

## **Special Board of Education Meeting**

Thursday, August 29, 2024 7:00 AM

Gering Public Schools - Central Office, 1519 10th St, Gering,  
NE 69341



# **Agenda**

{{Name: Agenda Item Name}}

## **1. GPS Board of Education Information**

*The meeting agenda will be kept current and available for public inspection in the office of the Secretary of the Board of Education at the Central Office during regular working hours.*

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**District Vision:** *Gering Public Schools provides a collaborative community, inspiring excellence and innovation in teaching and learning to empower student growth and leadership in school and life.*

**District Mission:** *Gering Public Schools exists to equip today's learners with the skills necessary to be tomorrow's leaders.*

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*The Open Meetings Act requires and the intention of the Board is that agenda items be sufficiently descriptive to give the public reasonable notice of matters to be considered at the meeting. The Board of Education releases its agenda well in advance of most meetings and desires that all interested persons are fully informed. Any interested person who has a question or needs clarification about the sufficiency of a descriptive item should contact the office of the Superintendent of Schools.*

*Agenda items are subject to reordering at the discretion of the board president. Board members may request specific agenda item(s) be moved to a different place on the agenda. Please attend the entire meeting to ensure you hear discussion on a particular agenda item.*

## **2. Opening Procedures**

### **2.1. Call to Order**

The Board of Education reserves the right to enter into Executive Session for the protection of the public interest; or the prevention of needless injury to the reputation of an individual, and if the individual has not requested a public meeting.

### **2.2. Roll Call**

2.3. Open Meetings Act

Pursuant to Section 84-1412 of the Nebraska Statutes, the public is hereby informed that a current copy of the Nebraska Open Meetings Act is posted in the Board meeting room on the north wall.

3. **Consent Agenda**

3.1. Minutes from the previous month's board meeting(s) August 12, 2024.

3.2. Board Policy Adoption

3.2.i. Second Reading of Board Policies

3.2.ii. 504.24 Title IX NONDISCRIMINATION

4. **Reports and Discussions**

5. **Public Comments: 204.12**

6. **Action Items**

6.1. Discuss, consider, and take action regarding the approval of the 2024-2025 school year Budget Resolution.

6.2. Discuss, consider, and take action to amend the motion for Dana Cole to perform the 24-25 school year Audit to perform the 23-24 Audit.

6.3. Discuss, consider, and take action regarding the approval of the Middle School Improvement Committee.

6.4. Enter into Executive Session for the sole purpose of discussing personnel matters to prevent needless injury to the reputation of an individual if deemed necessary.

6.5. Reconvene from the Executive Session.

6.6. Discuss, consider, and take all necessary action on amending the superintendent's contract.

7. **Adjourn**

**Future Board Meetings**

**Regular Meeting: Mon. Sept. 9, 2024 @ 6:00 p.m. (Freshmen Academy)**

**Tentative Committee Meeting Dates:**

**Personnel & Curriculum Committee: Tues. Sept. 3, 2024 @ 7:00 a.m. (Central Office)**

**Middle School Improvement Committee: Wed. Sept. 4, 2024 @ 4:00 p.m. (Central Office)**

**Finance & Facilities Committee: Thurs. Sept. 5, 2024 @ 4:30 p.m. (Central Office)**

**Policy Review Committee: Thurs. Sept. 12, 2024 @ 4:30 p.m. (Central Office)**

## Regular Board of Education Meeting

Monday, August 12, 2024 6:00 PM

Gering High School - Freshmen Academy Wing  
1500 U Street  
Gering, NE 69341



## Minutes

### 1. GPS Board of Education Information

### 2. Opening Procedures

#### 2.1. Call to Order

**Absent:** B.J. Peters, **Present:** Brian Copsey, Josh Lacy, John Maser, Greg Trautman, Tracy Wiese.

The meeting was called to order at 6:03 p.m. by President Brian Copsey.

#### 2.2. Roll Call

#### 2.3. Pledge of Allegiance

#### 2.4. Open Meetings Act

### 3. Consent Agenda

A motion to approve the Consent Agenda was presented by Tracy Wiese, seconded by Greg Trautman. After voting, motion Passed.

B.J. Peters: Absent, Brian Copsey: **Yea**, Josh Lacy: **Yea**, John Maser: **Yea**, Greg Trautman: **Yea**, Tracy Wiese: **Yea**

#### 3.1. Minutes from the previous month's board meeting(s)

#### 3.2. Board Policy Adoption

##### 3.2.i. First Reading of Board Policies

##### 3.2.i.1. **504.24 TITLE IX NONDISCRIMINATION**

##### 3.2.ii. Second Reading of Board Policies

##### 3.2.ii.1. **201.2 BOARD MEMBERSHIP-ELECTIONS AND APPOINTMENTS**

##### 3.2.ii.2. **204.7 MEETING NOTICE**

##### 3.2.ii.3. **206.2 BOARD ASSOCIATION MEMBERSHIP**

##### 3.2.ii.4. **402.3 EMPLOYEE CONFLICT OF INTEREST**

##### 3.2.ii.5. **409.1 CERTIFIED EMPLOYEE PROFESSIONAL DEVELOPMENT**

##### 3.2.ii.6. **502.2 NONRESIDENT STUDENTS/OPTION ENROLLMENT**

##### 3.2.ii.7. **502.3 ENTRANCE ADMISSIONS**

##### 3.2.ii.8. **503.4 ADDRESSING BARRIERS TO ATTENDANCE**

3.2.ii.9. **504.3 STUDENT CONDUCT**

3.2.ii.10. **504.6 STUDENT APPEARANCE**

3.2.ii.11. **607.10 - CLASSROOM ENVIRONMENT**

3.2.ii.12. **611.2 STUDENT PROMOTION, RETENTION, OR ACCELARATION**

3.2.ii.13. **611.7 GRADUATION REQUIREMENTS**

3.2.ii.14. **1003 PUBLIC EXAMINATION OF SCHOOL**

### 3.3. Board Items

3.3.i. Appointment of BJ Peters as Board President and Greg Trautman as Vice President for the remainder of the 2024 calendar year.

### 3.4. Personnel Items

3.4.i. Certified Staff Contract(s)

3.4.i.1. **Kali Ritterbush**- 1st Grade Teacher @ Northfield

3.4.i.2. **Tonya Castle**- 2nd Grade Teacher @ Northfield

3.4.ii. Certified Staff Resignation(s)

## **4. 2024 Summer Sun, Food, and Fun Day Camp- Presentation by Kyla Walker and Trevcor Teichrob**

## **5. \*\*\* Hold Public Hearing to discuss, consider, and receive input on the following policies: 504.20 - Bullying Preventions and 1005.03 - Parental Family Involvement.\*\*\***

Hearing opened by Brian Copsey at 6:15 p.m.

Hearing closed by Brian Copsey at 6:16 p.m.

## **6. Reports & Discussions**

### 6.1. Board Committee Report: Curriculum & Personnel

John Maser reported Speech Language Pathologist position needs filled. It has been opened since March 2024. Eluma will be working with our students due to the position not being filled. Option enrollment numbers are trending for GPS. Discussed the levy remaining at 1.05 and the budget resolution. Just a reminder that tax payer dollars goes to salaries and the operations of the district. Anything extracurricular such as professional development or camps provided by GPS the district uses federal grants to fund these expenses.

### 6.2. Board Committee Report: Business & Facilities

Greg Trautman reported A/P listing was accurate and we are currently under budget for all funds. The new preschool construction house is almost complete. The new agreement with Munoz construction is listed on an action item tonight to be approved to partner with Gering Public Schools for the 24-25 school year. Munoz construction will build a new house and use the high school students from the construction program to help build it. D'Angelo Murrillo was promoted to Maintenance Manager and Curt will be working on administrative work. Eluma is also on the agenda to work with students who are in need of SLP services. The Dana Cole auditing firm has sent an engagement letter to perform the 23-24 audit.

### 6.3. Superintendent's Report

It was an Olympic opening to the all staff meeting today!

Celebrations: 78 campers, 76% received tuition coverage based on subsidy or scholarships; over 100 meals/day provided; All Gering Camp Staff are Gering employers

Celebrations: Northfield Preschool Ribbon Cutting Sept 3 at 5:30 p.m.

Three Principles to launch our 2024-2025 school year: Work Hard, Support your teammates/colleagues, make a difference everyday

We are going to Celebrate the Hard.

Dr. Shernan Holtan-Chief of the Blood and Marrow transplant Service at Rosewell Park Cancer Center in Buffalo NY, was our Gering alum speaker today. Her speech today was our greatest innovations come from within ourselves.

Casey Molifua (Mah Lif Yu Wa): Our Leadership First Team Mantra: We become What we Believe and our Principles; Work Hard, Support your colleagues, Make a difference every day.

Breakout Sessions: Jennifer Sibal completed a training on Canva-the new trend of presentations

Kory Knight-New automated/cloud based staff appraisal

Julie Siebke-Student Services

Stacy-Facilities and Finance Forecast

Ended the day with a Middle School Panel with Dr. Regan:

Aubree Boswell, Will Houstoun, Caleb Hernandez, Nikki Le

Immensely proud of this team here tonight:

This is the hardest job we will ever love and I am confident starting the school year with such pride and humbleness to work with such an amazing hard working team. Continuing this school year, we will drive high standards, a clear vision and a moral courage to do what is right and best for our students. Gering Public Schools is such a special place, and I am confident in the direction we are headed for this school year.

## **7. Public Comments**

## **8. Action Items**

8.1. Discuss, consider, and take action regarding the approval of policy numbers 504.20-Bullying Prevention and 1005.03-Parental Family Involvement.

A motion to approve the policy numbers 504.20-Bullying Prevention and 1005.03-Parental Family Involvement. was presented by Greg Trautman, seconded by Josh Lacy. After voting, motion Passed.

B.J. Peters: Absent, Brian Copsey: **Yea**, Josh Lacy: **Yea**, John Maser: **Yea**, Greg Trautman: **Yea**, Tracy Wiese: **Yea**

8.2. Discuss, consider, and take action regarding the approval of the 24-25 school year agreement between eLuma (Speech Services) and Gering Public Schools.

A motion to approve the 24-25 school year agreement between eLuma (Speech Services) was presented by Josh Lacy, seconded by John Maser. After voting, motion Passed.

B.J. Peters: Absent, Brian Copsey: **Yea**, Josh Lacy: **Yea**, John Maser: **Yea**, Greg Trautman: **Yea**, Tracy Wiese: **Yea**

8.3. Discuss, consider, and take action regarding the approval of the 2024-25 Construction Trade Agreement between Munoz Construction and Gering Public Schools.

A motion to approve the 2024-25 Construction Trade Agreement between Munoz Construction was presented by Greg Trautman, seconded by Josh Lacy. After voting, motion Passed.

B.J. Peters: Absent, Brian Copsey: **Yea**, Josh Lacy: **Yea**, John Maser: **Yea**, Greg Trautman: **Yea**, Tracy Wiese: **Yea**

8.4. Discuss, consider, and take action regarding the approval of Dana F. Cole & Company performing the 2024-25 school year audit.

A motion to approve Dana F. Cole & Company performing the 2024-25 school year audit. was presented by Josh Lacy, seconded by Greg Trautman. After voting, motion Passed.

B.J. Peters: Absent, Brian Copsey: **Yea**, Josh Lacy: **Yea**, John Maser: **Yea**, Greg Trautman: **Yea**, Tracy Wiese: **Yea**

8.5. Discuss, consider, and take action regarding the amendment to the 2024-25 Gering Middle School Handbook updated Personal Electronic Device (PED) language.

A motion to approve the amendment to the 2024-25 Gering Middle School Handbook updated Personal was presented by Tracy Wiese, seconded by Josh Lacy. After voting, motion Passed.

B.J. Peters: Absent, Brian Copsey: **Yea**, Josh Lacy: **Yea**, John Maser: **Yea**, Greg Trautman: **Yea**, Tracy Wiese: **Yea**

8.6. Discuss, consider, and take action regarding the approval of the Resolution for Staff Training.

A motion to approve the Resolution for Staff Training. was presented by Greg Trautman, seconded by Josh Lacy. After voting, motion Passed.

B.J. Peters: Absent, Brian Copsey: **Yea**, Josh Lacy: **Yea**, John Maser: **Yea**, Greg Trautman: **Yea**, Tracy Wiese: **Yea**

## 9. Board Comments

John Maser- Exciting time of year. Everyone works hard to make this happen. Keep Jackson family in everyone's prayers.

Josh Lacy-Thank you to everyone. Keep the fight going in the right direction. Summer camp is very impressive.

Tracy Weise- Look forward to the school year. I no longer have kiddos in the school district. I love seeing the kids come back to school.

Greg Trautman- My kids actually miss school. Kids are loved here at GPS. Our students miss the "Belonging" they have within our district. Our staff is truly making a difference in students' lives.

Brian Copsey- Thanked BOE for taking time. Our kids have been impacted by the teachers at GPS and want to come back after graduation. Employing alum is a very exciting thing. Everyone is making an impact.

9.1. Tentative Upcoming Board Meeting/Event Dates

**10. Adjourn**

The meeting was adjourned at 6:51 p.m.

July Check Listing

Payee Name	Amount
City Of Gering	\$38,366.70
Ace Hardware	\$319.86
AED Authority	\$4,476.00
Crescent Electric Supply	\$2,111.81
Dennis Supply Company	\$236.16
Eakes Office Solutions	\$230.20
Independent Plumbing & Heating	\$1,670.88
Menards	\$87.57
Nebraska Safety & Fire Equipment, Inc.	\$4,311.00
Pete's Quick Lube, LLC	\$309.28
Powerschool	\$4,557.36
School Health Corporation	\$330.58
Snell Services, Inc.	\$957.50
Valley Youth Connections	\$900.00
Bytes Computer & Network Solutions	\$36,614.95
Ace Hardware	\$243.17
Allo Communications	\$8,099.15
Benzel Pest Control	\$185.00
Brian Copsey	\$292.00
Bytes Computer & Network Solutions	\$5,064.84
Charter Communications	\$135.00
<a href="http://ChromebookParts.com">ChromebookParts.com</a>	\$399.80
City of Gering: LANDFILL	\$420.00
Cornerstones of Care	\$500.00
Crescent Electric Supply	\$29.20
Dennis Supply Company	\$448.32
EREFLECT INC	\$550.50
ESU13	\$34,958.67

EXPRESS TOLL	\$9.20
Floyd'S Sales & Service, Inc.	\$1,155.17
Frank Parts Company	\$93.44
Fresh Foods Inc.	\$12.00
Hedstrom Language Resources	\$885.15
JourneyEd.com Inc.	\$2,000.00
KSB School Law	\$118.00
Lakeshore Learning Materials	\$503.69
Lighthouse Electrical	\$16,902.82
Menards	\$454.98
Mile Hi Water Tec, Inc.	\$475.00
Nacia	\$40.00
OneSource	\$133.00
Pearson	\$924.84
Perry, Guthery, Haase & Gessford, P.C.,	\$1,228.50
Precision Air	\$199.65
Quadient Finance USA, Inc.	\$1,000.00
Sandberg Implement, Inc.	\$114.92
Sherwin-Williams Company	\$771.37
Thompson Glass, Inc.	\$802.00
Whiting Signs Llc	\$340.00
YMCA	\$5,898.03
Visa	\$15,788.12
Western Ne Community College	\$22,980.26
Richard, Jana L.	\$1,250.61
Gering Public Schools	\$20,000.00
Gable Construction	\$3,150.00
Anna DeForge	\$150.00
Awards Unlimited	\$828.04
Brook Schwartz	\$150.00
Cory Fehringer	\$2,383.00
Fairfield Inn & Suites - Grand Island	\$540.00
Gabriel Reyes	\$55.00
Harco Athletic Reconditioning, Inc.	\$324.00

Kearney Catholic	\$85.00
Logoz Llc	\$3,925.00
Nsaa	\$1,100.00
Pepsi Cola Of Western Nebraska	\$87.40
Regional West Medical Center	\$1,333.00
<a href="http://Soccer.com">Soccer.com</a>	\$181.07
SpeechWire Tournament Services	\$545.00
Band Shoppe	\$1,253.45
Black Squirrel Enterprises, Inc.	\$1,397.98
Heartland Champioinships LLC	\$75.00
Kenneth Eddy	\$1,500.00
Monument Inn & Suites	\$238.00
Nebraska HOSA	\$420.00
Nsaa	\$400.00
Pepsi Cola Of Western Nebraska	\$650.50
Riddell / All American Sports Corp.	\$1,430.00
Unk Athletics/Hs Cross Country Meet	\$250.00
Visa	\$11,747.72
Ogallala Volleyball Summer Camps	\$675.00
Eakes Office Solutions	\$999.49
Gering Public Schools	\$5,298.65
Snell Services, Inc.	\$135.00
Visa	\$3,061.56
Visa	\$223.68
Gering Public Schools	\$5,301.10
Clemens Carpet	\$25,300.18
Gary's Alliance Inc.	\$11,161.17
Family Construction LLC	\$39,000.00

## TITLE IX NONDISCRIMINATION

### Statement of Policy

This district does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admissions and employment. The board appoints \_\_\_\_\_ as the district's Title IX Coordinator. The Title IX Coordinator is the district's employee who coordinates the district's efforts to comply with its responsibilities under Title IX. In the event the Title IX coordinator is unavailable or is the respondent to a complaint, an alternate coordinator should instead be directed to receive complaints and act as the coordinator.

### General Obligations under Title IX

No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by the district, as required by law. Sex discrimination includes but is not limited to creating a hostile environment on the basis of sex.

The district also prohibits intimidation, threats, coercion, or discrimination against any person by the district, a student, or an employee or other person authorized by the district to provide aid, benefit, or service under the district's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate (except as an employee) in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

If the district has knowledge of conduct that reasonably may constitute sex discrimination in its education program or activity, it must respond promptly and effectively. The district is required by law to address sex-based discrimination even if it occurs off of school grounds, as long as it is conduct that is subject to the district's disciplinary authority. The district has an obligation to address a sex-based hostile environment under its education program or activity, even when some conduct contributing to the hostile environment occurred outside the district's program or activity.

### Giving Notice of Title IX Policy

The superintendent must create and distribute a Notice of Nondiscrimination in the form and circumstances required by the Title IX regulations, including how to find this policy including its Title IX grievance procedures, and contact information for Title IX Coordinator. The district will provide such notice to students, parents/guardians/other

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

student legal representatives, employees, applicants for admission and employment, unions and professional organizations with collective bargaining or other professional agreements with the district. Notice will be as required by law.

Title IX Coordinator duties are as prescribed in the Title IX regulations and may be delegated to another employee or a third party, but the board-named Title IX Coordinator must be an employee and will maintain ultimate administrative oversight of the district's Title IX compliance efforts.

The Title IX Coordinator monitors the district's education program or activity for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX and take steps reasonably calculated to address such barriers.

### Investigation and Reporting Forms Under This Policy

For complaints of sex-based discrimination, harassment or retaliation by an individual:

<u>Form</u>	<u>Completed By</u>
504.24E2 – initial report of sex discrimination	Complainant
504.24E3 – title IX coordinators intake report	Title IX Coordinator
504.24E4 – informal resolution procedures	Title IX Coordinator
504.24E5 – determination of sex-based harassment	Title IX Coordinator
504.24E6 – notice of dismissal of complaint	Title IX Coordinator
504.24E7 – appeal of dismissal or appeal of determination	Complainant
504.24E9 – decision of appeal of dismissal	Title IX Coordinator

For complaints Title IX discrimination in the district's programs or activities:

<u>Form</u>	<u>Completed By</u>
504.24E2 – initial report of sex discrimination	Complainant
504.24E3 – title IX coordinators intake report	Title IX Coordinator
504.24E4 – informal resolution procedures	Title IX Coordinator
504.24E8 – notice of initiation of grievance procedure	Title IX Coordinator
504.24E5 – determination of sex-based harassment	Title IX Coordinator
504.24E6 – notice of dismissal of complaint	Title IX Coordinator
504.24E7 – appeal of dismissal or appeal of determination	Complainant
504.24E10 – decision on appeal of grievance outcome	Title IX Coordinator

### Definitions

As used in this policy:

Complaint is an oral or written request to the district that objectively can be understood as a request for the district to investigate and make a determination about alleged discrimination under Title IX or its regulations. The Title IX Coordinator's knowledge of

the existence of a complainant requires a district response but does not itself constitute a complaint as used in this grievance procedure.

Complainant is a student, employee, or persons other than students or employees who were participating or attempting to participate in the district's program or activity, alleged to have been subjected to conduct that could constitute sex discrimination under Title IX.

Respondent is a person who is alleged to have violated the district's prohibition on sex discrimination.

Consent in this policy means willingly allowing conduct to occur but an individual may be incapable of providing consent to sexual conduct or activity due to circumstances resulting from age, disability, lack of information, incapacity or other causes. Since neither verbal nor physical resistance to the conduct is required to show lack of consent, the decisionmaker will consider the full circumstances when determining whether consent occurred. Consent, if given, may also be withdrawn at any time.

Sex-based harassment, which is prohibited by Title IX and is a form of sex discrimination, means "sexual harassment and other harassment on the basis of sex" that is: (1) quid pro quo harassment, (2) hostile environment harassment, or (3) a specific offense as identified in Title IX regulations.

Quid pro quo harassment occurs when "an employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient's education program or activity explicitly or impliedly condition[s] the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct."

Hostile environment harassment involves "unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (i.e., creates a hostile environment)." It is a fact-specific inquiry to determine whether a hostile environment has been created, and the following factors may be considered in making such a determination:

- The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
- The type, frequency, and duration of the conduct;
- The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- The location of the conduct and the context in which the conduct occurred; and
- Other sex-based harassment in the recipient's education program or activity.

Sexual Assault may be defined as a forcible or non-forcible offense under the uniform crime reporting system of the Federal Bureau of Investigation.

- Forcible Sex Offenses may include fondling, rape, sexual assault with an object, and sodomy.
- Non-forcible Sex Offenses include incest and statutory rape.

Dating Violence is defined as a pattern of behavior where one person uses threats of, or actually uses, physical, sexual, verbal, or emotional abuse to control his or her dating partner.

Domestic Violence refers to crimes committed by a current or former spouse under the laws of that jurisdiction where the victim is or has cohabited with the perpetrator, has a child together with the perpetrator, or the perpetrator commits violence against a youth or adult of that household under the domestic violence laws of that jurisdiction.

Stalking is the intentional conduct of following, harassing, or interfering with a specific individual to cause fear or emotional distress.

#### Retaliation

1. Retaliatory actions include, but are not limited to, acts of intimidation, threats, coercion or discrimination against those who:
  - a. Make complaints of illegal discrimination or harassment.
  - b. Report illegal discrimination or harassment.
  - c. Participate in an investigation, formal proceeding or informal resolution, whether conducted internally or outside the district, concerning illegal discrimination or harassment.
2. Aiding, abetting, inciting, compelling or coercing illegal discrimination, harassment or retaliatory actions.
3. Discrimination, harassment or retaliation against any person because of such person's association with a person protected from discrimination or harassment in accordance with this policy and law.

#### Staff Obligation to Report Sex Discrimination to Title IX Coordinator

All employees are required to notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination. However, an employee who is personally subjected to conduct that reasonably may constitute sex discrimination is encouraged to report such conduct to the Title IX Coordinator, but is not required by this policy to report if no other person within the district's program or activity (including any student) is adversely affected by that conduct, and the conduct is not required to be reported by another policy or law. If a student alleges sexual misconduct on the part of any district employee to any person employed by the district,

that person will immediately report the allegation to local law enforcement or DHHS in accordance with district policy.

#### Law Enforcement Reporting

Regardless of the Title IX Complaint process, school employees are still required to follow state law and district policies requiring reporting to law enforcement, social services agencies, or other relevant agencies. In cases where a report has been made that concerns conduct that also triggers the district's Title IX obligations, the Title IX Coordinator is directed to coordinate the investigation with law enforcement agencies, social services agencies, and related services agencies. The district may implement supportive measures or an emergency removal as appropriate. The district may extend the timeframes for the investigation and processing of a grievance if necessary due to a concurrent investigation by law enforcement or social services.

#### Permitted Emergency Exclusion Upon Complaint of Sex Discrimination

In consultation with the Title IX Coordinator, district administrators may remove a complaint respondent from the district's education program or activity on an emergency basis, provided that the district undertakes an individualized safety and risk analysis, determines that an imminent and serious threat to the health or safety of a complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision must not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504, or the Americans with Disabilities Act.

This provision does not preclude the district from placing any employee on administrative leave.

#### Special Education /Section 504 Overlap

If a complainant or respondent is a student with a disability, the Title IX Coordinator must consult with one or more members, as appropriate, of the student's Individualized Education Program (IEP) team, if any, or one or more members, as appropriate, of the group of persons responsible for the student's placement decision under Section 504, if any, to determine how to comply with federal law requirements throughout the district's implementation of grievance procedures and/or supportive measures.

#### Additional Prohibited Behavior

Behavior that is not unlawful or does not rise to the level of Title IX discrimination, harassment or retaliation on the basis of sex might still be unacceptable for the workplace or the educational environment. The district encourages students, employees and the public to report such behavior so that it can be promptly addressed whether under this policy or policy 504.18 Harassment.

### Confidentiality and Records

To the extent permitted by law and in accordance with board policy, the district will keep confidential the identity of the person filing a grievance and any grievance or other document that is generated or received pertaining to grievances. Information may be disclosed if necessary to further the investigation, appeal or resolution of a grievance, or if necessary to carry out interim or disciplinary measures. The district will disclose information to the district's attorney, law enforcement, social services agencies, and others when necessary to enforce this policy or when required by law. In implementing this policy, the district will comply with state and federal laws regarding the confidentiality of student and employee records. Information regarding any resulting employee or student disciplinary action will be maintained and released in the same manner as any other disciplinary record. The district will keep any documentation created in investigating the complaint including, but not limited to, documentation considered when making any conclusions and as advised by the district's attorney.

### All Other Reports

Unless the concern is otherwise voluntarily resolved, all persons must report incidents that might constitute discrimination, harassment or retaliation directly to the Title IX Coordinator. All district employees will instruct all persons seeking to file a grievance to communicate directly with the Title IX Coordinator. Even if the suspected victim of discrimination, harassment or retaliation does not file a grievance, district employees are required to report to the Title IX Coordinator any observations, rumors or other information about actions prohibited by this policy. If a person refuses or is unable to submit a written complaint, the Title IX Coordinator will summarize the verbal complaint in writing. A grievance is not needed for the district to act upon finding a violation of law, district policy or district expectations.

Students, employees and others may attempt to resolve minor issues by addressing concerns directly to the person alleged to have violated this policy, but they are not expected or required to do so. Any attempts to voluntarily resolve a grievance will not delay the investigation once a report has been made to the district.

Even if a grievance under this policy is not directly filed, if the Title IX Coordinator otherwise learns about possible discrimination, harassment or retaliation, including violence, the district will conduct a prompt, impartial, adequate, reliable and thorough investigation to determine whether unlawful conduct occurred and will implement the appropriate interim measures if necessary.

If sex-based harassment is observed or alleged in a student behavior, the administrator must consult the Title IX coordinator prior to imposing discipline. Administrators will report all incidents as directed in the "Reporting" section of this policy and will direct the parent/guardian and student to the Title IX Coordinator for further assistance. In cases not

being handled under this policy, the Title IX Coordinator may determine that the incident has been appropriately addressed or recommend additional action.

#### Title IX Grievance Procedures

The superintendent or designee will adopt, publish and implement grievance procedures consistent with Title IX regulations that provide for the prompt and equitable resolution of complaints alleging any action that would be prohibited by Title IX. The grievance procedures must treat complainants and respondents equitably. The Title IX Coordinator coordinates implementation of the grievance procedure.

The Title IX Coordinator may also serve as the investigator and/or decisionmaker under the district's grievance procedures.

The grievance procedure may, at the discretion of the superintendent or designee, include provisions for Informal Resolution of some complaints in accordance with Title IX regulations.

Any employee or any other person authorized by the district to provide any aid, benefit, or service under the district's education program or activity must participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing under this policy.

#### When the Title IX Coordinator is Made Aware of Possible Sex-based Discrimination

When the Title IX Coordinator is notified of conduct that reasonably may constitute sex discrimination under Title IX or its regulations, the Title IX Coordinator will:

1. Treat the complainant and respondent equitably.
2. Offer and coordinate supportive measures as appropriate for the complainant. In addition, if the grievance procedure has been initiated or if the district has offered an informal resolution process to the respondent, the Title IX Coordinator will also offer and coordinate supportive measures as appropriate for the respondent;
3. Notify the complainant of the grievance procedures and the informal resolution process, if offered.
4. In response to a complaint, initiate the grievance procedures or the informal resolution process; and
5. Regardless of whether a complaint is initiated, take other appropriate prompt and effective steps, in addition to steps necessary to effectuate the remedies provided to an individual complainant, if any, to ensure that sex discrimination does not continue or recur within the recipient's education program or activity.
6. The Title IX Coordinator is not required to comply with (1) through (5) of this section upon being notified of conduct that may constitute sex discrimination if the Title IX Coordinator reasonably determines that the conduct as alleged could not constitute sex discrimination under Title IX or this part.

### How a Complaint is Made about District Programs or Activities

The Title IX Coordinator's knowledge of the existence of a complainant requires a district response but does not itself constitute a complaint as used in this grievance procedure. A complaint is made by an oral or written request to the district that objectively can be understood as a request for the district to investigate and make a determination about alleged discrimination under Title IX or its regulations.

### Persons Making a Complaint

The following people have a right to make a "complaint" of sex discrimination in the program or activity of the district:

- Any student or employee the district;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant;
- Any person other than a student or employee who was participating or attempting to participate in the district's education program or activity at the time of the alleged sex discrimination.
- The Title IX Coordinator.

Limitation on Complaints of Sex-Based Harassment including Hostile Environment: A person is entitled to make a complaint of sex-based harassment (a sub-category of sex discrimination) including a sex-based hostile environment, only if : they themselves are alleged to have been subjected to the sex-based harassment, they have a legal right to act on behalf of such person, or the Title IX Coordinator initiates a complaint in accordance with law.

District-Initiated Complaints. In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator may initiate a complaint of sex discrimination if they determine that the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other person, or that the conduct as alleged prevents the district from ensuring equal access on the basis of sex to its education program or activity .

To make this fact-specific determination, the Title IX Coordinator must consider, at a minimum, the following factors:

- The complainant's request not to proceed with initiation of a complaint;
- The complainant's reasonable safety concerns regarding initiation of a complaint;
- The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
- The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;

- The age and relationship of the parties, including whether the respondent is an employee of the district;
- The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- Whether the district could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

#### Complaint Consolidation

The district may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances.

#### Complaints Concerning District Policy or Practice

Not all complaints of sex discrimination involve active participation by complainants and respondents, including those alleging that the recipient's own policies and procedures discriminate based on sex. When a sex discrimination complaint alleges that the district's own policy or practice discriminates on the basis of sex, the district is not considered a "respondent" for procedural purposes. However, the district must fully implement and follow those parts of the grievance procedures that do apply to such complaints and complainants, including when responding to a complaint alleging that the recipient's policy or practice discriminates on the basis of sex.

For a complaint alleging that an individual engaged in sex discrimination based on actions the individual took in accordance with the recipient's policy or practice, the district must treat the individual as a respondent and comply with the requirements in these grievance procedures that apply to respondents. This is because such complaints may involve factual questions regarding whether the individual was, in fact, following the recipient's policy or practice, what actions the individual took, and whether the individual could be subject to disciplinary sanctions depending on these facts. To the extent an individual was following the recipient's policy or practice, the district has flexibility to determine whether the original complaint must be amended to be a complaint against the district itself or whether this determination can be made based on the original complaint against the individual.

#### Notice of a Complaint

When the district's grievance procedures are initiated the Title IX Coordinator or designee must provide notice of the allegations to the parties whose identifies are known.

The notice must include:

- These grievance procedures
- The informal resolution process, if available and appropriate.
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. If the district provides a description of the evidence, the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

If, in the course of an investigation, the Title IX Coordinator or designee decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, the Title IX Coordinator or designee will notify the parties of the additional allegations.

#### Dismissal of a Complaint

The Title IX Coordinator or designee may dismiss a complaint of sex discrimination if, after making reasonable efforts to clarify the allegations with the complainant:

- The district is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the district's education program or activity and is not employed by the district;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the district determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- The Title IX Coordinator or designee determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX.

When a complaint is dismissed, the Title IX Coordinator will, at a minimum:

- Notify the complainant of the dismissal, the basis for the dismissal and the process for appealing the dismissal.
- If the dismissal occurs after the respondent has been notified of the allegations, notify the respondent of the dismissal, the basis for the dismissal and that the dismissal may be appealed promptly following notification to the complainant, or simultaneously if notification is in writing.

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the district's education program or activity.

Dismissal on these grounds does not prevent the application of any other district policy that applies to the alleged conduct or referral of the alleged conduct to appropriate administrators.

#### Appeal of Dismissal of Complaint

Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, the Title IX Coordinator or designee will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

#### Investigation of the Complaint by the District

The district will provide for adequate, reliable, and impartial investigation of complaints. The burden is on the district—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred. Any employee or any other person authorized by the district to provide aid, benefit, or service under the district's education program or activity to must, upon request by the Title IX Coordinator, an investigator, or a decisionmaker, participate as a witness in, or otherwise assist with, an investigation or proceeding under Policy 504.24 including these grievance procedures.

The district presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

The district will objectively evaluate all evidence that is relevant and not otherwise impermissible including both inculpatory and exculpatory evidence.

Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The district will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible.

The district will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

The district will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, or an accurate description of the evidence, in the following manner:

- If the district provides a description of the evidence, the district will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
- The district will provide a reasonable opportunity for either party to respond to the evidence or the description of the evidence; and
- The district will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

#### Evidentiary Exclusions

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the district to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a legal privilege, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the district obtains that

- party's or witness's voluntary, written consent for use in its grievance procedures;  
and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless it is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

#### Confidentiality and Privacy

The district will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures.

The district must not disclose personally identifiable information obtained in the course of complying with Title IX, except in the following circumstances:

- When the district has obtained prior written consent from a person with the legal right to consent to the disclosure;
- When the information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
- To carry out the purposes of Title IX, including action taken to address conduct that reasonably may constitute sex discrimination under Title IX in the district's education program or activity;
- As required by Federal law, Federal regulations, or the terms and conditions of a Federal award, including a grant award or other funding agreement; or
- To the extent such disclosures are not otherwise in conflict with Title IX, when required by State or local law or when permitted under FERPA.

#### Investigatory Questioning of the Parties and Witnesses:

The grievance decisionmaker will question parties and witnesses to adequately assess their credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. Where the investigator has interviewed a party or witness and the investigator is also serving as the grievance decisionmaker, credibility evaluation is inherent in the process of conducting the interview. In situations where credibility determinations are required from a grievance decisionmaker who did not interview a party or witness, the Title IX Coordinator will facilitate an opportunity for the

decisionmaker to conduct an interview as part of the grievance decisionmaker's process of engaging with the evidence resulting from the investigation.

Making the Determination Whether Sex Discrimination Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the grievance decisionmaker will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. If the decisionmaker is not persuaded by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal;
- If sex discrimination occurred, identify recommended discipline for the respondent for sex discrimination prohibited by Title IX ;
- Promptly transmit the grievance record and the determination to the Title IX Coordinator if the Title IX Coordinator did not serve as the decisionmaker.

If Sex Discrimination Occurred, How Does the District Respond?

When the respondent is found to have violated the prohibition on sex discrimination under Policy 504.24, the Title IX Coordinator will, as appropriate:

- Coordinate the provision and implementation of remedies, provided to restore or preserve equal access to the district's education program or activity when limited or denied by sex discrimination;
- Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
- Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the district's education program or activity.
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Appeal of Grievance Process Outcomes

Appropriate supportive measures managed by the Title IX Coordinator will continue during all appeals.

Within 5 days after the decisionmaker makes a final decision at the conclusion of the grievance process, the complainant or the respondent, or both, may appeal the decision to

the superintendent or designee by notifying the Title IX Coordinator in writing. The superintendent or designee will complete a written decision on the appeal within 10 days. The decision will be provided to the Title IX Coordinator, complainant, and respondent within 5 days of the decision.

If the determination that sex discrimination occurred is affirmed, reversed, or modified on appeal, the grievance returns to the Title IX Coordinator and the superintendent or designee to implement or modify the appropriate remedies, disciplinary sanctions, and other prompt and effective district steps to ensure that sex discrimination does not continue or recur.

#### Remedies When Sex Discrimination Occurred

After the district determines that sex discrimination occurred, the district may provide remedies, as appropriate, to a complainant or any other person the district identifies as having had their equal access to the district's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the district's education program or activity.

#### Supportive Measures

The district will provide supportive measures through its Title IX Coordinator, to complainants as appropriate and, if a complaint has been filed, to the respondent as appropriate.

For complaints of sex-based harassment, these supportive measures may include individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

Restore or preserve that party's access to the recipient's education program or activity, including measures that are designed to protect the safety of the parties or the recipient's educational environment; or

Provide support during the recipient's grievance procedures or during an informal resolution process.

Supportive measures may vary depending on what the district deems to be reasonably available. These measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to sex-based harassment.

The district may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures or at the conclusion of the informal resolution process, or the district may continue them beyond that point.

For allegations of sex discrimination other than sex-based harassment or retaliation, the district may provide supportive measures, but is not required to alter the alleged discriminatory conduct during the grievance process.

#### Confidentiality of Supportive Measures

The district must not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the education program or activity, or when an exception to this policy's prohibition on disclosures of personally identifiable information applies.

#### Review of Supportive Measures Decisions

Upon request, the Title IX Coordinator will designate an appropriate and impartial employee to review the modification or reversal of the district's decision to provide, deny, modify, or terminate supportive measures. The reviewing employee must be someone other than the employee who made the challenged decision and must have authority to modify or reverse the decision. The district must also provide a party with the opportunity to seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.

#### Disciplinary Sanctions

Administrators should consult with the Title IX Coordinator about potential disciplinary responses to the conduct that is alleged to be in violation of the prohibition on sex discrimination. The district is not permitted to impose disciplinary sanctions upon a respondent to a complaint for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the district's grievance process that the respondent engaged in prohibited sex discrimination. Appropriate supportive measures may be employed during the grievance process and an emergency removal may occur when necessary.

#### Overlapping Discrimination Claims and this Procedure

To the extent the underlying facts and legal questions in a complaint handled under the Title IX grievance process overlap with and pertain to compliance by the district with another law or regulation concerning discrimination under Policy 504.18, the evidence and findings of the Title IX grievance process may be used for both purposes, in the discretion of the Title IX Coordinator and, if not the same person, the district's Policy 504.18 Compliance Officer.

### Timelines for the Grievance Process

The timelines shown in this policy are the ones approved by the board and are not statutory but are intended to establish expectations for being “prompt” in resolving Title IX matters in most cases. The board may choose to modify those timelines within the following ranges:

- Arriving at the decision whether to investigate or dismiss a sex discrimination complaint, 1 to 15 days.
- Conducting the investigation, 1 to 30 days.
- Making a determination on the complaint, 1 to 30 days.
- Conducting and deciding an appeal, 1 to 20 days.

### Training Requirements

The Title IX Coordinator must ensure that all employees are trained promptly upon hiring or change of position, and annually afterwards, on the district’s obligations to address sex discrimination, the scope of conduct that constitutes sex discrimination, and reporting requirements. All training received by district personnel should be documented.

In addition to the annual training, any investigator, decisionmaker, facilitator of informal resolutions, and any person otherwise responsible for implementing the District’s grievance procedures or who has the authority to modify or terminate supportive measures, must each receive additional training as required by law.

The Title IX Coordinator and any designees must receive the level of advanced training required by Title IX, and any other training necessary to coordinate the District’s compliance with Title IX.

The district must make all materials it uses for required Title IX training available upon request for inspection by members of the public.

### Recordkeeping

The district must maintain for a period of at least seven years:

For each complaint of sex discrimination, records documenting the informal resolution process under or the grievance procedures and the resulting outcome.

For each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute sex discrimination under Title IX, including notifications by employees, and records documenting the actions the district took to meet its obligations to respond promptly and effectively.

Legal Reference: Civil Rights Act, Title VI; 42 USC 2000d et seq.  
Civil Rights Act, Title VII; 42 USC 2000e et seq.

Education Amend. of 1972, Title IX; 20 USC 1681 et seq.  
Exec. Order 11246, as amended by Executive Order 11375  
Equal Pay Act; 29 USC 206  
34 CFR part 106

Cross Reference: 103.00 Equal Educational Opportunity  
402.01 Equal Opportunity Employment  
402.15 Staff Conduct with Students  
403.02 Child Abuse Reporting  
403.03 Abuse of Students by School District Employees  
404.06 Harassment by Employees  
405.00 Employee Conduct and Appearance  
501.00 Objectives for Equal Educ. Opportunities for Students  
504.03 Student Conduct  
504.14 Hazing, Initiation, Secret Societies or Gang Activity  
504.18 Harassment by Students  
504.20 Bullying Prevention  
504.21 Dating Violence Prevention  
505.03 Suspension and Expulsion of Students  
612.05 Individualized Education Program  
612.10 Procedural Safeguards

## DISTRICT NOTICE OF NONDISCRIMINATION ON THE BASIS OF SEX

The notice forms are as follows, with the current district contact information and website links included at the time of use. In general, use the full statement below:

- [NAME OF DISTRICT] does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admission and employment.
- Inquiries about Title IX may be referred to the district's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both.
- The district's Title IX Coordinator is [name or title, office address, email address, and telephone number].
- The district's nondiscrimination policy (Policy 504.24) including its grievance procedures can be located, [include link to location(s) on website or otherwise describe location(s)] or obtained by contacting the Title IX Coordinator.
- To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please contact the Title IX Coordinator.

If necessary due to the format or size of any publication, use the following statement:

[NAME OF DISTRICT] prohibits sex discrimination in any education program or activity that it operates. Individuals may report concerns or questions to the Title IX Coordinator. The notice of nondiscrimination is located at [insert website address].

Title IX requires the district to provide a notice of nondiscrimination to students; parents, guardians, or other authorized legal representatives of elementary school and secondary school students; employees; applicants for admission and employment; and all unions and professional organizations holding collective bargaining or professional agreements with the district. The district must prominently place this notice of nondiscrimination on its website and in each handbook, catalog, announcement, bulletin, and application form that it makes available to persons entitled to, or which are otherwise used in connection with the recruitment of students or employees.

**INITIAL REPORT OF SEX DISCRIMINATION**  
*(Including But Not Limited To Sex-Based Harassment)*

**IF SEX DISCRIMINATION HAPPENED TO YOU (OR YOUR CHILD):**

Anyone who believes they have been a victim of sex-based discrimination may initiate a report using this form; may bypass this form and contact the Title IX coordinator directly for assistance; or may make a report by any other means that will result in the Title IX coordinator receiving the report.

**IF YOU ARE REPORTING SEX DISCRIMINATION THAT HAPPENED TO SOMEONE ELSE:** It is understood that the basis of an initial report may be either direct or indirect knowledge or reasonable suspicion drawn from the circumstances and warranting further inquiry. District employees are required, and all other persons are strongly encouraged, to assist the district's Title IX coordinator by promptly supplying as much of the following information as possible, using this form, when making a report of sexual-based discrimination including sex-based harassment. If you are not a district employee, you may instead directly contact the Title IX coordinator via any of the contact methods provided, but the Title IX coordinator will want the same information as is requested on this form.

**Retaliation Prohibited**

The district, its employees and other people are prohibited from intimidating, threatening, coercing or discriminating against you for filing this report. Please contact the Title IX coordinator immediately if you believe retaliation has occurred.

**Confidentiality**

The district will keep this report confidential as allowed by law. However, it may be necessary to disclose information contained in this report in order to investigate the alleged conduct and administer appropriate responses and remedies. If you have any questions regarding how the information contained in this report may be used, please discuss them with the Title IX coordinator prior to filing the report. Once this report is filed, the district has an obligation to investigate the information provided.

**REPORT**

To: Title IX Coordinator Date of Report: \_\_\_\_\_

**Person Making Report**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone(s): \_\_\_\_\_

Email: \_\_\_\_\_

Relationship with District (circle at least one): Student Employee Volunteer Visitor  
Other (Explain): \_\_\_\_\_

Relationship to Incident (circle at least one): Complainant Complainant's Parent/Guardian  
Witness Other Person with Knowledge (explain): \_\_\_\_\_

**Alleged Victim(s) (if someone other than an alleged victim is making the report)**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone(s): \_\_\_\_\_

Email: \_\_\_\_\_

Relationship with District (circle at least one): Student Employee Volunteer Visitor  
Other (Explain): \_\_\_\_\_

Relationship with the Alleged Perpetrator (Respondent):\* \_\_\_\_\_

\*If the District itself allegedly engaged sex-based discrimination, use "District" when identifying the respondent on this form, and include (if applicable) the specific school, program, or activity in which the alleged sex discrimination occurred or is occurring.

Please provide the contact information requested above for each additional alleged victim of the sex discrimination (attach additional sheets if necessary): \_\_\_\_\_

\_\_\_\_\_

**Respondent(s) (Alleged Perpetrators)**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone(s): \_\_\_\_\_

Email: \_\_\_\_\_

Relationship with District (circle at least one): Student Employee Volunteer Visitor

Other (Explain): \_\_\_\_\_

Relationship with the Victim: \_\_\_\_\_

Please provide the contact information requested above for each additional respondent (attach additional sheets if necessary): \_\_\_\_\_

Conduct – Please describe the conduct and/or circumstances prompting this report (attach additional sheets with all of the information if necessary): \_\_\_\_\_

Information Regarding Respondent – Please provide as much information as you can about the person(s) involved: \_\_\_\_\_

**Witnesses** – If other persons observed some or all of the conduct that may constitutes sexual harassment or discrimination or can otherwise provide information useful for an investigation, please provide their names, descriptions and/or contact information: \_\_\_\_\_

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**Any Other Persons with Information** – Please provide the names, descriptions and/or contact information of any person not listed above but likely to have information regarding or verifying these claims, including other persons you have discussed this report with: \_\_\_\_\_

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**Other Reports** – To your knowledge, has this conduct been reported to the police, the Children's Division of the Missouri Department of Social Services or to any other agency? If so, please provide the name of any police agency contacted and provide to the Title IX coordinator a copy of the report or complaint filed, if any: \_\_\_\_\_

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**Other Evidence** – If you have documents, pictures, texts, e-mails, video or other types of evidence that support your allegations, please provide copies of them with this report or describe them below and provide them to the Title IX coordinator: \_\_\_\_\_

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**Safety** – Do you have concerns regarding the safety of the alleged victim, perpetrator or any other person? If so, please explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Acknowledgment of Reporter**

I have read this report form thoroughly and have answered all questions in good faith. I understand that I may contact the Title IX coordinator if I have any questions about the reporting process or policy ACA in general.

\_\_\_\_\_  
Reporter's Signature Date

\_\_\_\_\_  
Reporter's Printed Name:

**District Receipt of Report**

This report form was received by the Title IX coordinator on \_\_\_\_\_ [date].

\_\_\_\_\_  
Title IX Coordinator's Signature Date

\_\_\_\_\_  
Title IX Coordinator's Printed Name:

TITLE IX COORDINATOR'S SEX DISCRIMINATION COMPLAINT INTAKE FORM

The purpose of this form is to assist the Title IX coordinator in determining, in cooperation with the person making the report, whether the behavior constitutes sex discrimination under Title IX or a violation of other laws or the district's code of conduct.

Retaliation Prohibited

The district, its employees and other people are prohibited from intimidating, threatening, coercing, or discriminating against you for filing this report. Please contact the Title IX coordinator immediately if you believe retaliation has occurred.

Confidentiality

The district will keep this report confidential as allowed by law. However, it may be necessary to disclose information contained in this report in order to investigate the conduct and administer an appropriate response and remedies. If you have any questions regarding how the information contained in this report may be used, please discuss them with the Title IX coordinator.

\_\_\_\_\_ Title IX coordinator to initial here after discussing with the reporter during intake.

Date of Report: \_\_\_\_\_

Person Making the Report

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone(s): \_\_\_\_\_

Email: \_\_\_\_\_

Relationship with District (circle at least one): Student Employee Volunteer Visitor

Other (Explain): \_\_\_\_\_

Relationship to Incident (circle at least one): Complainant Complainant's Parent/Guardian  
Witness Other Person with Knowledge (explain): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Person(s) subjected to sex discrimination (if different than Person Making Report)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone(s): \_\_\_\_\_

Email: \_\_\_\_\_

Relationship with District (circle at least one): Student Employee Volunteer Visitor  
Other (Explain): \_\_\_\_\_

Relationship with the Alleged Perpetrator (Respondent): \_\_\_\_\_

Please provide the contact information requested above for each additional person subjected to discrimination (attach additional sheets if necessary): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Respondent(s) (Person / Entity Alleged to have discriminated on the basis of sex)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone(s): \_\_\_\_\_

Email: \_\_\_\_\_

Relationship with District (circle at least one): District Student Employee Volunteer  
Visitor

Other (Explain): \_\_\_\_\_

Relationship with the Complainant: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



Any Information Regarding Respondent – Provide other relevant information about the person(s) involved in the alleged sexual harassment and their relationship with the complainant: \_\_\_\_\_

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Witnesses – Provide names, descriptions and/or contact information of persons believed to have observed the conduct or who otherwise may have knowledge of the conduct and/or the circumstances: \_\_\_\_\_

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Other Persons with Information – Provide names, descriptions and/or contact information of any other person with information regarding or verifying these claims, including other persons with whom the conduct has been discussed: \_\_\_\_\_

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Other Evidence – Description of documents, pictures, texts, emails, video, physical objects or other types of evidence relevant to the allegations, as provided to the Title IX coordinator: \_\_\_\_\_

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Resolution – In your opinion as the complainant, what actions should the district take to address or resolve the conduct? Please note that the district is not obligated to follow your recommendations but is interested in your opinion. \_\_\_\_\_

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Safety – List any concerns regarding the safety of the complainant, respondent or any other person: \_\_\_\_\_

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Supportive Measures – List supportive measures discussed or offered: \_\_\_\_\_

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Other Reports – If the conduct has been reported to the police, social service agencies, or any other agency, provide the name of any agency contacted: \_\_\_\_\_

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**Title IX Coordinator's Designation of Report**  
(To be Completed by Title IX Coordinator)

After consultation, this report is designated as:

- A report giving the district knowledge of conduct that reasonably may constitute sex discrimination in its education program or activity sex discrimination under Title IX (or associated retaliation) prohibited in policy 504.24 (check all that apply):
  - A “quid pro quo harassment” because it alleges conditioning the provision of an aid, benefit or service of the district on an individual's participation in unwelcome sexual conduct;
  - Subjected to a hostile environment on the basis of sex;
  - One of the “Specific Offenses” listed in the Title IX regulations;
  - Other exclusion, on the basis of sex, from participation in, or being denied the benefits of, or being otherwise subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by the district.

OR

- NOT a report giving the district knowledge of conduct that reasonably may constitute sex discrimination in its education program or activity sex discrimination under Title IX (or associated retaliation) prohibited in policy 504.24. If applicable, indicate that the allegations instead reported a concern of:
  
- A complaint of illegal discrimination and/or harassment or associated retaliation prohibited in policy 504.18, but not sex discrimination.

A report of potential misconduct in the district's program or activity, but not misconduct on the basis of sex. (explain): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

And, therefore:

- The reported conduct will be referred for district response in accordance with the provisions of the applicable policy; or
  
- No further action is being taken on the reported conduct at this time.

I made the foregoing determinations on \_\_\_\_\_ [date] and in accordance with policy 504.24.

\_\_\_\_\_  
Title IX Coordinator's Signature

\_\_\_\_\_  
Date

Title IX Coordinator's Printed Name: \_\_\_\_\_

Upon making the foregoing disposition, a copy of this completed form is being provided to the reporter.

## INFORMAL RESOLUTION PROCEDURES

The Title IX Coordinator or designee may offer the parties an informal resolution process as an alternative to the more formal Title IX grievance procedure at any time prior to the completion of the formal grievance procedure, but is not required to do so. However, the informal resolution process cannot be used when the complaint includes allegations that an employee engaged in sex-based harassment of a student or the process would conflict with the requirements of law. Further, the Title IX Coordinator or designee will not offer this process if the alleged conduct would present a future risk of harm to others. Even if the information resolution process is used, the Title IX Coordinator is responsible for taking appropriate, prompt and effective steps to ensure that sex discrimination does not occur in the district's programs and activities.

### Consent

The district must obtain the parties' voluntary consent to the informal resolution process from both parties, and must not require waiver of the right to an investigation and determination of a complaint as a condition of enrollment, employment or any other right. The district and its staff will not require or pressure the parties to participate in an Informal resolution process, or continuing enrollment, or employment or continuing employment, or exercise of any other right. The consent will be provided in writing. Appropriate supportive measures will continue during the informal resolution process.

### Notice

Before initiation of an informal resolution process, the district must provide to the parties notice that explains:

1. The allegations;
2. The requirements of the informal resolution process;
3. That, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the recipient's grievance procedures;
4. That the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;
5. The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
6. What information the recipient will maintain and whether and how the district could
7. disclose such information for use in grievance procedures, if grievance procedures are initiated or resumed.

### Facilitator

The informal process will be led by a facilitator appointed by the Title IX Coordinator or designee. The facilitator cannot be the same person as the investigator or the decisionmaker in the Title IX grievance procedures. Any person designated by the district to facilitate an informal resolution process must not have a conflict of interest or bias for or against complainants or

respondents generally or an individual complainant or respondent. Any person facilitating informal resolution must receive the training required by Title IX for that role.

#### Internal Resolution Process Requirements

When a party agrees to the Informal Resolution process, they are required to:

- Withdraw from the Title IX grievance procedure.
- Not file an additional complaint under the Title IX grievance procedure based on the same facts while the informal resolution process is pending.
- Participate in the process in good faith.
- Meet with the facilitator when requested to do so.
- Meet with the facilitator and the other party when requested by the facilitator.
- Respond to all questions asked by the facilitator.
- Provide evidence to the facilitator when requested.
- Submit written requests that provide details regarding the remedies they are seeking. These requests are shared with the other party.
- When agreement is reached, signing a written document stating the content of the agreement.
- Abide by the agreement reached.
- Retaliation, threats, and foul language are prohibited.

Failure of a party to comply with these requirements will result in the facilitator ending the informal resolution process and returning the complaint to the formal Title IX grievance process. The Title IX Coordinator or either party may terminate the informal resolution process prior to reaching an agreement. In those situations, the complaint will again be processed under the Title IX grievance procedure.

#### Agreements

Agreements reached as part of the informal resolution process will be in writing, signed by both parties, and approved by the Title IX Coordinator. When necessary, either party may request an amendment or supplemental agreement and the Title IX Coordinator or designee will determine if that is appropriate.

An agreement closes the complaint.

Failure to abide by the agreement will result in disciplinary sanctions and the possibility that a complaint will again be filed under the Title IX grievance procedure.

#### Potential Terms

The potential terms that may be requested or offered to parties by the facilitator in an informal resolution include but are not limited to:

1. Restrictions on contact between the parties.
2. Administrative accommodations such as adjusting class schedules, changing sections, etc.
3. Education, professional development, mentoring, or coaching.

4. Collaborative agreements on behavior modifications.
5. Other non-disciplinary interventions.
6. Exclusions or restrictions on the respondent's participation in one or more of the district's programs or activities or attendance at specific events.
7. Any remedies or discipline that the district could have imposed if the district's Title IX grievance process had been used.
8. Any supportive measure the district has offered or could have offered to the parties.

#### Information Retention and Use

The district will retain the complaint, written responses, and any final agreement in a file separate from the employment file or student file, though the matter may be referenced in the employment file or student file. If an agreement is not reached, any evidence disclosed or records created during the informal resolution process may be used in the Title IX grievance procedure. The records will be retained at least seven years, or until a respondent student graduates or a respondent employee is no longer employed, whichever is longer.

#### Explanation

The new Title IX regulations allow for districts to offer parties the opportunity for a more informal process for resolving complaints of sex discrimination. This process cannot be used if the allegation is sexually harassment of a student by an employee, but may be considered a good option in other situations. This would be, for example, a good opportunity to exercise restorative justice practices if you have staff members trained in that process.

The regulations do not give much guidance on this process, so much of this sample procedure is optional and may be amended by the district. And the district is not required to offer an informal resolution process at all.

SEX-BASED HARASSMENT UNDER TITLE IX  
(*Determination*)

Name(s) of Complainant(s): \_\_\_\_\_

\_\_\_\_\_

Name(s) of Respondent(s): \_\_\_\_\_

\_\_\_\_\_

Date of Determination: \_\_\_\_\_

*If necessary, write out on a separate sheet, attach to this form and incorporate by reference.*

Allegations

List the allegations potentially constituting sexual harassment under Title IX: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_











Effective Date

\_\_\_\_\_ [Insert date immediately after deadline to appeal.]

Appeal Rights

The parties may request an appeal of this decision by submitting written notice to the Title IX coordinator within business days after the date of the decision. Appeals are limited to one or more of the following bases:

1. There was a procedural irregularity that affected the outcome;
2. There is new evidence that was not reasonably available at the time of the determination that could affect the outcome of the matter; or
3. The Title IX coordinator, investigator(s) or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent that affected the outcome.

For more information on the appeal process, contact the Title IX coordinator and review policy 504.24.

\_\_\_\_\_  
Decision-Maker's Signature

\_\_\_\_\_  
Decision-Maker's Printed Name

NONDISCRIMINATION ON THE BASIS OF SEX  
(Notice of Dismissal of Complaint)

Name(s) of Complainant(s): \_\_\_\_\_

\_\_\_\_\_  
Name(s) of Respondent(s): \_\_\_\_\_

From: \_\_\_\_\_, Title IX Coordinator

Date: \_\_\_\_\_

The district has dismissed the complaint of sex discrimination under Title IX

initiated on \_\_\_\_\_ [date of formal complaint].

The complaint was dismissed because (please check all that apply):

- The district is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the district's education program or activity and is not employed by the district;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the district determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- The Title IX Coordinator or designee determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX.

Appeal

You may appeal the dismissal of this complaint by submitting written notification of appeal to the Title IX coordinator listed above within 3 business days of receiving this notice.

Appeals are limited to one or more of the following bases:

1. There was a procedural irregularity that affected the outcome;
2. There is new evidence that was not reasonably available at the time the decision to dismiss was made that could affect the outcome; or

3. The Title IX coordinator, investigator or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent that affected the outcome.

If the dismissal is appealed, the Title IX Coordinator or designee will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

#### Other Options

Even if the allegations are not appropriate for a complaint of sex discrimination under Title IX, if the Title IX coordinator determines that the allegations should be investigated under a different complaint process, the Title IX coordinator will forward the formal complaint to the appropriate person within the district to address the concerns using a different complaint process.

If you have any questions, please contact the Title IX coordinator and consult policy 504.24.

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Title IX Coordinator's Signature

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Title IX Coordinator's Printed Name

**SEX DISCRIMINATION UNDER TITLE IX**  
*(Appeal of Dismissal of Complaint OR Appeal of Determination of Grievance)*

Party Filing Appeal: \_\_\_\_\_

Date Appeal Filed: \_\_\_\_\_

IF YOU ARE APPEALING DISMISSAL OF A COMPLAINT USE SECTION 1.

IF YOU ARE APPEALING THE OUTCOME OF THE GRIEVANCE PROCES USE SECTION 2.

**SECTION 1: APPEAL OF A DISMISSAL PRIOR TO GRIEVANCE PROCESS:**

I am notifying the district that I am appealing the dismissal of the complaint made on \_\_\_\_\_ [date of decision]. I understand that I may appeal only if one or more of the following bases apply (check all bases that apply):

There was a procedural irregularity that affected the outcome. If you check this box, please describe the procedural irregularity and how that irregularity impacted the determination to dismiss the complaint.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

There is new evidence that was not reasonably available at the time of the determination. If you check this box, please describe the new evidence, explain why it was unavailable and, if possible, attach it to this form. Further, explain why you believe the new evidence would have created an oral or written request to the district that objectively can be understood as a request for the district to investigate and make a determination about alleged discrimination under Title IX or its regulations. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Title IX coordinator, investigator or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent that affected the outcome. If you check this box, please identify the people with the conflict of interest or bias and identify the conflict or provide specific examples that demonstrated bias. Further, explain how this conflict of interest or bias impacted the decisions that there was no oral or written request to the district that objectively can be understood as a request for the district to investigate and make a determination about alleged discrimination under Title IX or its regulations. \_\_\_\_\_

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I have read this appeal form thoroughly and have answered all questions truthfully and in good faith.

\_\_\_\_\_  
Signature of Party Appealing

\_\_\_\_\_  
Printed Name of Party Appealing

**SECTION 2: APPEAL OF OUTCOME OF GRIEVANCE PROCESS FOR  
SEX DISCRIMINATION UNDER TITLE IX**

Party Filing Appeal: \_\_\_\_\_ Date Appeal Filed: \_\_\_\_\_

I am notifying the district that I am appealing the outcome of the District's Title IX Grievance Procedure, dated \_\_\_\_\_ [date of decision].

The Grievance Procedure Decisionmaker's decision (or the first-level appeal decision, as applicable) should be reversed or modified because (Check all that apply and explain each one checked in attachments to this form when filed):

- Under the preponderance of the evidence standard of proof to determine whether sex discrimination occurred, the evidence does not support the determination.
- The remedies provided are inadequate or were improperly imposed.
- The disciplinary sanctions are inadequate or were improperly imposed.
- There was a procedural irregularity that affected the outcome.
- There is new evidence that was not reasonably available at the time of the determination that could affect the outcome. If you check this box, please describe the new evidence, explain why it was unavailable and, if possible, attach it to this form.
- The Title IX coordinator, investigator or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent that affected the outcome. If you check this box, please identify the people with the conflict of interest or bias and identify the conflict or provide specific examples that demonstrated bias. Further, explain how this conflict of interest or bias impacted the determination, remedies, and/or disciplinary sanctions.

I have read this appeal form thoroughly and have answered all questions truthfully and in good faith.

\_\_\_\_\_  
Signature of Party Appealing

\_\_\_\_\_  
Printed Name of Party Appealing

**SEX DISCRIMINATION UNDER TITLE IX**  
*(Notice of Appeal)*

Name(s) of Complainant(s): \_\_\_\_\_

\_\_\_\_\_  
Name(s) of Respondent(s): \_\_\_\_\_

\_\_\_\_\_  
Date: \_\_\_\_\_

On \_\_\_\_\_ [date appeal was filed], the [complainant/respondent] filed an appeal of the (check as appropriate):

- Dismissal of Complaint, or  
 Grievance Procedure Outcome Determination.

A copy of the appeal is attached.

The district has appointed the Superintendent or designee, \_\_\_\_\_ [name and title of decisionmaker on appeal] to hear and decide the appeal.

Both parties are entitled to submit a written statement in support of or challenging the appeal. Those statements are due to the decision-maker no later than \_\_\_\_\_ [date no later than five business days after receipt of the notice]. Please submit the written statement electronically at:

Email address: \_\_\_\_\_

or

Address: \_\_\_\_\_

Unless the deadline is extended for good cause, a final decision on this appeal will be made by \_\_\_\_\_ [date ten business days after this notice of appeal]. You will be notified if this deadline is extended. These timelines and procedures may change if the appeal is combined with a statutory right to a hearing on a disciplinary sanction, and the parties will be so advised as needed.

\_\_\_\_\_  
Title IX Coordinator's Signature

\_\_\_\_\_  
Title IX Coordinator's Printed Name

**SEX DISCRIMINATION**  
*(Notice of Initiation of Grievance Procedures)*

*Attach additional sheets if more space is needed for answering any question.*

Name(s) and Title(s) of Complainant(s): \_\_\_\_\_

\_\_\_\_\_

Name(s) and Title(s) of Respondent(s): \_\_\_\_\_

\_\_\_\_\_

Title IX Coordinator's Name and Other Title (if any): \_\_\_\_\_

Office Address: \_\_\_\_\_

Phone/Fax and Telecomm Device for the Deaf, if available: \_\_\_\_\_

Email Address: \_\_\_\_\_

On \_\_\_\_\_ [date the complaint occurred], the district received a complaint from the above-listed complainant(s) alleging acts that if proven may constitute sex discrimination under district policy 504.24. The parties were notified of that complaint on \_\_\_\_\_ [date of notice of complaint] and were given:

- a copy of Policy 504.24 including grievance procedures.
- a copy of the district's Policy 504.24 informal resolution procedures.

The district has determined that the complaint constitutes a request for the district to investigate and make a determination about alleged discrimination under Title IX and its regulations.

The district will provide for adequate, reliable, and impartial investigation of complaints. The burden is on the district — not on the parties — to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred. Please review the grievance procedure for additional information on the process.

Please take notice that:

- Retaliation is prohibited; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. If the district provides a description of the evidence, the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

The alleged conduct the district is investigating is summarized below:

1. Identities of the parties involved in the incident(s): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

2. The conduct alleged to constitute sex discrimination: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The date(s) and location(s) of the alleged incident(s): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Supportive Measures: As more fully explained in the grievance procedures, as part of promptly and effectively ending any sex discrimination in the district's program or activity, preventing its recurrence, and remedying its effect, the district offers and coordinates supportive measures through its Title IX Coordinator, to complainants as appropriate and, if a grievance has commenced, to the respondent as appropriate.

Date of Issuance of this Notice: \_\_\_\_\_

\_\_\_\_\_  
Title IX Coordinator's Signature

\_\_\_\_\_  
Title IX Coordinator's Printed Name

**SEX DISCRIMINATION**  
*(Notice of Initiation of Grievance Procedures)*

*Attach additional sheets if more space is needed for answering any question.*

Name(s) and Title(s) of Complainant(s): \_\_\_\_\_

\_\_\_\_\_  
Name(s) and Title(s) of Respondent(s): \_\_\_\_\_

\_\_\_\_\_  
Title IX Coordinator's Name and Other Title (if any): \_\_\_\_\_

Office Address: \_\_\_\_\_

Phone/Fax and Telecomm Device for the Deaf, if available: \_\_\_\_\_

Email Address: \_\_\_\_\_

On \_\_\_\_\_ [date the complaint occurred], the district received a complaint from the above-listed complainant(s) alleging acts that if proven may constitute sex discrimination under district policy 504.24. The parties were notified of that complaint on \_\_\_\_\_ [date of notice of complaint] and were given:

- a copy of Policy 504.24 including grievance procedures.
- a copy of the district's Policy 504.24 informal resolution procedures.

The district has determined that the complaint constitutes a request for the district to investigate and make a determination about alleged discrimination under Title IX and its regulations.

The district will provide for adequate, reliable, and impartial investigation of complaints. The burden is on the district — not on the parties — to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred. Please review the grievance procedure for additional information on the process.

Please take notice that:

- Retaliation is prohibited; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. If the district provides a description of the evidence, the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

The alleged conduct the district is investigating is summarized below:

1. Identities of the parties involved in the incident(s): \_\_\_\_\_

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2. The conduct alleged to constitute sex discrimination: \_\_\_\_\_

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3. The date(s) and location(s) of the alleged incident(s): \_\_\_\_\_

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Supportive Measures: As more fully explained in the grievance procedures, as part of promptly and effectively ending any sex discrimination in the district's program or activity, preventing its recurrence, and remedying its effect, the district offers and coordinates supportive measures through its Title IX Coordinator, to complainants as appropriate and, if a grievance has commenced, to the respondent as appropriate.

Date of Issuance of this Notice: \_\_\_\_\_

\_\_\_\_\_  
Title IX Coordinator's Signature

\_\_\_\_\_  
Title IX Coordinator's Printed Name

SEX DISCRIMINATION UNDER TITLE IX  
(Decision on Appeal of Dismissal of Complaint)

Name(s) of Complainant(s): \_\_\_\_\_

\_\_\_\_\_  
Name(s) of Respondent(s): \_\_\_\_\_

\_\_\_\_\_  
Date: \_\_\_\_\_

On \_\_\_\_\_ [date], an appeal was filed to the dismissal of the complaint.

Decisionmaker's Checklist for Appeal of Dismissal of a Complaint  
PRIOR to Completing the Title IX Grievance Procedure

1. Did a procedural irregularity affect the outcome?

YES.

NO.

2. Is there new evidence that was not reasonably available at the time of the determination that could affect the outcome?

YES.

NO.

3. Did the Title IX coordinator, investigator or decision-maker have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent that affected the outcome?

YES.

NO.

Proceed to Decision



SEX DISCRIMINATION UNDER TITLE IX  
(Decision on Appeal of Grievance Procedure Outcome)

Name(s) of Complainant(s): \_\_\_\_\_

\_\_\_\_\_

Name(s) of Respondent(s): \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

On \_\_\_\_\_ [date], an appeal was filed to the Grievance Process outcome in this matter.

Decisionmaker's Checklist for Appeal of a Completed Title IX Grievance Outcome

1. Was the Title IX complainant, on the basis of sex, excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by the district?

YES.

NO.

2. If so, did the conduct of the Title IX Respondent cause the sex discrimination to occur?

YES.

NO.

3. Did a procedural irregularity affect the outcome?

YES.

NO.

4. Is there new evidence that was not reasonably available at the time of the determination that could affect the outcome?

YES.

NO.

5. Did the Title IX coordinator, investigator or decision-maker have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent that affected the outcome?

YES.

NO.

6. Are the remedies provided adequate and properly imposed?

YES.

NO.

7. Are the disciplinary sanctions provided adequate and properly imposed?

YES.

NO.

Proceed to Decision.

Decision

After reviewing the relevant record and applying the decision checklists above, I/we have made the following decision related to this appeal under Policy 504.24.

*[Explain the result of the appeal and the rationale for the decision or, if necessary, write out the full decision separately and attach it to the form and incorporate by reference.]:* \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**RESOLUTION**

**WHEREAS**, the Nebraska Legislature enacted several measures this past legislative session, including LB 243, to adjust public school district revenue and finances; and,

**WHEREAS**, LB 243 generally limits a public school district’s base growth percentage, subject to limited exceptions; and

**WHEREAS**, LB 243 includes an exception to generally allow a school district to otherwise exceed the base growth percentage if at least seventy percent of the Board of Education votes in favor of the increased request; and

**WHEREAS**, a Board of Education of a school district with an average daily membership of more than four hundred seventy-two students but no more than three thousand forty-four students may increase its base growth percentage by up to an additional six percent above the base growth percentage; and

**WHEREAS**, the average daily membership of Scotts Bluff County School District Number 79-16, a/k/a Gering Public Schools (the “School District”) is more than four hundred seventy-two students but no more than three thousand forty-four students; and

**WHEREAS**, due to rising enrollment, student and staffing needs, and the need to maintain its budgetary obligations, the Board of Education of the School District hereby desires to increase its base growth percentage by up to an additional six percent or other maximum amount as permitted by law; and

**WHEREAS**, public notice of this possible increase was published in a legal newspaper of general circulation in the School District at least one week prior to this Board meeting.

**NOW, THEREFORE, BE IT RESOLVED** that, pursuant to Section 5 of 2023 Neb. Laws 243, at least seventy percent of the Board of Education of this School District affirmatively votes to increase to the School District’s overall base growth percentage by up to an additional six percent above the base growth percentage, or other maximum amount as permitted by law. The Superintendent or designee is hereby authorized and directed to take any action consistent with this Resolution to ensure that the School District’s overall property tax request complies with this Resolution.

The foregoing Resolution having been read in its entirety, Member \_\_\_\_\_ moved for their passage and adoption. Member \_\_\_\_\_ seconded same. After discussion and on roll call vote the following members voted in favor of passage and adoption of the above Resolution:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

The following members voted against the same:

\_\_\_\_\_

The following members were absent or not voting:

\_\_\_\_\_.

The above Resolution having been consented to by at least seventy percent of the Members of the Board of Education, it was declared as passed and adopted by the President at a duly held and lawfully convened meeting in full compliance with the Nebraska Open Meetings Law.

**DATED** this 29th day of August, 2024.

GERING PUBLIC SCHOOLS

**BY:** \_\_\_\_\_  
**President**

**ATTEST:**

\_\_\_\_\_  
**Secretary**



**DANA F. COLE  
& COMPANY LLP**  
CERTIFIED PUBLIC ACCOUNTANTS

1510 BROADWAY  
PO BOX 2009  
SCOTTSBLUFF, NEBRASKA 69363  
T: 308.632.4400 F: 308.632.6513

**DANACOLE.COM**

July 11, 2024

To the Board of Education  
Scotts Bluff County School District No. 16  
Gering Public Schools  
1800 8th Street  
Gering, NE 69341

We are pleased to confirm our understanding of the services we are to provide Scotts Bluff County School District No. 16, Gering Public Schools, Gering, Nebraska, for the year ended August 31, 2024.

### **Audit Scope and Objectives**

We will audit the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information, including the disclosures, which collectively comprise the basic financial statements of Scotts Bluff County School District No. 16, Gering Public Schools, Gering, Nebraska, as of and for the year ended August 31, 2024.

We have also been engaged to report on supplementary information that accompanies Scotts Bluff County School District No. 16, Gering Public Schools, Gering, Nebraska's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America (GAAS), and we will provide an opinion on it in relation to the financial statements as a whole, in a report combined with our auditor's report on the financial statements:

1. Schedule of Expenditures of Federal Awards.
2. General Fund Components - Combining Schedule of Receipts, Disbursements, and Changes in Fund Balance - Modified Cash Basis.

In connection with our audit of the basic financial statements, we will read the following other information and consider whether a material inconsistency exists between the other information and the basic financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report:

1. Schedules of Receipts, Disbursements, and Changes in Fund Balance - Modified Cash Basis - Budget and Actual - All Funds.
2. Activities Fund - Schedule of Changes in Cash Balances.
3. Other supplementary information required or requested.

If applicable, we will also audit the schedule of classifications of payrolls by NCCI codes for the year ended August 31, 2024, to obtain reasonable assurance about whether the classification of payrolls by NCCI codes and payrolls in total is free of material misstatements and we will issue an opinion thereon.

The objectives of our audit are to obtain reasonable assurance as to whether the financial statements as a whole are free from material misstatement, whether due to fraud or error; issue an auditor's report that includes our opinion about whether your financial statements are fairly presented, in all material respects, in conformity with the modified cash basis of accounting, and report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment of a reasonable user made based on the financial statements. The objectives also include reporting on:

- Internal control over financial reporting and compliance with provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control over compliance related to major programs and an opinion (or disclaimer of opinion) on compliance with federal statutes, regulations, and the terms and conditions of federal awards that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and Title 2 U.S. *Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance).

#### **Auditor's Responsibilities for the Audit of the Financial Statements and Single Audit**

We will conduct our audit in accordance with GAAS; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of the Uniform Guidance, and will include tests of accounting records, a determination of major program(s) in accordance with Uniform Guidance, and other procedures we consider necessary to enable us to express such opinions. As part of an audit in accordance with GAAS and *Government Auditing Standards*, we exercise professional judgment and maintain professional skepticism throughout the audit.

We will evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management. We will also evaluate the overall presentation of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of waste and abuse is subjective, *Government Auditing Standards* do not expect auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste or abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is an

unavoidable risk that some material misstatements or noncompliance may not be detected by us, even though the audit is properly planned and performed in accordance with GAAS and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or on major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

In connection with this engagement, we may communicate with you or others via email transmission. As emails can be intercepted and read, disclosed, or otherwise used or communicated by an unintended third party, or may not be delivered to each of the parties to whom they are directed and only to such parties, we cannot guarantee or warrant that emails from us will be properly delivered and read only by the addressee. Therefore, we specifically disclaim and waive any liability or responsibility whatsoever for interception or unintentional disclosure of emails transmitted by us in connection with the performance of this engagement. In that regard, you agree that we shall have no liability for any loss or damage to any person or entity resulting from the use of email transmissions, including any consequential, incidental, direct, indirect, or special damages, such as loss of revenues or anticipated profits, or disclosure or communication of confidential or proprietary information.

We will also conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the government's ability to continue as a going concern for a reasonable period of time.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, tests of the physical existence of inventories, and direct confirmation of receivables and certain assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We may also request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry.

We have identified the following significant risks of material misstatement as part of our audit planning:

1. Management override of controls.
2. Improper revenue recognition.

Our audit of financial statements does not relieve you of your responsibilities.

#### **Audit Procedures - Internal Control**

We will obtain an understanding of the government and its environment, including the system of internal control, sufficient to identify and assess the risks of material misstatement of the financial statements, whether due to error or fraud, and to design and perform audit procedures responsive to those risks and obtain evidence that is sufficient and appropriate to provide a basis for our opinions. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentation, or the

override of internal control. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and the Uniform Guidance.

#### **Audit Procedures - Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of Scotts Bluff County School District No. 16, Gering Public Schools, Gering, Nebraska's compliance with provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance, and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with federal statutes, regulations, and the terms and conditions of federal awards applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of Scotts Bluff County School District No. 16, Gering Public Schools, Gering, Nebraska's major programs. For federal programs that are included in the Compliance Supplement, our compliance and internal control procedures will relate to the compliance requirements that the Compliance Supplement identifies as being subject to audit. The purpose of these procedures will be to express an opinion on Scotts Bluff County School District No. 16, Gering Public Schools, Gering, Nebraska's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

#### **Responsibilities of Management for the Financial Statements and Single Audit**

Our audit will be conducted on the basis that you acknowledge and understand your responsibility for (1) designing, implementing, establishing, and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including internal controls over federal awards, and for evaluating

and monitoring ongoing activities to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements, schedule of expenditures of federal awards, and all accompanying information in conformity with the modified cash basis of accounting; and for compliance with applicable laws and regulations (including federal statutes) and the provisions of contracts and grant agreements (including award agreements). Your responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

You are responsible for including all informative disclosures that are appropriate the modified cash basis of accounting. Those disclosures will include (1) a description of the modified cash basis of accounting, including a summary of significant accounting policies, and how the modified cash basis of accounting differs from GAAP, (2) informative disclosures similar to those required by GAAP, and (3) additional disclosures beyond those specifically required that may be necessary for the financial statements to achieve fair presentation.

You are also responsible for making drafts of financial statements, schedule of expenditures of federal awards, all financial records, and related information available to us; for the accuracy and completeness of that information (including information from outside of the general and subsidiary ledgers); and for the evaluation of whether there are any conditions or events, considered in the aggregate, that raise substantial doubt about the government's ability to continue as a going concern for the 12 months after the financial statements date or shortly thereafter (for example, within an additional three months if currently known). You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, identification of all related parties and all related-party relationships and transactions, and other matters; (2) access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit under the Uniform Guidance; (3) additional information that we may request for the purpose of the audit; and (4) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence. At the conclusion of our audit, we will require certain written representations from you about the financial statements; schedule of expenditures of federal awards; federal award programs; compliance with laws, regulations, contracts, and grant agreements; and related matters. You are responsible for providing the Annual Financial Report (AFR) two weeks prior to submission with the Nebraska Department of Education (NDE).

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements of each opinion unit taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving

(1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants. You are also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements that we report. Additionally, as required by the Uniform Guidance, it is management's responsibility to evaluate and monitor noncompliance with federal statutes, regulations, and the terms and conditions of federal awards; take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; promptly follow up and take corrective action on reported audit findings; and prepare a summary schedule of prior audit findings and a separate corrective action plan.

With regard to including the auditor's report in an exempt offering document, you agree that the aforementioned auditor's report, or reference to Dana F. Cole & Company, LLP, will not be included in any such offering document without our prior permission or consent. Any agreement to perform work in connection with an exempt offering document, including an agreement to provide permission or consent, will be a separate engagement.

With regard to an exempt offering document with which Dana F. Cole & Company, LLP, is not involved, you agree to clearly indicate in the exempt offering document that Dana F. Cole & Company, LLP, is not involved with the contents of such offering document.

You are responsible for identifying all federal awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received, and COVID-19-related concepts, such as lost revenues, if applicable) in conformity with the Uniform Guidance. You agree to include our report on the schedule of expenditures of federal awards in any document that contains, and indicates that we have reported on, the schedule of expenditures of federal awards. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal awards in accordance with the Uniform Guidance; (2) you believe the schedule of expenditures of federal awards, including its form and content, is stated fairly in accordance with the *Uniform Guidance*; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with the modified cash basis of accounting. You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with the modified cash basis of accounting; (2) you believe the supplementary information, including its form

and content, is fairly presented in accordance with the modified cash basis of accounting; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Scope and Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions for the report, and for the timing and format for providing that information.

With regard to publishing the financial statements on your website, you understand that websites are a means of distributing information and, therefore, we are not required to read the information contained in those sites or to consider the consistency of other information on the website with the original document.

#### **Other Services**

We will also assist in preparing the financial statements, the schedule of expenditures of federal awards and related notes of Scotts Bluff County School District No. 16, Gering Public Schools, Gering, Nebraska, in conformity with the modified cash basis of accounting and the Uniform Guidance based on information provided by you. We will also assist in preparing the Schedule of Classification of Payrolls by NCCI Codes and Payrolls in Total and propose journal entries.

These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statements, schedule of expenditures of federal awards, and related notes services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

You agree to assume all management responsibilities for the financial statements, schedule of expenditures of federal awards, and related notes, and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements, the schedule of expenditures of federal awards, and related notes and that you have reviewed and approved the financial statements, the schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

#### **Engagement Administration, Fees, and Other**

We understand that your employees will prepare all cash or other confirmations and schedules we request and will locate any documents selected by us for testing. We will schedule the engagement

Scotts Bluff County School District No. 16  
Gering Public Schools  
July 11, 2024  
Page eight

based in part on deadlines, working conditions, and the availability of your key personnel. We will plan the engagement based on the assumption that your personnel will cooperate and provide assistance by performing tasks such as preparing requested schedules, retrieving supporting documents, and preparing confirmations. If, for whatever reason, your personnel are unavailable to provide the necessary assistance in a timely manner, it may substantially increase the work we have to do to complete the engagement within the established deadlines, resulting in an increase in fees over our original fee estimate.

As an attest client, Dana F. Cole & Company, LLP, cannot retain your documents on your behalf. This is in accordance with the ET 1.295.143 of the *AICPA Code of Professional Conduct*. Scotts Bluff County School District No. 16, Gering Public Schools, Gering, Nebraska, is responsible for maintaining its own data and records.

Information provided to us electronically by email or other means is used solely to transmit data and is not intended to store Scotts Bluff County School District No. 16, Gering Public Schools, Gering, Nebraska's information. Scotts Bluff County School District No. 16, Gering Public Schools, Gering, Nebraska, is responsible for downloading any deliverables and other records from our electronic storage that it wishes to retain for its own records at the completion of the engagement.

Upon completion of the engagement, data and other content will either be removed from our electronic storage or become unavailable to Scotts Bluff County School District No. 16, Gering Public Schools, Gering, Nebraska, within a reasonable time frame.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to electronically submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditor's reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. The Data Collection Form and the reporting package must be submitted within the earlier of 30 calendar days after receipt of the auditor's reports or nine months after the end of the audit period.

We will provide copies of our reports to the District; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Dana F. Cole & Company, LLP, and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to the State of Nebraska Auditor of Public Accounts and the Nebraska Department of Education or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Dana F. Cole & Company, LLP's personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the State of Nebraska Auditor of Public Accounts and the Nebraska Department of Education. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

Michael D. Scow is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign them. To ensure that Dana F. Cole & Company, LLP's independence is not impaired under the AICPA *Code of Professional Conduct*, you agree to inform the engagement partner before entering into any substantive employment discussions with any of our personnel. Our audit engagement ends on delivery of our audit report. Any follow-up services that might be required will be a separate, new engagement. The terms and conditions of that new engagement will be governed by a new, specific engagement letter for that service.

Our fee for these services will be at our standard hourly rates for the individuals involved. You will also be billed for travel and other out-of-pocket costs such as report production, word processing, postage, etc. The fee estimate is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the engagement. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs. Bills will be rendered as the work progresses with payment to be made upon presentation. Interest will be charged at the rate of 1% per month on balances in excess of 60 days. In accordance with our firm policies, work may be suspended if your account becomes 30 days or more overdue and will not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket expenditures through the date of termination.

You may request that we perform additional services not addressed in this engagement letter. If this occurs, we will communicate with you regarding the scope of the additional services and the estimated fees. We also may issue a separate engagement letter covering the additional services. In the absence of any other written communication from us documenting such additional services, our services will continue to be governed by the terms of this engagement letter.

We would expect to continue to perform our services under the arrangements discussed above from year to year unless for some reason you or we find that some change is necessary.

### **Reporting**

We will issue written reports upon completion of our Single Audit. Our reports will be addressed to the Board of Education of Scotts Bluff County School District No. 16, Gering Public Schools, Gering, Nebraska. Circumstances may arise in which our reports may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add a separate section, or add an emphasis-of-matter or other-matter paragraph to our auditor's report, or if necessary, withdraw from this engagement. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If circumstances occur related to the condition of your records, the availability of sufficient, appropriate audit evidence, or the existence of a significant risk of material misstatement of the financial statements caused by error, fraudulent

Scotts Bluff County School District No. 16  
Gering Public Schools  
July 11, 2024  
Page ten

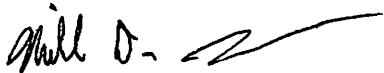
financial reporting, or misappropriation of assets, which in our professional judgment prevent us from completing the audit or forming an opinion on the financial statements, we retain the right to take any course of action permitted by professional standards, including declining to express an opinion or issue a report, or withdrawing from the engagement.

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will state that (1) the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The Uniform Guidance report on internal control over compliance will state that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Both reports will state that the report is not suitable for any other purpose.

Upon request, we will furnish you with a copy of our most recent external peer review report, or it can be found at <https://peerreview.aicpa.org> if desired.

We appreciate the opportunity to be of service to you and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the original and return it to us. The copy enclosed is for your records.

Yours truly,



MICHAEL D. SCOW  
For the Firm

e-mail: [scow@danacole.com](mailto:scow@danacole.com)

MDS:kmc

Enclosures

RESPONSE:

This letter correctly sets forth the understanding of Scotts Bluff County School District No. 16, Gering Public Schools, Gering, Nebraska.

By: \_\_\_\_\_

Title: \_\_\_\_\_



# MEMO

**TO**           **GERING PUBLIC SCHOOL BOARD OF EDUCATION**

**FROM**       **Dr. Nicole Regan, Superintendent**

**DATE**       **August 29, 2024**

**RE**           **Formation of Middle School Improvement Committee**

I am pleased to formally recommend the establishment of the Middle School Improvement Committee, a strategic initiative focused on addressing the critical needs of the Gering Middle School facility. The committee's purpose is to thoroughly assess, prioritize, and communicate necessary enhancements to ensure that our educational environment is safe, functional, and conducive to student achievement.

The following esteemed members have been appointed to serve on the committee:

- Greg Trautman, Board Vice President
- Brian Copsey, Board Member
- Tracy Wiese, Board Member
- Stacy Rodriguez, Director of Business & Finance
- Julie Siebke, Director of Student Services
- John Wiedeman, Principal, Gering Middle School
- Jennifer Sibal, Director of Communications

The committee will engage in a comprehensive and informed review process, gathering input from key stakeholders to develop actionable recommendations for facility improvements.

Thank you for your commitment to the success of Gering Middle School.