5 (Notice Title IX Sexual Harassment Complaint); and AAC-E6 (Sample Website Posting for Title IX Compliance)** - Exhibits AAC-E1 – E6 were reviewed for updates following the Department of Education releasing its Final Title IX Regulations. A link to the Office for Civil Rights website was added to AAC-E1. Several substantive edits were made throughout exhibits AAC-E3, E5, and E6 to reflect the final regulations. No substantive changes were made to the exhibits AAC-E2 and E4. NDSBA recommends updating your exhibits AAC-E1 – E6 to reflect this update at your discretion.

You can read a more in-depth summary of the new Title IX regulations in NDSBA's May Legal Spotlight article [NDSBA Monthly Bulletin-May 2024](#); otherwise, you can find a hardcopy version of the article on ndsba.org, under the **Quick Clicks** tab. Additionally, you can visit the Department of Education's website to find even more information on the regulations, including a Final Title IX Regulations fact sheet [FACT SHEET: U.S. Department of Education's 2024 Title IX Final Rule Overview](#).

OTHER POLICY UPDATES

- **Required Policy FDE (Education of Special Education Students/Students with Disabilities)** - Policy FDE was reviewed for updates. Several substantive changes were made throughout the policy. NDSBA recommends updating your policy FDE to reflect these changes.
 - **Required Exhibit FDE-E (Section 504 Eligibility Determination Form)** - Exhibit FDE was reviewed for updates. No substantive changes were made to the exhibit.
- **Recommended Policy DGHA (Lactation/Breastfeeding)** - Policy DGHA was reviewed for updates. The policy was moved from "Member Requested" to "Recommended" as it may be helpful to any district that currently employ, or will potentially employ in the future, women of childbearing age. Several substantive edits were made throughout the policy to better reflect state and federal law. NDSBA recommends updating your policy DGHA to reflect these updates.
- **Recommended Policy BDAA (Contracts Supersede Policy and Regulations)** - Policy BDAA was reviewed for updates. NDSBA eliminated the policy as it is too broad and therefore, generally not useful. NDSBA recommends removing policy BDAA if your district currently has it in your list of policies.
- **Recommended Policy ABBB (Community Use of District Property)** - Policy ABBB was reviewed for updates. A grammatical change was made to the definition of "Youth Patriotic Society" in which reference to "NDCC 15.1-06-14(1)" was corrected to "NDCC 15.1-06-14.1(1)" to properly reflect the North Dakota Code of Conduct. NDSBA recommends updating policy ABBB to reflect this update at your discretion.

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- **Recommended Policy DE (Staff Code of Conduct)** - Policy DE was reviewed for updates. No substantive changes were made to the policy.

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Policy Services members should refrain from sending any NDSBA policy templates outside their District. Districts with policy template requests or questions should contact Patty Verdouw at our office at 1-800-932-8791, or patty.verdouw@ndsba.org.

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