

Proposed Revisions to Policies AC, GBAA, JBA, JBC

***Presented to the
Board of Education***

April 23, 2024

Purpose of Policy Revisions

- SB 23-296 revised definitions and standards for “harassment or discrimination” for conduct directed at students.
- SB 23-172 revised definition and standards for “harassment” directed at employees.
- SB 23-296 requires that school district adopt a written policy by July 1, 2024
- DCSD’s present Policy AC largely tracks the requirements of these new laws, but proposed revisions reflect the very specific language contained in the recent legislation.
- Much of revision to Policy AC reflects reorganization of the policy resulting from the newly legislated and slightly differing definitions, standards, or mandatory processes for addressing discrimination or harassment impacting students, employees, or the public.

Senate Bill 23-296:

Concerning Protections for Students Against Discriminatory Practices at School

- Defines discrimination and harassment directed at students
- Specifies obligations of school district for responding to reports of harassment and discrimination directed at students
- Requires that school district adopt a written policy by July 1, 2024

Senate Bill 23-172:

The Protecting Opportunities and Workers' Rights (POWR) Act

- Defines the meaning of “discriminatory or unfair employment practices” and “harassment” which interferes with a person’s work performance

Proposed Revisions to Board Policy AC

The definitions and obligations for responding to allegations of harassment and discrimination directed at students, employees, or the public are specifically addressed in the following sections of the Policy:

- **Section A.:** Prohibited Harassment and Discrimination of District Students (includes statutory definitions and requirements contained in SB 23-296)
- **Section B.:** Discriminatory or Unfair Employment Practices Prohibited (includes statutory definitions and requirements contained in SB 23-172)
- **Section C.:** Prohibited Discrimination and Harassment of the Public (includes non-discriminatory and anti-harassment mandates that presently exist in Policy AC)

Proposed Revisions to Board Policy AC

Other proposed Sections establish obligations of the District to address discrimination and harassment:

- **Section D.** Annual Notice
- **Section E.** Sexual Harassment in Violation of Title IX
- **Section F.** Obligations to Report Discrimination and Harassment (much of language contained in present Policy AC remains specifying obligations of students and staff to report if they believe they have been a victim of or witnessed discrimination or harassment in violation of the policy)
- **Section G.** District Action (much of language contained in present policy AC remains which generally describes the District's obligation to promptly respond)
- **Section H.** Notice and Training (much of language contained in present policy remains which generally describes requirements for publication and distribution of Policy AC and training related to recognizing and preventing discrimination and harassment)

Proposed Revisions to Board Policy GBAA

Senate Bill 23-296 requires that the policy adopted to address its requirements for protecting students from harassment or discrimination must be separate from, and in addition to, any policy adopted pursuant to Title IX.

- Policy GBAA is the District's Title IX Policy addressing protections and prohibitions under Title IX applicable to employees.
- Policy GBAA not only prohibits sexual harassment in violation of Title IX, but also prohibits other conduct of a sexual nature. Therefore, proposed revisions refer to Policy AC and specify that unwelcome physical or verbal conduct or communications may violate Policy AC, as revised, in addition to violation of Policy GBAA.

Proposed Revisions to Board Policy JBA

Policy JBA is the District's present policy addressing nondiscrimination/non-harassment of students and proposed revisions:

- Include the statutory definition of prohibited harassment or discrimination consistent with the requirements of SB 23-296
- Provide for reference to Policy AC indicating that it more specifically identifies the obligations of the District and the processes and procedures applicable to protecting students from discrimination and harassment.
- Expands the section addressing harassment to reflect the definition of harassment contained in Policy AC.

Proposed Revisions to Board Policy JBC

Senate Bill 23-296 requires that the policy adopted to address its requirements for protecting students from harassment or discrimination must be separate from, and in addition to, any policy adopted pursuant to Title IX.

- Policy JBC is the District's Title IX Policy addressing protections and prohibitions under Title IX applicable to students.
- Policy JBC not only prohibits sexual harassment in violation of Title IX, but also prohibits other conduct of a sexual nature. Therefore, proposed revisions refer to Policy AC and specify that unwelcome physical or verbal conduct or communications may violate Policy AC, as revised, in addition to violation of Policy JBC.

Next Steps in Addition to Board Policy Revision

Superintendent File Policies supporting Policy AC which specify the implementation/regulatory requirements for grievance procedures and investigation of complaints will be revised so that:

- AC-R-1 identifies requirements for investigation of allegations of discrimination or harassment directed at staff or the public.
- AC-R-2 identifies requirements for investigation of allegations asserting sex harassment in violation of Title IX.
- AC-R-3 identifies requirements for investigation of allegations of discrimination or harassment directed at students as required by SB 23-296.

Next Steps in Addition to Board Policy Revision

Training will be provided including training which addresses the following components required by SB 23-296:

- Recognizing harassment or discrimination, including indicators of grooming and child sexual abuse
- The appropriate immediate response when harassment or discrimination is reported to or witnessed by an employee
- Reporting harassment or discrimination
- For employees who directly supervise students –
 - The procedures for responding to allegations of harassment or discrimination, and
 - The difference between the District's harassment or discrimination policy and the obligations required under Title IX, Section 504, Title VI, Title VII, and mandatory reporting requirements under Colorado law

Next Steps in Addition to Board Policy Revision

Training will be provided including training which addresses the following components required by SB 23-296:

- Strategies for avoiding victim-blaming, the effect of trauma on victims of harassment or discrimination, communicating with victims sensitively, compassionately, and in a gender-inclusive and culturally responsive manner, and the impact of harassment or discrimination on students with disabilities
- The types of supportive measures available to students and the provision of effective academic, mental health and safety accommodations for students who report harassment or discrimination.



Questions

