

MINUTES
CITY BOARD OF EDUCATION
CITY OF MUSCLE SHOALS, ALABAMA

The City Board of Education of the City of Muscle Shoals, Alabama, met for the Board's regular meeting in the office of the City Superintendent of Education of the City of Muscle Shoals, Alabama, on July 20, 2020, at approximately 6:44 p.m. The meeting followed a work session held at 5:30 p.m. Due to the COVID-19 pandemic, the meeting was held in blended live and virtual format. The secretary called the roll with the following results:

Present: Jamie Stoddard (physically present)

 Clayton Wood (physically present)

 Marilyn Davis (virtual)

 Celia Rudolph (virtual)

 Farrell Southern (virtual)

Absent: None

Also virtually present was Chad Holden, Superintendent and ex-officio Secretary to the Board and custodian of its minutes and records and Board Attorney, Taylor Brooks. Sherry Langley, Chief School Financial Officer, and administrators physically present included Sheneta Smith, Britney Schneider, and Kevin Davis. Muscle Shoals Education Association representative, Tamra Counts, was also physically present.

President Stoddard declared a quorum present and the meeting duly and legally constituted and open for the transaction of business.

A motion to approve the July 20, 2020, agenda was made by Mr. Southern and seconded by Dr. Rudolph. No discussion followed and the motion was subsequently approved with five yes votes as follows:

Stoddard - Yes

Wood - Yes

Davis - Yes

Rudolph - Yes

Southern - Yes

President Stoddard asked Dr. Holden if any correspondence had been received that he would like to share with the Board. There was none.

Dr. Stoddard proceeded with the meeting agenda.

I. Business Action Items

Superintendent Holden read the following resolution regarding Consent Agenda action items:

Consent Agenda Resolution

For the consent agenda, the Board has been furnished with background material on each item or has discussed the item at a previous meeting. Consent Agenda items will be acted upon with one vote without discussion. If a Board member wants to discuss any item, it will be pulled from the Consent Agenda and voted on separately.

A. Dr. Holden recommended approval of the following Consent Agenda items:

1. Minutes – June 15, 2020 (Regular Meeting)
2. Minutes – July 1, 2020 (Special Meeting)
3. Bills & Accounts for June
4. June Financial Report (June bank statements have been reconciled)
5. 2020-2021 Course Offerings for MSHS and MSCA
6. CNP Bid Extension Beverage and Juice Products
7. Set Whole Board Training for Friday, August 14 (via AASB on site)
8. Set Dates for FY2021 Budget Hearings
9. Reschedule September Regular Meeting from 21st to 14th

A motion to approve the superintendent’s recommendation was made by Mr. Wood and seconded by Dr. Davis. No discussion followed and the superintendent’s recommendation was approved by five yes votes as follows:

Stoddard	-	Yes
Wood	-	Yes
Davis	-	Yes
Rudolph	-	Yes
Southern	-	Yes

B. Superintendent Holden recommended approval of the Personnel Report. A motion to approve the superintendent’s recommendation was made by Dr. Rudolph and seconded by Mr. Southern. No discussion followed and the superintendent’s recommendation was approved by five yes votes as follows:

Stoddard	-	Yes
Wood	-	Yes
Davis	-	Yes
Rudolph	-	Yes
Southern	-	Yes

For the benefit of the audience, the Personnel Report was read by Dr. Holden. The personnel report is shown at the end of these minutes.

C. The next item on the agenda is for an amendment to the superintendent's contract. At this time, the meeting was turned over to Board President, Dr. Stoddard. Dr. Stoddard stated a small tweak was made in the language under the section on health and benefits that would not result in any additional cost to the Board. Board Attorney, Taylor Brooks, reworked the contract with the minor change. Dr. Stoddard asked for a motion to approve the amended superintendent's contract. A motion was made by Mr. Wood and seconded by Dr. Davis. No discussion followed and the recommendation was approved by five yes votes as follows:

Davis	-	Yes
Rudolph	-	Yes
Southern	-	Yes
Wood	-	Yes
Stoddard	-	Yes

D. Superintendent Holden recommended the approval of temporary board policy revisions/exceptions related to COVID-19 which was tabled at the July 1, 2020, meeting. Dr. Holden stated after dissemination to educational groups, no written comments were received regarding the proposed policy action. A motion to remove the policy from the table was made by Mr. Southern and seconded by Dr. Rudolph. The motion was approved by five yes votes as follows:

Stoddard	-	Yes
Wood	-	Yes
Davis	-	Yes
Rudolph	-	Yes
Southern	-	Yes

No discussion followed and the revisions/exceptions were subsequently approved by five yes votes as follows:

Stoddard	-	Yes
Wood	-	Yes
Davis	-	Yes
Rudolph	-	Yes
Southern	-	Yes

The policy revisions/exceptions are shown at the end of these minutes.

II. Superintendent's Report/Announcements

- Courtney Akins, counselor at Muscle Shoals Middle School, has been named one of the finalists for Shoals Woman of the Year for her work with special needs children.

III. Adjournment

President Stoddard asked for a motion to adjourn. A motion was made by Dr. Davis and seconded by Mr. Southern. The motion to adjourn was approved by five yes votes as follows:

Stoddard	-	Yes
Wood	-	Yes
Davis	-	Yes
Rudolph	-	Yes
Southern	-	Yes

Minutes approved:

Attest:

Chad Holden

SEAL

7/14/2020

Personnel Report

I. Resignation

1. Desiree Knight

System-wide paraprofessional aide assigned to Webster. Effective immediately.

II. Employment

1. Ladeedra McCaulley

Teacher (kindergarten) at Howell Graves Preschool. Ms. McCaulley earned an EdS degree from the University of West Alabama, and taught previously in Tuscumbia City and Florence City. Effective August 3, 2020

2. Teresa Toler

System-wide CNP Assistant assigned to Muscle Shoals High School cafeteria. Ms. Toler has subbed in this capacity frequently over the past few years.. 180 day position, effective July 29, 2020.

III. Other/Contract Employment or Supplemental Assignment

1. Sarah Wallace

Part-time Spanish instruction at Highland Park Elementary for six hours per week. No benefits; to be paid \$1,500.00 from PTO funds. Effective August 17, 2020 through December 18, 2020.

2. Jolene Fretwell

Extra block of health science instruction per semester for a total of 8 blocks due to student enrollment numbers for the 2020-2021 school year

3. Joel C. Retherford

Extra block of welding instruction per semester for a total of 8 blocks due to student enrollment numbers for the 2020-2021 school year

4. Kelley Word

\$1,500.00 stipend for additional administrative nursing responsibilities assisting and advising the administrative team on the reopening of school in response to the COVID-19 pandemic. To be paid from CARES Act funds or from the General Fund if not approved for CARES.

5. Jennifer Williams

Volunteer Track coach for 2021 season

6. James (JJ) Jones

Temporary/as needed, seasonal groundskeeper, part-time/not to exceed 29 hours weekly, \$15 per hour, no benefits, Effective 7-20-2020

7. Community Education/Extended Day (9) Student Aides

Temporary, part time, hourly; effective between August 10, 2020 and December 17, 2020.

Mary Box	Kiara Goodloe	Lily Holt	Anna Jeffreys
Chase McDonald	Chastin Mitchell	Katie Morrow	Kenedi Pace
Katherine Smallwood			

8. Attached detailed schedules

- a. 2020-21 Activity Supplement Schedule
- b. 2020-21 Athletic Supplement Schedule

6.9 TITLE IX: SEX-BASED DISCRIMINATION & PROHIBITED CONDUCT

6.9.1 – Policy Objective

(A) Statement of the Law

Title IX of the Education Amendments Act of 1972 (“Title IX”) provides that “[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” This includes discrimination affecting both students and employees.

(B) The Board’s Expectations

The Board is committed to meeting the standards of Title IX and does not discriminate on any basis, including on the basis of sex, in its educational programs and activities.

The Board expects its students and employees to conduct themselves in a non-discriminatory manner, in accordance with Title IX, whether on campus or at a school-based activity off-campus. Title IX’s prohibition against sex-based discrimination includes harassment, unwelcome conduct, sexual assault, dating violence, domestic violence, and stalking. When conduct in violation of Title IX is reported, the District will ensure action is taken to:

- provide supportive services and resources to impacted students and employees;
- conduct a thorough and impartial investigation;
- communicate regularly with those involved in writing throughout the process; and
- promptly provide a written determination following completion of its investigation.

If the District finds a responding party to be responsible for the conduct alleged, in violation of this policy, sanctions up to and including expulsion or termination may be imposed.

6.9.2 – Title IX Staff

The Board has authorized the Superintendent to designate the following Title IX Staff members:

(A) Title IX Coordinator

The Title IX Coordinator shall oversee implementation and enforcement of this Policy, as well as compliance with applicable procures, rules, and regulations. Reports, questions, or concerns regarding Title IX and potential instances of prohibited conduct may be directed to the Title IX Coordinator. The Title IX Coordinator shall also receive complaints of prohibited conduct, coordinate investigations, and ensure adequate training.

Contact information for the Title IX Coordinator can be found on the district webpage, at the front office of each school, and will otherwise be made available to students, employees, and community members.

(B) Title IX Investigators

Title IX Investigators will collect and review evidence, including witness statements, and prepare an investigative report. These persons will receive training from the Title IX Coordinator. Only one investigator will be assigned by the Title IX Coordinator for each individual complaint. Title IX Investigators will often be school-based personnel responsible for investigating other instances of student misconduct and will perform the Title IX investigative duties as needed.

(C) Title IX Council

The Title IX Council will be a panel of Board employees who will review investigative reports and make responsibility determinations. These persons will receive training from the Title IX Coordinator. While the council may consist of several employees, only **one** council member will be assigned to render a decision in each case.

6.9.3 – Scope of Policy

Title IX prohibits sex-based discrimination, including sexual harassment, whether against students or employees. Note that misconduct falling outside this policy may nonetheless violate other Board policies (such as the student code of conduct) and thus be otherwise subject to disciplinary action.

(A) Educational Program or Activity

This Policy applies to all prohibited conduct against any person that occurs in the “*educational program or activity*” of the Board, including all of its schools, regardless of whether that program or activity takes place on or off campus. An “educational program or activity” includes locations, events, or circumstances over which the Board, through its schools and/or employees, exercise substantial control over both the alleged wrongdoer and the context in which the conduct occurred. This may include, for example, an incident that occurs off-campus at a school sponsored event such as a field trip, but must occur in the United States.

(B) Covered Individuals

All students and employees are subject to this Policy, regardless of sex, gender identity, gender expression, or sexual orientation.

6.9.4 – Prohibited Conduct

A violation of this Policy occurs if a student or employee is found, more likely than not (i.e., by a preponderance of the evidence), to have engaged in any of the types of prohibited conduct defined below. This conduct is prohibited regardless of whether it is directed toward a student, employee, visitor, or other person.

(A) Sexual Harassment

- (1) Any instance of quid pro quo harassment by a school employee. Quid pro quo means “this for that” and, in this context, refers to situations where a school employee offers favorable treatment in exchange for submission to unwanted sexual advances. This includes both explicit and implicit harassment;

Example: Offering an educational opportunity or benefit to a student, like a higher grade, in exchange for a sexual favor. This is sexual harassment regardless of whether the student agrees to the request.

- (2) Any unwelcome conduct that a reasonable person would find severe, pervasive, and objectively offensive such that it effectively denies equal educational access; or
- (3) Any instance of sexual assault, dating violence, domestic violence, or stalking.

(B) Sexual Assault

Any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). This offense includes the forcible rape of both males and females. Sexual assault may include, but is not limited to rape, fondling, incest, and statutory rape.

(C) Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

(D) Domestic Violence

Violence committed by a current/former spouse of the victim; person with whom the victim share a child in common; person who is cohabitating with or has cohabitated with the victim as spouse; or person similarly situated to a spouse of the victim.

(E) Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others; or suffer substantial emotional distress. Stalking may be conducted directly or indirectly and may include, but is not limited to, the following behaviors:

- Making unwanted phone calls, including hang-ups;
- Sending unsolicited or unwanted letters, emails, texts, or instant messages;
- Leaving unwanted items or presents;
- Following or spying on a person;
- Showing up or waiting at places where the victim will be without a legitimate reason;
- Posting information or spreading rumors about the victim on the internet in a public place, or by word of mouth.

(F) Sex-Based Discrimination

Any conduct based on a person's sex, pregnancy, gender identity, or gender expression that adversely affects a term or condition of that person's employment, education, or participation in an educational program/activity.

**Note that sex-based discrimination includes harassment based on a student or employee's gender or failure to conform to gender stereotypes.*

6.9.5 – Reporting Prohibited Conduct

Any person (students, employees, parents/guardians, or other third parties) may report an instance of prohibited conduct, even if his or her knowledge of the incident is based on indirect information. Initial reports may be made in person, by mail, by telephone, by email, or by another means that results in actual receipt of the information by the Title IX Coordinator. Persons may also report potential prohibited conduct to any employee.

Employees, however, are mandatory reporters and are thus required to promptly report potential instances of prohibited conduct to the Title IX Coordinator. This requirement exists regardless of how the employee becomes aware of the potential violation or if the person providing the information to the employee requests confidentiality. Where a person requests confidentiality, the employee should inform them of the employee's obligation to provide all known information to the Title IX Coordinator. Note that the mandatory reporting designation does not supersede an employee's legal obligation to maintain confidentiality – such as a health care provider's obligation to keep medical information private.

While prompt reporting is encouraged, there is no time limit on reporting or filing complaints of violations of this Policy.

6.9.6 – Grievance Procedure

The Superintendent is authorized to implement a grievance procedure that complies with the rules adopted by the United States Department of Education, and to amend those procedures when the Department of Education updates or amends its rules. Those procedures should cover the following: complaint; investigation; decision; and appeal.

6.9.7 – “Rape Shield” Protections

- (A) Complainants are not required to divulge any medical, psychological, or similar privileged records.
- (B) Prior sexual history of a party is generally irrelevant. An individual’s character or reputation with respect to prior sexual activity is not relevant and cannot be considered as evidence except in limited circumstances. These circumstances include where such history is necessary to explain the presence of a physical injury, or where prior sexual history between the parties may help explain the context of the parties’ relationship and has a bearing on whether consent was sought and given in the particular incident at issue.
- (C) Evidence of an pattern of conduct by the respondent may be relevant, whether before or after the incident at issue, to prove a material fact. It may also have a bearing on assigning appropriate discipline.

6.9.8 – Criminal or Civil Investigations

The policies and procedures outlined in this policy do not supersede applicable state or federal law. The grievance procedure outlined in the policy may be instituted for a violation of law that also violates this policy so long as both violations result from the same factual situation. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings.

6.9.9 – Retaliation

The Board prohibits retaliation by its employees, students, or agents against any person who exercises their rights pursuant to this Policy or Title IX.

Retaliation is any act that has the effect of punishing a person for engaging in a protected activity, such as reporting prohibited conduct, filing a complaint under the Policy, and assisting or participating in any investigation. Examples of retaliatory acts include, but are not limited to, adverse employment actions or preventing a student from participating in a school-based activity. Retaliation may also include coercion, intimidation, or other harassment that would discourage a reasonable student, employee, or other person from filing a complaint regarding prohibited conduct or otherwise participating in an investigation under this Policy.

6.9.10 – Withdrawal of a Complaint

A complainant may, at any time in the process, request to withdraw a complaint. The Title IX Coordinator will make the decision regarding whether to permit such withdrawal, but will strongly consider the complainant’s wishes.

Title IX Final Rule: Proposed Grievance Procedures

Step 1: Initial Report

A person (the “reporting party”) reports an alleged incident of prohibited conduct to any employee or the Title IX Coordinator. If a report is made to an employee, that employee, in turn, must notify the Title IX Coordinator.

Step 2: Prompt & Confidential Contact by Title IX Coordinator

After receiving a report, the Title IX Coordinator must promptly and confidentially contact the alleged victim (the “complainant”). During this initial contact, the Title IX Coordinator must: (1) offer supportive services to the complainant, and (2) explain the process for filing a formal complaint.

Supportive services will be made available to complainants even if they choose not to proceed with filing a formal complaint. Complainants also are not required to accept supportive services. Supportive services may include, but are not limited to confidential counseling, academic course adjustments, no-contact orders, classroom reassignments, class schedule changes, leaves of absences, or school transfers.

Step 3: Formal Complaint

After a Title IX Coordinator makes initial contact, a complainant may make a formal complaint. While no specific form is required, it is strongly recommended that formal reports tell the complainant’s story clearly and succinctly, following chronological order. Reports should identify the alleged prohibited conduct. Any persons with relevant information may be identified in the report.

Formal complaints must be in writing and submitted to the Title IX Coordinator. They also must be signed by the complainant or Title IX Coordinator.

Since the filing of a formal complaint is the decision of a complainant, a Title IX Coordinator should sign a complaint in lieu of the complainant only where they determine that initiating an investigation over the complainant’s wishes is not clearly unreasonable under the known circumstances at that time. This may occur where the alleged conduct poses an issue of overall student, employee, or campus safety.

Step 4: Initial Assessment of Complaint by Title IX Coordinator

Once a formal complaint is submitted, the Title IX Coordinator is responsible for making the following determinations:

- a. Is the accused (the “respondent”) a person covered by the Board’s policy (i.e., a student or employee)?
- b. Did the alleged conduct occur in an educational activity or program as defined in the Board’s policy?
- c. Do the facts set forth in the complaint, assuming they are true, constitute prohibited conduct that violates the Board’s policy?

If the answer to any of the above questions is no, the Title IX Coordinator **does not** have the authority to initiate an investigation and resolve the complaint. In such an instance, the reported conduct may nonetheless violate the applicable code of conduct. The Title IX Coordinator may report such conduct to an appropriate school administrator for resolution under that policy.

Step 5: Written Notice to All Parties by the Title IX Coordinator

If the Title IX Coordinator determines that the complaint meets the Board’s policy requirements, they will send written notice to both the complainant(s) and respondent(s). This notice must provide:

- a. An explanation of the allegations made with sufficient details known at that time so that the parties may begin to prepare a response;
- b. A list of the remedies and/or disciplinary actions that may be imposed if the respondent is found responsible for the conduct alleged;
- c. Explain that the school bears the burden of proof rather than the parties, but that disciplinary action will not be taken unless responsibility is found by a preponderance of the evidence;
- d. Describe the grievance procedure step-by-step;

- e. Outline any appeal procedures;
- f. List supportive measures available;
- g. Notify the respondent that they may submit an initial written statement within five (5) business days; and
- h. Inform the parties that they may have the assistance of an advisor during this process – including a parent/guardian or third party of their choosing.

A respondent is not required to submit the initial written statement. The respondent may elect to accept responsibility, waiving their right to complete the remaining grievance process and appeal.

Step 6: Assign an Investigator & Conduct Investigation

The Title IX Coordinator will assign an investigator for each formal complaint. This investigator may be internal (a Board employee) or external (a person outside the school system retained by the Board). The investigator will gather evidence, conduct interviews, and review statements from witnesses and parties. An investigator has discretion to determine the relevance and credibility of witnesses and evidence.

The investigator may conduct witness interviews in person or in writing. However, no “gag orders” may be put in place.

Respondents cannot be required to make a statement or otherwise provide information relevant to the investigation. However, the investigation will proceed even where a respondent declines to actively participate.

A party may, but is not required to, provide voluntary, written consent so that the investigator may access or use their medical, psychological, or similar treatment record.

Step 7: Preliminary Investigation Report Provided to Parties

At the conclusion of the investigation, the investigator must provide to all parties (including their advisors) a copy of all evidence directly related to the allegations of the complaint. This may be provided through a preliminary investigative report.

Parties have **ten (10)** days to review this evidence and respond by submitting further statements or information to the investigator. Parties may also submit written, relevant questions for the investigator to ask of any party or witness. Answers to these questions must be provided to all parties, and the parties will have **three (3)** additional days to submit limited follow-up questions.

Step 8: Final Investigation Report

After reviewing any additional statements or evidence from the parties, the investigator will finalize an investigative report. This written report will be provided to the parties, their advisors, the Title IX Coordinator, and the Title IX Council.

A final investigative report should include the relevant information and facts learned during the investigation, and may include direct observations and reasonable inferences drawn from the facts, as well as any consistencies or inconsistencies between the various source information. The investigator may exclude statements of personal opinion by witnesses and statements as to general reputation for any character trait, including honesty. The investigator’s report must not make a finding or recommendation regarding responsibility. The report will instead include credibility assessments based on their experience with the complainant, respondent, and witnesses, as well as the evidence provided.

Step 9: Title IX Council Review & Decision

The Title IX Coordinator will assign a member of the Title IX Council to serve as decisionmaker in each case. The assigned council member will review the written investigative report and follow up with the investigator if they have any questions. Upon completion of the Council’s review, but not later than fourteen (14) days after receipt of the final investigative report, the Title IX Council will issue a written decision regarding responsibility to all parties simultaneously. This written decision must include the Council’s:

- Findings of fact;
- Conclusions about whether the alleged conduct occurred;
- Rationale for the result as to each allegation;
- The disciplinary sanction, if any, to be imposed on the respondent;
- Whether additional supportive services will be made available; and
- Information about filing an appeal.

Step 10: Appeals

Appeals must be equally offered to both parties in writing. Appeals will be determined by the Superintendent and may solely be based on one of the following:

- a. Procedural irregularity that affected the outcome of the matter;
- b. Conflict of interest or bias by any involved Title IX personnel that affected the outcome;
- c. Newly discovered evidence that could affect the outcome of the matter; or
- d. [**OPTIONAL**, up to the Superintendent as to whether to include: Seeking reconsideration solely regarding the severity of the discipline imposed.]

To seek an appeal, a party must submit a signed, written appeal notice to the Title IX Coordinator within seven **(7) days** of receipt of the Council's decision. The notice must state the applicable grounds for appeal. If the listed reason does not fall within the three [*or four if optional choice is included*] bases listed above, the Title IX Coordinator must notify the party that the appeal has been declined. Otherwise, the Title IX Coordinator will forward the notice of appeal, Council's decision, and investigative report to the Superintendent for review, along with any new evidence submitted. The Superintendent will issue a final decision within twenty-one (21) days. No further appeals will be granted.

Step 11: Imposition of Discipline

The Council's written decision will note the discipline to be imposed where a finding of responsibility is made. Discipline will be selected at the discretion of the Council and based on several factors:

- The severity of the conduct;
- The circumstances surrounding the violation;
- The disciplinary history of the respondent;
- The need for discipline to prevent further (or reoccurring) discrimination, harassment and/or retaliation; and
- The need to remedy the effects of the discrimination, harassment and/or retaliation on the complainant.

A complainant will not be disciplined under this Policy for making a complaint, even where no finding of responsibility is made. Note, however, that knowingly and intentionally making a false complaint may otherwise violate the applicable code of conduct and give rise to non-Title IX discipline.

Potential discipline where a student is found responsible:

- In-school suspension;
- Out-of-school suspension;
- Revocation of privileges, such as participation in extracurriculars and athletics;
- Expulsion;
- A no contact order; or
- A combination of any the above.

Potential discipline where an employee is found responsible:

- Paid or unpaid administrative leave;
- Termination;
- A no contact order;
- Written reprimands;
- Mandatory counseling;
- Educational assignment;
- Transfer or reassignment of duties;
- Loss of benefits; or
- A combination of the above.