



KROKIDAS & BLUESTEIN LLP

Your Webinar Recap

We are sorry you couldn't make it to the October 2 webinar, "New Title IX Regulations go into Effect on August 1, 2024. Is your Charter School Ready?" presented by Krokidas & Bluestein LLP to the Massachusetts Charter Public School Association. Below you will find a summary of the main points from the webinar as well as a link to the webinar recording. Attached, also find an FAQ and the slide deck. Please reach out to our presenters Bettina Toner and Eric Jordan at btoner@kb-law.com and ejordan@kb-law.com, respectively, with any questions.

The webinar, conducted on October 2, 2024, focused on the 2024 updates to the Title IX regulations and their implications for Massachusetts public charter schools. The timestamps below refer to the webinar recording, which is available on the Krokidas & Bluestein [website](#). Note: **This summary is for informational purposes only and does not constitute legal advice. Consultation with legal counsel is recommended for specific questions and policy implementation.**

Key Changes:

1. **Expanded Scope of Title IX:** The 2024 Title IX regulations clarify and emphasize existing protections against discrimination based on sexual orientation and gender identity. This aligns with Massachusetts law, which already prohibits such discrimination. Title IX regulations have shifted from a focus on sexual harassment to discrimination on the basis of sex ("sex discrimination"), which includes sexual harassment. Timestamp: 05:36
2. **What Qualifies as a Complaint:** A Title IX complaint can be made verbally or in writing, but it must be objectively understood as a request for the school to initiate an investigation. Timestamp: 37:00
3. **School Jurisdiction and Duty to Respond:** Schools must respond to sex discrimination occurring within their education program or activity in the United States (including online, and outside of the United States when the conduct created a hostile environment within the school's education program or activity in the United States) and whether or not the complainant is currently enrolled or employed by the school. This signifies a broader reach compared to the 2020 Title IX regulations. The 2024 regulations also require all elementary and secondary employees who are not confidential employees to report allegations of sex discrimination to the school's Title IX Coordinator. Confidential employees must still explain to the reporting individual their status as a confidential employee, the circumstances under which they are not required to notify the Title IX Coordinator, how to contact the Title IX Coordinator and file a complaint, and the ways in which the Title IX Coordinator may address concerns of sex discrimination. Timestamps: 20:40; 28:34
4. **Equitable Grievance Procedures:** The 2024 Title IX regulations outline

comprehensive grievance procedures emphasizing equity between complainants and respondents and a fair and unbiased grievance process. This includes a presumption of non-responsibility for the respondent, protection against retaliation, and access to relevant evidence by both parties.

Timestamp: 32:24

5. **Importance of Training and Recordkeeping:** All school staff must be trained on Title IX, while those involved in the grievance process require additional training on conducting impartial investigations, understanding the relevance of evidence, and avoiding conflicts of interest. Schools must maintain detailed records related to Title IX for at least seven years. This includes keeping records of training materials, each notification of possible misconduct, and documentation of grievance procedures. Timestamp: 107:00

Important Concepts and Updates:

- **Supportive Measures:** A school must provide supportive measures to both complainants and respondents to ensure their continued access to the school's education programs and activities. These measures must be individualized, non-punitive, confidential, and provided without charge. Examples include counseling, extensions, escort services, and adjustments to class or work arrangements. Timestamp: 42:00
- **Legal Challenges and Implications for Massachusetts:** While legal challenges to the 2024 Title IX amendments are ongoing in some states, these challenges primarily target enforcement by the United States Department of Education ("USDOE") of Title IX and do not restrict Massachusetts public and private schools from adopting their own anti-discrimination policies and procedures that comply with Massachusetts law and Title IX. Timestamp: 16:00

Action Items:

- **Review and Update Policies:** Review your school's existing policies on discrimination, harassment, and grievance procedures and related notices and forms to ensure alignment with the 2024 Title IX regulations and Massachusetts law. Monitor ongoing legal challenges and updates to Title IX guidance from USDOE and the Massachusetts Department of Elementary and Secondary Education to ensure continued compliance. Timestamp: 18:00; 26:00
- **Train Staff:** Implement comprehensive training programs for all staff on Title IX obligations and responsibilities, including reporting procedures, understanding sex discrimination, and providing supportive measures. Specialized training for Title IX Coordinators, investigators, and decisionmakers is crucial. Krokidas & Bluestein LLP offers comprehensive trainings; assistance with drafting forms and notices; and guidance on complex Title IX matters, including investigations. Timestamp: 1:06:00
- **Develop Resource Materials:** Create accessible resources, translated as needed, for students, parents/guardians, and staff outlining the school's Title IX policy, grievance procedures, rights and responsibilities, reporting mechanisms, and available support services. Timestamp: 50:00; 1:06

**MCPSA Title IX Slide
Deck**

FAQ Resource