

## NCSBA Special PLS Update July 2024

### Warning

New title IX regulations are scheduled to go into effect August 1, 2024. Please consult with your board attorney before adopting the Title IX related policies. Some boards may be advised by their board attorneys not to adopt the new Title IX policies at this time due to an injunction that may affect schools in North Carolina.

### Rescinded Policies

The policies listed below should be rescinded. They have been superseded by policies included with this update.

Updated Policy	Policy Title	Description of Update	Legal Authority Involved	Notes
<del>1725/4035/7236</del>	Title IX Sexual Harassment – Prohibited Conduct and Reporting Process	<ul style="list-style-type: none"> <li>This policy has been superseded by policy 1725/4035/7236, Title IX Sex Discrimination – Prohibited Conduct and Grievance Procedures.</li> </ul>		
<del>1725/4035/7236</del> R	Title IX Sexual Harassment – Definitions	<ul style="list-style-type: none"> <li>This policy has been superseded by policy 1725/4035/7236, Title IX Sex Discrimination – Prohibited Conduct and Grievance Procedures.</li> </ul>		
<del>1726/4036/7237</del>	Title IX Sexual Harassment Grievance Process	<ul style="list-style-type: none"> <li>This policy has been superseded by policy 1725/4035/7236, Title IX Sex Discrimination – Prohibited Conduct and Grievance Procedures.</li> </ul>		

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7232	Discrimination and Harassment in the Workplace	<ul style="list-style-type: none"> <li>The information in this policy is now addressed in policy 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law.</li> </ul>		
<b>New and Updated Policies</b>				
Updated Policy	Policy Title	Description of Update	Legal Authority Involved	Notes
1510/4200/7270	School Safety	<ul style="list-style-type: none"> <li>A provision was added to Section D.3 regarding training on recognizing and reporting threats. <b>(Required)</b></li> <li>A new Section E was added to address the statutorily required threat assessment teams. <b>(Required)</b></li> <li>Information was changed to reflect the changes to the other policies in this update. <b>(Required)</b></li> <li>The legal references and other resources were updated. <b>(Strongly recommended)</b></li> <li>The cross references were updated. <b>(Required)</b></li> <li>The footnotes were updated. <b>(Informational only)</b></li> </ul>	<p>S. L. 2023-78 (House Bill 605); G.S. 115C-105.65</p> <p><i>Behavioral Threat Assessment and Management: Best Practice Guidance for North Carolina Behavioral Threat Assessment and Management Teams for Harm Prevention, N.C. Center for Safer Schools (March 2024)</i></p>	
1710/4020/7230	Discrimination and Harassment Prohibited by Federal Law	<ul style="list-style-type: none"> <li>This policy was revised to now cover the board's obligation to provide a workplace free of discrimination and harassment. Previously this obligation was addressed through policy 7232, Discrimination and Harassment in the Workplace, which is now repealed. <b>(Required)</b></li> <li>Language about the applicability of the policy was updated. <b>(Required)</b></li> </ul>	<p>Age Discrimination in Employment Act; Americans with Disabilities Act; Section 504 of the Rehabilitation Act; Title II of the Genetic Information Nondiscrimination Act; Title VII of the Civil Rights Act of 1964; Uniformed</p>	<p>The new <i>Enforcement Guidance on Harassment in the Workplace</i> issued by the U.S. Equal Employment Opportunity Commission lists features that a workplace anti-harassment policy generally should contain in order to be effective. Such features include a definition of what conduct is prohibited; a requirement that supervisors report harassment when they are aware of it; multiple avenues for reporting harassment; clearly identified and</p>

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		<ul style="list-style-type: none"> <li>The contact information for the U.S. Department of Education Office of Civil Rights was removed. <b>(Optional)</b></li> <li>Information was changed to reflect the changes to the other policies in this update. <b>(Required)</b></li> <li>The policy contains various other revisions to improve clarity. <b>(Recommended)</b></li> <li>The legal and cross references were updated. <b>(Required)</b></li> <li>The footnotes were updated. <b>(Informational only)</b></li> </ul>	<p>Services Employment and Reemployment Rights Act</p> <p><i>Enforcement Guidance on Harassment in the Workplace</i>, U.S. Equal Employment Opportunity Commission (issued 4-29-2024)</p>	<p>accessible points of contact to whom reports of harassment should be made; and a complaint process with anti-retaliation and confidentiality protections. For the complaint process to be effective, it generally should provide for: prompt and effective investigations and corrective action; adequate confidentiality protections; and adequate anti-retaliation protections.</p>
1720/4030/7235	Title IX Nondiscrimination on the Basis of Sex	<ul style="list-style-type: none"> <li>This policy was updated throughout to comply with the new Title IX regulations. <b>(Required)</b></li> <li>The contact information for the U.S. Department of Education Office of Civil Rights was removed. <b>(Optional)</b></li> <li>Information was changed to reflect the changes to the other policies in this update. <b>(Required)</b></li> <li>Information about Title IX training was moved to this policy. <b>(Required)</b></li> <li>The legal and cross references and other resources were updated. <b>(Required)</b></li> </ul>	Title IX of the Education Amendments Act of 1972; 34 C.F.R Part 106 (effective August 1, 2024)	
1725/4035/7236 (New)	Title IX Sexual Harassment – Prohibited Conduct and Grievance Procedures	<ul style="list-style-type: none"> <li>This new policy supersedes policies 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process; 1725/4035/7236-R, Title IX Sexual Harassment – Definitions; and 1726/4036/7237, Title IX Sexual Harassment Grievance Process. It is designed to comply with the requirements of the new Title IX regulations. <b>(Required)</b></li> </ul>	Title IX of the Education Amendments Act of 1972; 34 C.F.R Part 106 (effective August 1, 2024)	This policy provides one process to be used to address all complaints of sex discrimination, including sex-based harassment, prohibited by Title IX. Please review this policy carefully as the requirements of the new Title IX regulations vary significantly from those of the old Title IX regulations. Among the significant changes are a broadening of the scope of what constitutes sex discrimination and sex-based harassment; the ability to use a single investigator-adjudicator model; and a simplification of the investigation and adjudication phases of the grievance procedures.

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4023/7233	Pregnant and Parenting Students and Employees	<ul style="list-style-type: none"> <li>This policy was revised to comply with the new Title IX regulations. <b>(Required)</b></li> <li>The legal references were updated. <b>(Strongly recommended)</b></li> <li>The footnotes were updated. <b>(Informational only)</b></li> </ul>	Title IX of the Education Amendments Act of 1972; 34 C.F.R Part 106 (effective August 1, 2024)	Note that in subsection B.2, the one-year restriction for expressing milk has been removed. The Fair Labor Standards Act requires that employees be provided time to express breast milk for one year after the child's birth. The Title IX regulations, however, say that employees must be provided time to express breast milk or breastfeed as needed.
4329/7311	Bullying and Harassing Behavior Prohibited	<ul style="list-style-type: none"> <li>Language regarding the applicability of the policy was updated. <b>(Required)</b></li> <li>Information was changed to reflect the changes to the other policies in this update. <b>(Required)</b></li> <li>The cross references were updated. <b>(Required)</b></li> <li>The footnotes were updated. <b>(Informational only)</b></li> </ul>		
<b>Policies with Only Minor Changes</b>				
The policies listed below been revised only to reflect changes to the other policies in this update listed above.				
1300	Governing Principle – Parental Involvement	<ul style="list-style-type: none"> <li>References to other policies were updated. <b>(Required)</b></li> </ul>		
1500	Governing Principle – Safe, Orderly, and Inviting Environment	<ul style="list-style-type: none"> <li>References to other policies were updated. <b>(Required)</b></li> </ul>		
1600	Governing Principle – Professional Development	<ul style="list-style-type: none"> <li>References to other policies were updated. <b>(Required)</b></li> </ul>		

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1700	Governing Principle – Removal of Barriers	<ul style="list-style-type: none"> <li>References to other policies were updated. <b>(Required)</b></li> </ul>		
1742/5060	Responding to Complaints	<ul style="list-style-type: none"> <li>References to other policies were updated. <b>(Required)</b></li> </ul>		
1760/7280	Prohibition Against Retaliation	<ul style="list-style-type: none"> <li>References to other policies were updated. <b>(Required)</b></li> <li>Includes revisions from a previous update.</li> </ul>		
2500	Hearings Before the Board	<ul style="list-style-type: none"> <li>References to other policies were updated. <b>(Required)</b></li> </ul>		
4040/7310	Staff-Student Relations	<ul style="list-style-type: none"> <li>References to other policies were updated. <b>(Required)</b></li> <li>Includes revisions from a previous update.</li> </ul>		
7335	Employee Use of Social Media	<ul style="list-style-type: none"> <li>References to other policies were updated. <b>(Required)</b></li> </ul>		
7820	Personnel Files	<ul style="list-style-type: none"> <li>References to other policies were updated. <b>(Required)</b></li> </ul>		

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