



## **BOARD OF EDUCATION MEETING MINUTES**

John A. Krings, President  
John Benbow, Jr.  
Troy Bier  
Christopher Inda  
Kathi Stebbins-Hintz  
Elizabeth St. Myers  
Julie Timm

July 23, 2024

### **SPECIAL BOARD OF EDUCATION MEETING**

LOCATION: Thomas A. Lenk Educational Services Center, 510 Peach Street, Wisc. Rapids, WI 54494  
Conference Room A/B

TIME: 5:30 p.m.

BOARD MEMBERS PRESENT: John Benbow, Troy Bier, Christopher Inda, John Krings, Kathi Stebbins-Hintz,  
Elizabeth St. Myers, Julie Timm

ADMINISTRATION PRESENT: Brian Oswald, Ronald Rasmussen

President John Krings called the meeting to order at 5:30 p.m.

Mr. Krings explained the purpose of the meeting is to consider the approval of policies related to Title IX.

Superintendent Rasmussen presented the following policies for Board consideration for first reading:

- Board Policy 411.24 (New Policy) – Nondiscrimination on the Basis of Sex in Education Programs or Activities
- Board Policy 411.24 Rule (New Policy) – Nondiscrimination on the Basis of Sex in Education Programs or Activities
- Notice and Statement of Nondiscrimination
- Board Policy 411.11 – Sexual Harassment and Nondiscrimination in District Programs, Activities, and Operations
- Board Policy 411.11 Rule (1) – Procedure for District Response to Alleged Sexual Harassment Under Title IX
- Board Policy 411.11 Rule (2) – Expectations for Employees to Report Discrimination and Harassment

Mr. Rasmussen shared a bit of history related to Title IX, explaining that the recommendations for policy change and updates come as the result of a “Final Rule” released by the U.S. Department of Education Office for Civil Rights (OCR) in April, 2024. The District has established policy in place from the 2020 Title IX regulations which are found in Board Policy 411.11 and its affiliated rules. These policies must remain in place to address any potential allegations of sex-based harassment that involve conduct alleging to have occurred prior to August 1, 2024. Any alleged misconduct that occurs on August 1, 2024 or thereafter must be processed in accordance with 2024 Title IX regulations. Special Board meetings are occurring to ensure the timely passage of relevant policies prior to the regulations taking effect on August 1, 2024. Mr. Rasmussen explained that out of 421 school districts, 339 utilize NEOLA policy services to develop their policies. In order to craft a policy covering the complex new Title IX requirements, Mr. Rasmussen consulted with NEOLA to purchase the sample policy they offered which can be refined to fit the needs of the District. The policy being recommended for approval mirrors neighboring school district Stevens Point’s policy, with the exception of language concerning First Amendment free speech rights which were incorporated into the recommended WRPS policy.

While the 2020 Title IX regulations focused on sexual harassment, the 2024 Final Rule covers all forms of sex discrimination, not just “sex-based harassment.” Examples include claims of unequal athletic opportunities, admissions discrimination, discrimination in courses or academic programs, pregnancy discrimination, unequal treatment based on parental, family or marital status, discrimination in employment, and retaliation. Title IX regulations expressly state that discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Grievance procedures affiliated with the new regulations are less cumbersome than those from 2020; however, there will be significant recordkeeping responsibilities and training requirements tied to the Title IX changes. Mr. Rasmussen explained that there is an informal resolution process involved in the new policy which is not part of the current policy. At this point in time, athletic team regulations have yet to be promulgated and legal staff is suggesting that districts continue to follow WIAA guidelines in this regard. There is an appeal process included in the policy, which was reviewed.

Mr. Rasmussen then shared details concerning a Kansas judge injunction to block the new Title IX rules, along with a list of schools to be exempt from the Title IX rule which, at this point in time, does not include any WRPS schools. Groups affiliated

with the legal challenges have until July 26, 2024 to provides names of schools to the court for them to be added to the list. Mr. Rasmussen shared some information concerning *The Whitaker Decision* from the 7<sup>th</sup> Circuit Court that pertains to Wisconsin.

Lastly, Mr. Rasmussen made mention that the new Title IX policy has implications for other Board policies that will eventually need to undergo review for potential change. These will be brought forward to the Board as appropriate.

The Board questioned how staff training will be accomplished. Mr. Rasmussen explained that the training will occur through a video link provided to staff through the annual in-service process. A question was raised around what the administration believes would be prudent, given the options that a neighboring district took into consideration as follows:

- 1) Adopt the recommended policies to be in compliance with the Title IX regulations taking effect August 1, 2024
- 2) Not adopt a policy related to the Title IX regulations taking effect August 1, 2024
- 3) Adopt the recommended policies to be in compliance with the Title IX regulations taking effect August 1, 2024 with a contingency noted to immediately rescind or modify the policy if a court of competent jurisdiction or the Department of Education takes action to prohibit or modify enforcement

Mr. Rasmussen believes the best option for the District is the first option since no District schools are named in the injunction, the Department of Education is unable to withhold funding from the District with this approach, and there is less burden of liability to the District should a lawsuit be filed that might put the District at increased risk if a policy were not in place by the August 1<sup>st</sup> deadline. Board members considered the options.

**Motion by John Benbow, seconded by Troy Bier, to approve of Board Policy 411.24 – Nondiscrimination on the Basis of Sex in Education Programs or Activities for first reading. Motion carried unanimously.**

**Motion by John Benbow, seconded by Elizabeth St.Myers, to approve of Board Policy 411.24 Rule – Nondiscrimination on the Basis of Sex in Education Programs or Activities for first reading. Motion carried unanimously.**

**Motion by John Benbow, seconded by Troy Bier, to approve of the Notice and Statement of Nondiscrimination as required by Title IX and its regulations, including in admission and employment. Motion carried unanimously.**

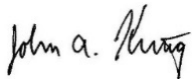
**Motion by John Benbow, seconded by Julie Timm, to approve of Board Policy 411.11 – Sexual Harassment and Nondiscrimination in District Programs, Activities, and Operations for first reading. Motion carried unanimously.**

**Motion by John Benbow, seconded by Elizabeth St.Myers, to approve of Board Policy 411.11 Rule (1) – Procedure for District Response to Alleged Sexual Harassment Under Title IX for first reading. Motion carried unanimously.**

**Motion by John Benbow, seconded by Julie Timm, to approve of Board Policy 411.11 Rule (2) – Expectations for Employees to Report Discrimination and Harassment for first reading. Motion carried unanimously.**

The Board will meet on July 31, 2024 to approve a second reading of the policy.

President Krings adjourned the meeting at 5:50 p.m.



John A. Krings – President

Maurine Hodgson – Secretary

Julie Timm – Clerk