



Work Session

Thursday, September 12, 2024 @ 6:00 PM Central
Board Room at HPS District Offices, 1515 W 8th St, Hastings, NE 68901

1. Roll Call -
2. Announcement - Becky Sullivan -
3. Welcome to HEA reps and guests - Becky Sullivan -
4. Review Board Norms/Goal - Becky Sullivan -
5. Board Report - Becky Sullivan -
6. Information on "Spotlight on Learning" - Jeff Schneider -
7. Hearing and approval of 2024-2025 Budget - Jeff Schneider -
8. Hearing and approval of 2024-2025 Property Tax Levy request - Jeff Schneider -
9. Approve Option Enrollment limits - Jeff Schneider -
10. Approve 2nd reading of updated Title IX Policies 404.065 and 504.186 - Dr. Kandace Garwood -
11. *Consent Agenda - Dr. Thomas Szlanda -

12. OPPORTUNITY FOR PUBLIC TO BE HEARD - Becky Sullivan -

13. Reminders - Becky Sullivan -

14. Adjournment - Becky Sullivan -

***Closed Session:** If, during the course of the meeting, discussion of any item on the agenda should be held in a closed meeting, the board will conduct a closed meeting in accordance with the Nebraska Open Meetings Law.

****Sequence of Agenda:** The sequence of agenda topics is subject to change at the discretion of the board. Please arrive at the beginning of the meeting.

*****Action Item:** The board reserves the right to take action on an item listed on the board agenda.

Students, staff, families and community will collaborate to maximize readiness for our student's college/career and citizenship. We will increase the rigor and relevance of each student's learning experience while meeting their academic and well-being needs.

Hastings Public Schools

Board of Education Norms

We will work to achieve consensus while valuing differences of opinion both within our Board and when considering the input of others.

We will conduct meetings and business in a manner that is fair and professional.

We will strive to ensure our decisions are congruent with the mission, vision, and strategic plan for the District.

Each member will be committed to the School Board process by attending meetings, being on time, coming prepared, adhering to the agenda (the President of the Board may adjust the order of the agenda to allow the fullest participation of the available members of the Board upon the request of a Board Member), *referencing Robert's Rules of Order*, and participating to their full potential.

We will gather the necessary data; seek expertise from within and outside of our District; and attempt to hear from any parent, student, or other community member in order to make wise decisions that reflect all stakeholders.

We will regularly and intentionally communicate with one another, the administration, faculty, staff, students, community, and the press to ensure information is shared openly and in a relevant, timely and appropriate manner.

We will also maintain confidentiality when necessary.

We will serve as advocates for K-12 public education within our community, as well as within the state of Nebraska.

We will recognize that, as community leaders, we will adhere to the character standards that are the core of our school: respect, responsibility, compassion, and honesty.

Our collective and fundamental purpose is to assure all students acquire the knowledge, skills, and behaviors essential to be successful individuals and responsible citizens.

NOTICE OF BUDGET HEARING AND BUDGET SUMMARY

HASTINGS PUBLIC SCHOOLS (01-0018) in ADAMS County, Nebraska

PUBLIC NOTICE is hereby given, in compliance with the provisions of State Statute Sections 13-501 to 13-513, that the governing body will meet on the 16th day of September, 2024 at 6:30 o'clock, P.M., at Hastings Public Schools Board Room, 1515 W. 8th St. for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the following proposed budget and to consider amendments relative thereto. The budget detail is available at the office of the Clerk/Secretary during regular business hours. For more information on statewide receipts and expenditures, and to compare cost per pupil and performance to other school districts, go to: <https://nep.education.ne.gov>

FUNDS	Actual Disbursements & Transfers	Actual/Estimated Disbursements & Transfers	Budgeted Disbursements & Transfers	Necessary Cash Reserve (4)	Total Available Resources Before Property Taxes (5)	Total Personal and Real Property Tax Requirement (7)
	2022-2023 (1)	2023-2024 (2)	2024-2025 (3)			
General	\$ 48,116,417.00	\$ 53,942,000.00	\$ 55,281,451.00	\$ 6,000,000.00	\$ 43,780,231.00	\$ 17,678,000.00
Depreciation	\$ 167,257.00	\$ 20,000.00	\$ 678,634.00		\$ 678,634.00	
Employee Benefit	\$ 4,221.00	\$ 4,000.00	\$ 216,595.00	\$ -	\$ 216,595.00	
Contingency	\$ -	\$ -	\$ -		\$ -	
Activities	\$ 1,072,405.00	\$ 835,000.00	\$ 1,000,000.00	\$ -	\$ 1,000,000.00	
School Nutrition	\$ 2,213,619.00	\$ 2,402,300.00	\$ 3,274,816.00	\$ -	\$ 3,274,816.00	
Bond	\$ 2,334,654.00	\$ 2,342,783.00	\$ 8,403,075.00	\$ 900,000.00	\$ 6,877,165.00	\$ 2,450,414.00
Special Building	\$ 993,470.00	\$ 113,465.00	\$ 422,576.00		\$ 422,576.00	\$ -
Qualified Capital Purpose Undertaking	\$ 385,744.00	\$ 396,500.00	\$ 2,904,688.00	\$ 300,000.00	\$ 3,031,408.00	\$ 175,030.00
Cooperative	\$ 1,050,897.00	\$ 495,000.00	\$ 4,826,433.00	\$ -	\$ 4,826,433.00	
Student Fee	\$ 59,626.00	\$ 34,000.00	\$ 166,348.00	\$ -	\$ 166,348.00	
	\$ -	\$ -	\$ -	\$ -	\$ -	
TOTALS	\$ 56,398,310.00	\$ 60,585,048.00	\$ 77,174,616.00	\$ 7,200,000.00	\$ 64,274,206.00	\$ 20,303,444.00

	Bond Purposes	Non-Bond Purposes	Total
Breakdown of Property Tax	\$ 2,625,444.00	\$ 17,678,000.00	\$ 20,303,444.00

Notice of Special Hearing To Set Final Tax Request

HASTINGS PUBLIC SCHOOLS (01-0018) in ADAMS County, Nebraska

PUBLIC NOTICE is hereby given, in compliance with the provisions of State Statute Section 77-1632, that the governing body will meet on the 16th day of, September 2024 at 6:30 o'clock P.M., at Hastings Public Schools Board Room, 1515 W. 8th St. for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to setting the final tax request.

	2023-2024	2024-2025	Change
Property Valuations	1,571,009,886	1,750,296,212	11%

2023-2024 Budget Information

2024-2025 Budget Information

Fund	2023-2024 Operating Budget	2023-2024 Property Tax Request	2023 Tax Rate	Property Tax Rate (2023-2024 Request Divided By 2023 Valuation)	2024-2025 Operating Budget	2024-2025 Proposed Property Tax Request	Proposed 2024 Tax Rate	Change in Tax Rate	Change in Operating Budget
General Fund	55,523,721.00	17,281,108.00	1.100000	0.987325	55,281,451.00	17,678,000.00	1.010000	-8%	0%
Bond Fund(s) K - 12	6,533,303.00	1,571,010.00	0.100000	0.089757	8,403,075.00	2,450,414.00	0.140000	40%	29%
Qualified Capital Purpose Undertaking Fund K - 12	2,722,916.00	188,521.00	0.012000	0.010771	2,904,688.00	175,030.00	0.010000	-17%	7%
Total	64,779,940.00	19,040,639.00	1.212000	1.087853	66,589,214.00	20,303,444.00	1.160000	-4%	3%

ENROLLMENT OPTION: MAXIMUM STUDENT ENROLLENT LIMITATIONS
REGULAR EDUCATION PROGRAMMING

According to Policy 503.03, the most recent applicable policy pertaining to option enrollment, the Board of Education at the September meeting will determine the maximum number of option students the Hastings Public Schools may receive in any program, class, grade level, or school building.

The following maximums are recommended for the 2025-2026 school year:

<u>Grade</u>	<u>Projected Enrollment</u>	<u>Maximum</u>
K	250	280 (no more than 20 per section offered)
1 st	240	280 (no more than 20 per section offered)
2 nd	240	280 (no more than 20 per section offered)
3 rd	250	280 (no more than 20 per section offered)
4 th	280	280 (no more than 20 per section offered)
5 th	265	280 (no more than 20 per section offered)
6 th	270	280
7 th	240	280
8 th	240	280
9 th	280	280
10 th	285	280
11 th	250	280
12 th	250	280

Community RelationsTitle IX – Procedure for Complaints of Sexual Harassment**A. Complaint Procedure - Generally**

All employees are responsible for helping to prevent sexual harassment. Employees, or students, who believe they have been subjected to, or believe they have witnessed sexual harassment should follow these procedures:

1. Directly inform the person engaging in the discrimination or harassment that such conduct is offensive and must stop.
2. For employee reporters, contact your principal or supervisor, the principal or supervisor of the offending person, or the Title IX Coordinator if you do not wish to communicate directly with the person whose conduct is offensive or if direct communication with the offending person has been ineffective.
3. Report the matter to the Title IX Coordinator if the offending conduct continues or has not been resolved to your satisfaction after you have reported the matter to a principal or supervisor.
4. For student reporters, contact any teacher, counselor, or administrator.
5. Report to the Title IX Coordinator if you are the adult to whom the student has made a report so that the matter can be properly resolved. The Title IX Coordinator may file a formal complaint and begin the following complaint procedure.

Allegations of sexual harassment or discrimination shall be investigated and, if substantiated, corrective or disciplinary action taken, up to and including dismissal from employment if the offender is an employee, or suspension and/or expulsion, if the offender is a student. Retaliatory action will not be taken against an employee or student for reporting discrimination or harassment.

B. Response to a Formal Complaint:

1. Filing Formal Complaint: An employee or student can allege sexual harassment by filing a formal complaint in writing with the Title IX Coordinator in person or by mail, or by electronic mail using the following contact information:

DIRECTOR OF SPECIAL EDUCATION
1924 WEST A STREET, HASTINGS, NE 68901
402-461-7516

The formal complaint must be signed by the complainant or by the Title IX Coordinator. **The following procedures apply only in the event that a formal complaint is filed. All other allegations of sexual harassment shall be resolved using the general complaint procedure. Any timelines set forth in the following procedures may be extended by the Title IX Coordinator with notice to the parties.**

2. Immediate Actions upon Receipt of Formal Complaint: Upon receipt of a formal complaint, the Title IX Coordinator shall provide the following to all known parties of (A): The complaint procedure as outlined in this regulation; and (B): Notice of the allegations of sexual harassment, including: (i) the identities of the parties involved, if known; and (ii) the conduct allegedly constituting sexual harassment; and (iii) the date and location of the alleged incident.

The parties to the formal complaint may select an advisor of their choice, who may be, but is not required to be, an attorney.

3. Investigation of Formal Complaint: Upon receipt of a formal complaint, the Title IX Coordinator shall notify the Investigator. The Investigator will promptly investigate all complaints of discrimination, even if an outside entity or law enforcement agency is investigating a complaint involving the same facts and allegations. The Investigator will not wait for the conclusion or outcome of a criminal investigation or proceeding to begin an investigation required by this complaint procedure. If the allegation(s) involves possible criminal conduct, the District will notify the complainant of his or her right to file a criminal complaint, and District employees will not dissuade the complainant from filing a criminal complaint either during or after the District's investigation.

The Investigator will aim to complete its investigation within a reasonable time frame, as determined by the Title IX Coordinator. The factors to determine a reasonable time frame include, but are not limited to, the allegations of the formal complaint, the number of witnesses that may need to be interviewed, and whether the police are also conducting an investigation into the allegations. The time frame originally set by the Title IX Coordinator may be extended by the Title IX Coordinator, upon notice to the parties, as he or she deems necessary to complete the investigation. Periodic status updates will be given to the parties, when appropriate.

(A) *Neutrality:* The Title IX Coordinator, investigator, decision-maker, or any person designated by the District to facilitate this complaint procedure, shall not have any conflict of interest or bias for or against complainants or respondents generally or an individual complainant

or respondent. The District shall ensure that Title IX Coordinators, investigators, decision- makers, and any persons who facilitate this complaint procedure shall receive training on the definition of sexual harassment in accordance with this regulation, the scope of the District's education program or activity, how to conduct an investigation and complaint process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the fact at issue, conflicts of interest, and bias. The District shall ensure that the individuals involved in the complaint procedure receive training on issues of relevance of questions and evidence and on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

(B) *Burden of Production*: It shall be the Investigator's burden to gather evidence sufficient to reach a determination regarding responsibility. To reach a determination, the investigation will include, but is not limited to:

- a. Providing the parties with the opportunity to present witnesses and provide evidence.
- b. An evaluation of all relevant information and documentation relating to the alleged discriminatory conduct.
- c. For allegations involving harassment, some of the factors the District will consider include: 1) the nature of the conduct and whether the conduct was unwelcome, 2) the surrounding circumstances, expectations, and relationships, 3) the degree to which the conduct affected one or more students' education, 4) the type, frequency, and duration of the conduct, 5) the identity of and relationship between the alleged harasser and the suspect or suspects of the harassment, 6) the number of individuals involved, 7) the age (and sex, if applicable) of the alleged harasser and the alleged victim(s) of the harassment, 8) the location of the incidents and the context in which they occurred, 9) the totality of the circumstances, and 10) other relevant evidence.
- d. A review of the evidence using a "preponderance of the evidence" standard (based on the evidence, is it more likely than not that discrimination, harassment, or retaliation occurred?)

(C) *Rights of the Parties*: The respondent is entitled to a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the complaint process.

The Investigator must provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

The Investigator shall not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

The Investigator shall provide the parties with the same opportunities to have others present during any complaint proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice if the Investigator deems appropriate. However, the Investigator may establish restrictions regarding the extent to which the advisor may participate in the proceedings, if the restrictions apply equally to both parties.

The Investigator shall provide to all witnesses expected to attend a meeting notice of the date, time, location, participants, and purpose of all hearings within two (2) days of the meeting.

Up until the conclusion of the investigation, the parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint. This includes the evidence upon which the Investigator does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence obtained from any source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

The District retains the right to place an employee on administrative leave during the pendency of an investigation. The District also retains the right to remove a student from the District's educational program prior to the conclusion of the investigation. In the event of a removal, the respondent shall have the opportunity to challenge the decision for removal.

(D) *Conclusion of Investigation:* Prior to the conclusion of the investigation, the investigator shall send each party and the party's advisor, if any, the evidence that is subject to inspection and review in an electronic format or a hard copy. The parties shall then have ten (10) days to submit a written response, which the investigator will consider.

Once the investigator has considered the written statements of the parties, if any, and any questions of the parties, if any, the investigator shall create an investigative report that fairly summarizes relevant evidence. The investigator shall then submit the written investigation report to the decision-maker. The parties shall each receive a copy of the final investigative report at the same time as the decision-maker.

4. Decision of Responsibility: The decision-maker shall review the investigative report. Prior to coming to a determination regarding responsibility, the decision-maker shall provide ten (10) days for each party to submit written, relevant questions that a party wants asked of any party or witness, provide each party with answers, and allow for additional, limited follow-up questions from each party.

Once the decision-maker has considered the written questions of the parties, if any, the decision-maker shall issue a written determination regarding responsibility by a preponderance of the evidence within a reasonable time frame as determined by the Title IX Coordinator. The decision-maker shall consider all relevant evidence, including inculpatory and exculpatory evidence, and will not consider the credibility of the evidence to be based on a person's status, such as complainant, respondent, or witness. The decision-maker shall provide the written determination to both parties simultaneously. The written determination must include:

- a. Identification of the allegations potentially constituting sexual harassment;
- b. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather evidence;
- c. Findings of fact supporting the determination;

- d. Conclusions regarding the application of each recipient's code of conduct to the facts;
- e. A statement of, and rationale for, the results as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
- f. The recipient's procedures and permissible bases for the complainant and respondent to appeal.

The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. Sec. 11232g; 34 C.F.R. Part 99, permits the District to disclose relevant information to a student who was discriminated against or harassed.

5. Supportive Measures and Disciplinary Actions:

Throughout the investigation, either party may be entitled to supportive measures. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment to deter sexual harassment.

Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The District shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures.

At the conclusion of the investigation, the decision-maker may institute disciplinary measures to the respondent if the decision-maker determines that the respondent engaged in sexual abuse or harassment. Disciplinary measures may include, but are not limited to, in-school suspension, out-of-school suspension, expulsion, and in the case of an employee, disciplinary action up to and including dismissal from employment. This policy does not limit or prohibit the District from instituting disciplinary measures if, in the course of the investigation, it determines that the complainant or respondent violated the student code of conduct.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

C. Appeals

If either party is not satisfied with the outcome of the investigation and the decision of the decision-maker, they may appeal on the following basis:

- a. Procedural irregularity that affected the outcome of the matter;
- b. New evidence, that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- c. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against the complainant or respondent generally or the individual complainant or respondent that affected the outcome of the matter.

The request for an appeal shall be in writing and submitted on the appropriate document. The appeal document shall be submitted to the Superintendent of Schools.

Upon notice of an appeal by either party, the Superintendent of Schools shall notify the other party in writing when the appeal is filed and of the appeal procedures, which apply equally to both parties.

The Superintendent of Schools shall give both parties a reasonable and equal opportunity to submit a written statement in support of, or challenging the outcome.

The Superintendent of Schools shall review the investigative report, decision-maker's determination, and written statements of the parties and then issue a written decision describing the result of the appeal and the rationale for the result. The Superintendent of Schools shall provide the written decision simultaneously to both parties.

D. Informal Resolution

If a formal complaint is filed, the District may offer the complainant and respondent the opportunity to participate in an informal resolution process. The informal resolution process may take place at any time prior to reaching a determination regarding responsibility. The informal resolution process shall only take place upon:

- a. Written notice to both parties disclosing: the allegations, the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the resolution process and resume the complaint process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
- b. The parties' voluntary written consent to the informal resolution process; and
- c. That the allegations of the formal complaint do not involve any allegations that an employee sexually harassed a student.

E. Record Keeping

The District will maintain relevant documentation obtained during the investigation and documentation supportive of the findings and any subsequent determinations, including the investigative report, witness statements, interview summaries, any transcripts, or audio recordings pertaining to the investigative and appeal proceedings for a period of seven (7) years.

Legal Reference: Title IX

Date of Adoption: [Insert Date]

Community RelationsTitle IX – Procedure for Complaints of Sexual Harassment**A. Complaint Procedure - Generally**

All employees are responsible for helping to prevent sexual harassment. Employees, or students, who believe they have been subjected to, or believe they have witnessed sexual harassment should follow these procedures:

1. Directly inform the person engaging in the discrimination or harassment that such conduct is offensive and must stop.
2. For employee reporters, contact your principal or supervisor, the principal or supervisor of the offending person, or the Title IX Coordinator if you do not wish to communicate directly with the person whose conduct is offensive or if direct communication with the offending person has been ineffective.
3. Report the matter to the Title IX Coordinator if the offending conduct continues or has not been resolved to your satisfaction after you have reported the matter to a principal or supervisor.
4. For student reporters, contact any teacher, counselor, or administrator.
5. Report to the Title IX Coordinator if you are the adult to whom the student has made a report so that the matter can be properly resolved. The Title IX Coordinator may file a formal complaint and begin the following complaint procedure.

Allegations of sexual harassment or discrimination shall be investigated and, if substantiated, corrective or disciplinary action taken, up to and including dismissal from employment if the offender is an employee, or suspension and/or expulsion, if the offender is a student. Retaliatory action will not be taken against an employee or student for reporting discrimination or harassment.

B. Response to a Formal Complaint:

1. Filing Formal Complaint: An employee or student can allege sexual harassment by filing a formal complaint in writing with the Title IX Coordinator in person or by mail, or by electronic mail using the following contact information:

DIRECTOR OF SPECIAL EDUCATION
1924 WEST A STREET, HASTINGS, NE 68901
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The formal complaint must be signed by the complainant or by the Title IX Coordinator. **The following procedures apply only in the event that a formal complaint is filed. All other allegations of sexual harassment shall be resolved using the general complaint procedure. Any timelines set forth in the following procedures may be extended by the Title IX Coordinator with notice to the parties.**

2. Immediate Actions upon Receipt of Formal Complaint: Upon receipt of a formal complaint, the Title IX Coordinator shall provide the following to all known parties of (A): The complaint procedure as outlined in this regulation; and (B): Notice of the allegations of sexual harassment, including: (i) the identities of the parties involved, if known; and (ii) the conduct allegedly constituting sexual harassment; and (iii) the date and location of the alleged incident.

The parties to the formal complaint may select an advisor of their choice, who may be, but is not required to be, an attorney.

3. Investigation of Formal Complaint: Upon receipt of a formal complaint, the Title IX Coordinator shall notify the Investigator. The Investigator will promptly investigate all complaints of discrimination, even if an outside entity or law enforcement agency is investigating a complaint involving the same facts and allegations. The Investigator will not wait for the conclusion or outcome of a criminal investigation or proceeding to begin an investigation required by this complaint procedure. If the allegation(s) involves possible criminal conduct, the District will notify the complainant of his or her right to file a criminal complaint, and District employees will not dissuade the complainant from filing a criminal complaint either during or after the District's investigation.

The Investigator will aim to complete its investigation within a reasonable time frame, as determined by the Title IX Coordinator. The factors to determine a reasonable time frame include, but are not limited to, the allegations of the formal complaint, the number of witnesses that may need to be interviewed, and whether the police are also conducting an investigation into the allegations. The time frame originally set by the Title IX Coordinator may be extended by the Title IX Coordinator, upon notice to the parties, as he or she deems necessary to complete the investigation. Periodic status updates will be given to the parties, when appropriate.

(A) *Neutrality:* The Title IX Coordinator, investigator, decision-maker, or any person designated by the District to facilitate this complaint procedure, shall not have any conflict of interest or bias for or against complainants or respondents generally or an individual complainant

or respondent. The District shall ensure that Title IX Coordinators, investigators, decision-makers, and any persons who facilitate this complaint procedure shall receive training on the definition of sexual harassment in accordance with this regulation, the scope of the District's education program or activity, how to conduct an investigation and complaint process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the fact at issue, conflicts of interest, and bias. The District shall ensure that the individuals involved in the complaint procedure receive training on issues of relevance of questions and evidence and on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

(B) *Burden of Production*: It shall be the Investigator's burden to gather evidence sufficient to reach a determination regarding responsibility. To reach a determination, the investigation will include, but is not limited to:

- a. Providing the parties with the opportunity to present witnesses and provide evidence.
- b. An evaluation of all relevant information and documentation relating to the alleged discriminatory conduct.
- c. For allegations involving harassment, some of the factors the District will consider include: 1) the nature of the conduct and whether the conduct was unwelcome, 2) the surrounding circumstances, expectations, and relationships, 3) the degree to which the conduct affected one or more students' education, 4) the type, frequency, and duration of the conduct, 5) the identity of and relationship between the alleged harasser and the suspect or suspects of the harassment, 6) the number of individuals involved, 7) the age (and sex, if applicable) of the alleged harasser and the alleged victim(s) of the harassment, 8) the location of the incidents and the context in which they occurred, 9) the totality of the circumstances, and 10) other relevant evidence.
- d. A review of the evidence using a "preponderance of the evidence" standard (based on the evidence, is it more likely than not that discrimination, harassment, or retaliation occurred?)

(C) *Rights of the Parties*: The respondent is entitled to a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the complaint process.

The Investigator must provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

The Investigator shall not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

The Investigator shall provide the parties with the same opportunities to have others present during any complaint proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice if the Investigator deems appropriate. However, the Investigator may establish restrictions regarding the extent to which the advisor may participate in the proceedings, if the restrictions apply equally to both parties.

The Investigator shall provide to all witnesses expected to attend a meeting notice of the date, time, location, participants, and purpose of all hearings within two (2) days of the meeting.

Up until the conclusion of the investigation, the parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint. This includes the evidence upon which the Investigator does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence obtained from any source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

The District retains the right to place an employee on administrative leave during the pendency of an investigation. The District also retains the right to remove a student from the District's educational program prior to the conclusion of the investigation. In the event of a removal, the respondent shall have the opportunity to challenge the decision for removal.

(D) *Conclusion of Investigation:* Prior to the conclusion of the investigation, the investigator shall send each party and the party's advisor, if any, the evidence that is subject to inspection and review in an electronic format or a hard copy. The parties shall then have ten (10) days to submit a written response, which the investigator will consider.

Once the investigator has considered the written statements of the parties, if any, and any questions of the parties, if any, the investigator shall create an investigative report that fairly summarizes relevant evidence. The investigator shall then submit the written investigation report to the decision-maker. The parties shall each receive a copy of the final investigative report at the same time as the decision-maker.

4. Decision of Responsibility: The decision-maker shall review the investigative report. Prior to coming to a determination regarding responsibility, the decision-maker shall provide ten (10) days for each party to submit written, relevant questions that a party wants asked of any party or witness, provide each party with answers, and allow for additional, limited follow-up questions from each party.

Once the decision-maker has considered the written questions of the parties, if any, the decision-maker shall issue a written determination regarding responsibility by a preponderance of the evidence within a reasonable time frame as determined by the Title IX Coordinator. The decision-maker shall consider all relevant evidence, including inculpatory and exculpatory evidence, and will not consider the credibility of the evidence to be based on a person's status, such as complainant, respondent, or witness. The decision-maker shall provide the written determination to both parties simultaneously. The written determination must include:

- a. Identification of the allegations potentially constituting sexual harassment;
- b. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather evidence;
- c. Findings of fact supporting the determination;

- d. Conclusions regarding the application of each recipient's code of conduct to the facts;
- e. A statement of, and rationale for, the results as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
- f. The recipient's procedures and permissible bases for the complainant and respondent to appeal.

The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. Sec. 11232g; 34 C.F.R. Part 99, permits the District to disclose relevant information to a student who was discriminated against or harassed.

5. Supportive Measures and Disciplinary Actions:

Throughout the investigation, either party may be entitled to supportive measures. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment to deter sexual harassment.

Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The District shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures.

At the conclusion of the investigation, the decision-maker may institute disciplinary measures to the respondent if the decision-maker determines that the respondent engaged in sexual abuse or harassment. Disciplinary measures may include, but are not limited to, in-school suspension, out-of-school suspension, expulsion, and in the case of an employee, disciplinary action up to and including dismissal from employment. This policy does not limit or prohibit the District from instituting disciplinary measures if, in the course of the investigation, it determines that the complainant or respondent violated the student code of conduct.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

C. Appeals

If either party is not satisfied with the outcome of the investigation and the decision of the decision-maker, they may appeal on the following basis:

- a. Procedural irregularity that affected the outcome of the matter;
- b. New evidence, that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- c. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against the complainant or respondent generally or the individual complainant or respondent that affected the outcome of the matter.

The request for an appeal shall be in writing and submitted on the appropriate document. The appeal document shall be submitted to the Superintendent of Schools.

Upon notice of an appeal by either party, the Superintendent of Schools shall notify the other party in writing when the appeal is filed and of the appeal procedures, which apply equally to both parties.

The Superintendent of Schools shall give both parties a reasonable and equal opportunity to submit a written statement in support of, or challenging the outcome.

The Superintendent of Schools shall review the investigative report, decision-maker's determination, and written statements of the parties and then issue a written decision describing the result of the appeal and the rationale for the result. The Superintendent of Schools shall provide the written decision simultaneously to both parties.

D. Informal Resolution

If a formal complaint is filed, the District may offer the complainant and respondent the opportunity to participate in an informal resolution process. The informal resolution process may take place at any time prior to reaching a determination regarding responsibility. The informal resolution process shall only take place upon:

- a. Written notice to both parties disclosing: the allegations, the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the resolution process and resume the complaint process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
- b. The parties' voluntary written consent to the informal resolution process; and
- c. That the allegations of the formal complaint do not involve any allegations that an employee sexually harassed a student.

E. Record Keeping

The District will maintain relevant documentation obtained during the investigation and documentation supportive of the findings and any subsequent determinations, including the investigative report, witness statements, interview summaries, any transcripts, or audio recordings pertaining to the investigative and appeal proceedings for a period of seven (7) years.

Legal Reference: Title IX

Date of Adoption: [Insert Date]

Title IX - Discrimination

Hastings Public Schools, in response to federal and state regulations for Title IX of the Education Amendments of 1972 - Prohibiting Sex Discrimination in Education, hereby adopts and re-affirms the following policy:

- 1) The Board of Education affirms its intent to comply with provisions of Title IX - Prohibiting Sex Discrimination in Education.
- 2) The publication of this statement re-affirms the District's efforts to comply with Title IX to inform citizens of non-discriminatory practices in the dissemination process.
- 3) The Board of Education hereby authorizes and directs the Superintendent of Schools, in conjunction with relevant personnel as determined by the Superintendent, to adopt and publish grievance procedures providing for prompt and equitable resolution of complaints of sex discrimination in the District. Such grievance procedures shall be developed and be made publicly available, and such forms as needed shall be developed and made available to the public.
- 4) The grievance procedures adopted and implemented by the Superintendent shall be followed by all individuals with concerns about discriminatory practices in the District, including suspected sex discrimination.

Legal Reference: Title IX

Approved: 11/18/02

Reviewed: 09/10/2020; 06/09/2022; 08/19/2024

Revised: 09/14/2020; 06/13/2022; 09/16/2024

HASTINGS PUBLIC SCHOOLS

Procedures for Complaints of Sex Discrimination

A. Complaint Procedure - Generally

All employees are responsible for helping to prevent discrimination on the basis of sex. Employees, or students who believe they have been subjected to, or believe they have witnessed, discrimination on the basis of sex should contact the Title IX Coordinator.

The following individuals may file a complaint alleging sex-discrimination:

- a. A student or employee of Hastings Public Schools who is alleged to have been subjected to conduct that could constitute discrimination on the basis of sex.
- b. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- c. The District's Title IX Coordinator(s).

Anyone making a claim of discrimination must submit the complaint in writing to the Title IX Coordinator using the following contact information:

TITLE IX COORDINATOR CONTACT INFORMATION
Director of Special Education and/or Director of Learning & Support
1515 W. 8th Street
Hastings, NE 68901
402-461-7500

Complaints of discrimination on the basis of sex shall be investigated and, if substantiated, corrective or disciplinary action taken, up to and including dismissal from employment if the offender is an employee, or suspension and/or expulsion if the offender is a student. Retaliatory action will not be taken against an employee or student for reporting discrimination.

The following will apply to all investigations of sex-discrimination, pursuant to this procedure:

- a. The District will treat complainants (the employee, student, or representative making the claim) and respondents (those accused of sex discrimination) equitably.
- b. The District will not permit any Title IX Coordinator, investigator, or decisionmaker to have a conflict of interest or bias for or against any complainant or respondent.
- c. The District will ensure that the Title IX Coordinator, investigator, and decisionmaker will not predetermine or presume that the respondent is responsible for the alleged sex-based discrimination until a determination is made at the conclusion of the investigation process.

- d. The District will take reasonable steps to protect the privacy of the parties and witnesses during the grievance process. These steps will not restrict the ability of the parties to obtain and present information, including speaking to witnesses, consulting with their family members, confidential resources, or advisors; or otherwise preparing for or participating in the grievance procedures.
- e. The District will not allow the parties to engage in retaliation.
- f. 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.

B. Investigation Process

When the Title IX Coordinator receives or initiates a complaint of possible sex discrimination in the District, the Coordinator shall designate a District employee to initiate an investigation. The Title IX Coordinator may designate themselves as the investigator. Within a reasonable time after receipt of a complaint under this procedure, the Title IX Coordinator shall provide the following to all known parties (A) a copy of this complaint procedure; (B) notice of the allegations of sex-based discrimination including (i) the identities of the parties involved, if known, (ii) the conduct allegedly constituting sex-based discrimination and (iii) the date and location of the alleged incident; (C) notice that retaliation is prohibited; (D) the identity and contact information for the investigator; and (E) notice that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence.

After the investigator has been designated to investigate a complaint, the investigator shall then promptly gather evidence sufficient to reach a determination regarding whether the complaint is substantiated or not. To reach a determination, the investigation should generally include, but is not limited to:

- a. Providing the parties with the opportunity to present witnesses and provide pertinent information.
- b. An evaluation of all relevant information and documentation relating to the alleged discriminatory conduct.

The Investigator will aim to complete its investigation within a reasonable timeframe as determined by the Investigator.

At the end of the investigation, the investigator shall make findings and a determination of what occurred. The determination shall be based upon a "preponderance of the evidence" standard (based on the evidence, is it more likely than not that discrimination occurred?).

During an investigation, the Title IX Coordinator or designee may place an employee on administrative leave during the pendency of the investigation. The Title IX

Coordinator or designee may also remove a student from the educational program during the investigation.

Before the end of the investigation, the investigator shall provide a copy of the evidence to both the complainant and respondent and allow both sides to provide an opportunity to submit any additional evidence.

Throughout the investigation, either party may be entitled to supportive measures. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus and other similar measures. The District shall maintain as confidential any supportive measures provided to the complainant or respondent to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures.

C. Resolution of Complaints

Once the investigator has completed his or her investigation, the investigator shall prepare a report of their investigation and a determination of what occurred. The determination shall include an assessment of whether the investigator determines that the complaint is wholly substantiated, partially substantiated, or not substantiated. After the report has been finalized, the investigator shall submit the report to the Title IX Coordinator. If the Title IX Coordinator conducts the investigation, the Title IX Coordinator shall submit the evidence and report to a different administrator in the District.

The Title IX Coordinator (or other administrator) shall then review the report, along with all evidence gathered by the investigator, to determine whether the investigator followed the grievance procedures, considered the appropriate evidence, did not consider any inappropriate evidence, ensured all parties and witnesses were provided due process, and otherwise confirm that the investigation was handled properly. The Title IX Coordinator (or other administrator) shall also independently assess whether the investigator's conclusions were supported by the evidence and otherwise equitable. Based upon the Title IX Coordinator's review and independent conclusion, the Title IX Coordinator shall have the authority to initiate any appropriate remedial measures, which may include termination of employment, expulsion or suspension from school, or other disciplinary actions.

D. Appeal of Decision

A complainant or respondent who disagrees with the Title IX Coordinator's decision may appeal the decision to the Superintendent of Schools. Any appeal must be in writing and submitted to the Superintendent within five school days of the date of the decision. The Superintendent shall then promptly review the evidence and determine whether the Title IX Coordinator's decision was correct. The Superintendent has the authority to reverse or modify the Title IX Coordinator's decision and take any other steps necessary to ensure that the Title IX Coordinator's decision was correct. After the Superintendent has made a final determination, the Superintendent shall notify both the complainant and respondent in writing of the Superintendent's decision. No further appeal may be made beyond the Superintendent.

E. Record Keeping

The District will maintain relevant documentation obtained during the investigation and findings, supportive measures, and disciplinary sanctions for a period of seven years.

Legal Reference: Title IX

Approved: 11/18/02

Reviewed: 09/10/2020; 06/09/2022; 08/19/2024

Revised: 09/14/2020; 06/13/2022; 09/16/2024

HASTINGS PUBLIC SCHOOLS

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HASTINGS PUBLIC SCHOOLS

Administrative Resignation/Release/Retire(s)

<u>Name</u>	<u>Assignment/Building</u>	<u>FTE</u>	<u>Effective</u>	<u>Replaces/Reason</u>
No Resignation/Release/Retire(s)				

Administrative Transfer(s)

<u>Name</u>	<u>Former Assignment/Building</u>	<u>New Assignment/Building</u>	<u>Effective</u>	<u>Replaces/Reason</u>
No Transfer(s)				

Administrative New Hire(s)

<u>Name</u>	<u>Assignment/FTE/Building</u>	<u>Effective</u>	<u>Degree/Level</u>	<u>College/University</u>	<u>Replaces/Reason</u>
No New Hire(s)					

Certificated Resignation/Release(s)

<u>Name</u>	<u>Assignment/Building</u>	<u>FTE</u>	<u>Effective</u>	<u>Replaces/Reason</u>
No Resignation/Release/Retire(s)				

Certificated Transfer(s)

<u>Name</u>	<u>Former Assignment/Building</u>	<u>New Assignment/Building</u>	<u>Effective</u>	<u>Replaces/Reason</u>
No Transfer(s)				

Certificated New Hire(s)

<u>Name</u>	<u>Assignment/FTE/Building</u>	<u>Effective</u>	<u>Degree/Level</u>	<u>College/University</u>	<u>Replaces/Reason</u>
No New Hire(s)					

Extra Standard Resignation/Release(s)

<u>Name</u>	<u>Assignment/Building</u>	<u>Effective</u>	<u>Replaces/Reason</u>
No Resignation/Release/Retire(s)			

Extra Standard Transfer(s)

<u>Name</u>	<u>Former Assignment/Building</u>	<u>New Assignment/Building</u>	<u>Effective</u>	<u>Replaces/Reason</u>
No Transfer(s)				

Extra Standard New Hire(s)

<u>Name</u>	<u>Assignment/Building</u>	<u>Level</u>	<u>Effective</u>	<u>Replaces/Reason</u>
Lorraine Atwater	HMS Garden/Middle School	CAT I, LVL 1	8/8/2024	Michael McPhillips/Resign
Caden Holm	Asistant Boys Basketball/Senior High	CAT III, LVL 1	9/8/2024	Seth Kirkegaard/Resign

Classified Resignation/Release(s)					
Name	Assignment/Building		FTE	Effective	Replaces/Reason
Beatriz Murua	Administrative Assistant/Senior High		1.0	5/22/2024	Resign

Classified Transfer(s)					
Name	Former Assignment/Building	New Assignment/Building	FTE	Effective	Replaces/Reason
Madjil Clark	Nurse/RN - 0.75 FTE	Nurse/RN - 1.0 FTE	1	8/8/2024	increase FTE
Paige Kisicki	Night Custodian/Middle School	SPED Paraeducator/Lincoln	1	8/8/2024	Kayla Sadd/Transfer
Barron Pearson	Night Custodian/Longfellow	Night Custodian/Senior High	1	8/8/2024	Darrell Larson/Resign
Sara Orestad	Nurse/RN -.50 FTE	Nurse/RN - 0.75 FTE	0.75	8/8/2024	increase FTE

Classified New Hire(s)					
Name	Assignment/Building		FTE	Effective	Replaces/Reason
Associated Staffing	SPED-ED Paraeducator/Senior High		1.0	TBD	Tim Tlppin/Resign
Associated Staffing	Administrative Assistant/Senior High		1.0	TBD	Beatriz Murua/Resign
Melissa Callaway	Skills 2 Paraeducator/Watson		1.0	9/9/2024	Madison Sloan/Realign
Tyler Gunderson	Skills 3 Paraeducator/Senior High		1.0	TBD	Ann Wolf/Transfer
Haley Pinkus	0.5 FTE Night Custodian/Morton		0.5	8/20/2024	Sara Johnson/Resign
Ashlee Stark	Office Paraeducator/Longfellow		1.0	TBD	Kimberly Mendoza-Zamora/Resign

CERTIFICATED OPEN POSITIONS		
NAME	POSITION	RESIGNATION/TERM DATE
EMILY THOMAS/MICHELLE VALDEZ	HHS - English	03-07-2024
AMANDA COLLINS TXFR to LONGFELLOW	HHS - Special Education Skills 3	04-30-2024
ELLE STRODA TXFR to ALCOTT SPED	Alcott - Life Skills	03-26-2024
ELIZABETH SENSEMAN	Watson - Grade 4	03-28-2024
ANA VASQUEZ	Lincoln - School Psychologist	08-09-2022
MELISSA BLAKE	Speech Language Pathologist	05-19-2023
EMILY HASS	Speech Language Pathologist	05-19-2023
JAMIE LEPANT	Speech Language Pathologist	05-19-2023
KELSEY STOKELY	Speech Language Pathologist	05-19-2023

CLASSIFIED OPEN POSITIONS		
NAME	POSITION	RESIGNATION/TERM DATE
MELISSA ROWE	HHS Skills 2 Paraeducator	05-22-2024

RUTH LEMKE	HHS Special Education Paraeducator	04-13-2023			
JAIMIE STEFKA	HA - SEBL PARA	05/22/2024			
	DIST - PART TIME BUS DRIVER (NEW)				
DYLAN BUSCH	District Maintenance - Plumber	07-05-2024			
CAMERON DAISS	HMS Head Night Custodain	08-07-2024			
EXTRA-STANDARD OPEN POSITIONS					
NAME	POSITION	RESIGNATION/TERM DATE			
MEAGAN BLODGET	HHS - Assistant Swimming & Diving	09-29-2022			
KALEE REAMS	Watson - Future Problem Solvers	06-09-2024			
CADE TATE	HHS - Boys Bowling	07-18-2024			
	Girls Wrestling	NEW			