

**MOTIONS/RESOLUTIONS PRESENTED TO
THE LOS ANGELES CITY BOARD OF EDUCATION FOR CONSIDERATION**

SUBJECT: Opposing Changes to the U.S. Department of Education Title IX Regulations (Res-006-20/21)

DATE NOTICED: 08-25-20

PRESENTED FOR ACTION: 09-15-20

PRESENTED BY: Mr. Schmerelson,
Ms. Goldberg, Ms. Gonez,
Dr. McKenna, Mr. Melvoin,
Ms. García, Dr. Vladovic

- **MOVED/SECONDED BY:** Mr. Schmerelson/
Ms. Goldberg

MOTION:

RESOLUTION: x

Whereas, Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits discrimination on the basis of sex in any education program or activity that receives federal funding;

Whereas, Under Title IX, discrimination on the basis of sex can include sexual harassment, rape, and sexual assault;

Whereas, Title IX of the Education Amendments Act of 1972, requires schools to adopt and publish grievance procedures for students to file complaints of sex discrimination, including complaints of sexual harassment or sexual violence;

Whereas, In 2001, the Department of Education under the Bush administration released new Title IX Guidance;

Whereas, In 2011, President Barack Obama issued guidance clarifying Title IX protections for LGBTQ+ students through Dear Colleague letters and guidance reminding schools of their obligation to redress sexual assaults as civil rights matters under Title IX;

Whereas, On May 6, 2020, the Department of Education issued its Final Rule changing the Title IX obligations of all schools receiving federal funding, to go into effect August 14, 2020;

Whereas, For the first time, the Department's Title IX regulations explicitly define sexual harassment, including sexual assault;

Whereas, Now, the Department's Title IX regulations impose additional legal obligations on school districts, colleges, and universities (collectively "schools"), requiring specific grievance procedures in response to reports of sexual harassment;

Whereas, The Final Rule contains provisions that require districts to respond to Title IX sexual harassment complaints in a specific manner, the new regulations allow K-12 schools some flexibility to respond to complaints of sexual harassment utilizing other processes for addressing conduct of a sexual nature- when they do not fit within the Title

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IX definition- in a manner consistent with providing safe learning and working environments;

Whereas, The Final Rule could have negative consequences for K-12 students and their families. However, the Los Angeles Unified School District is committed to implementation of the new Title IX regulations in coordination with other relevant policies and laws for addressing conduct of a sexual nature to provide the greatest amount of protections for all individuals served by the District. For sexual harassment complaints that do not fit the new Title IX definition, the District is committed to providing investigative and grievance procedures that protect all individuals from harassment in their learning and working environments;

Whereas, Altogether, the new Title IX regulations could be implemented in a manner that would discourage complaints of sexual harassment, LAUSD is committed to working within the Title IX framework and in alignment with other relevant policies and laws to alleviate any possible discouragement;

Whereas, Students and community members, are calling on the Los Angeles Unified School District to uphold the rights of all K-12 students in the District;

Whereas, Multiple sections within the rule give schools discretion to choose how policies are implemented and the District is committed to provide the greatest amount of protections for all its students; and

Whereas, Students and parents urge the District to commit to taking sexual harassment and sexual violence seriously by choosing the options that would create the least harm for student survivors; now, therefore, be it

Resolved, That the Governing Board of the Los Angeles Unified School District hereby commits to maintaining the safest and fairest policies that comply with the Final Rule, as well as ensuring a fair and transparent process free of discrimination for all students during any investigation;

Resolved further, That the Board directs the Superintendent and staff, to update BUL-2521.1 Title IX Policy/Complaint Procedures, BUL-3349.1 Sexual Harassment Policy (Student-to-Student, Adult-to-Student, and Student-to-Adult), Title IX and Nondiscrimination Students Know Your Rights brochure, as well as update mandatory policies and trainings on Discrimination, Sexual Harassment and Reporting for all District stakeholders, starting in the 2021-22 school year;

Resolved further, That students will be informed of the District's Title IX policy regarding the regulations and remedies of sexual harassment, assault, rape, stalking and domestic violence reports, as well as student rights related to the policy which will be distributed to them as part of the Parent and Student Handbook at the beginning of each school year, starting in the 2021-22 school year;

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Resolved further, That the Board directs the Superintendent and staff to work with Local District and Community of Schools Administrators to assist school administrators in elementary, middle and high school in making available age appropriate materials, training videos, and scheduling assemblies that will discuss sexual harassment and sexual assault reporting and grievance procedures. This will include definitions along with examples of and remedies for sexual harassment and sexual violence; and, be it finally

Resolved, That the Board and the Superintendent commit to:

1. Establishing the preponderance of the evidence as the standard of evidence in Title IX sexual harassment and sexual violence complaints;
2. Establishing a time limit of 60 calendar days for the completion of administrative investigations of Title IX sexual harassment and sexual violence, with exceptions only for good cause as noted in the regulations;
3. Continuing to respond promptly to reports of sexual harassment and sexual violence and carrying out existing investigations during the global health crisis;
4. Guaranteeing students access to reasonable supportive measures in response to a report of sexual harassment or sexual violence regardless of whether a formal complaint has been filed;
5. Creating and following sexual harassment and sexual violence procedures for investigating instances of reported off-campus incidents that have an impact on District educational programs or activities;
6. Barring the use of informal resolution mechanisms in cases of sexual assault, rape, dating and domestic violence, and stalking as defined in the regulations;
7. Following state nondiscrimination laws that protect LGBTQ+ students in order to ensure all students have equal access to a safe learning environment, regardless of gender identity or sexual orientation; and
8. Informing students of the grievance procedure and available supportive measures and remedies.

	<u>AYES</u>	<u>NOES</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Ms. Garcia	X			
Ms. Goldberg	X			
Ms. Gonez	X			
Dr. McKenna	X			
Mr. Melvoin	X			
Mr. Schmerelson	X			
Dr. Vladovic	X			
TOTAL	7			

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ACTION: ADOPTED

ACTION: ADOPTED AS AMENDED

ACTION: ADOPTED BY CONSENT VOTE

ACTION: ADOPTED BY CONSENT VOTE AS AMENDED

ACTION: WITHDRAWN

ACTION: POSTPONED TO XX-XX-XX

ACTION: FAILED