

**MINUTES OF MEETING OF BOARD OF TRUSTEES
OF
CLAY COMMUNITY SCHOOLS**

A regular session of the Clay Community Schools Board of Trustees was held at the Central Administrative Office, 1013 S. Forest Avenue, Brazil, IN 47834, on Thursday, August 12, 2021. Ryan Keller, Michael Shaw, Lynn Romas, Charley Jackson, Andrea Baysinger, Tom Reberger, and Amy Burke Adams were present.

I. Call to Order

The meeting was called to order at 7:04 p.m. Board President Tom Reberger led those in attendance in the pledge, and Superintendent Fritz offered the prayer.

II. Consent Agenda

A. Claims

B. Board Meetings

Regular Session Minutes for July 8, 2021
Special Session Minutes for July 29, 2021
Executive Session Certification for July 8, 2021

C. Field Trips

None at this meeting

D. Personnel

A. LEAVES OF ABSENCE

1. Certified

a. FMLA	NCMS	Hannah Burton
b. FMLA	NCMS	Jonna Anacker

2. Non-Certified

a. FMLA	MAINT	Ronald Todd
b. Medical	SE	Susie McCrocklin
c. Not Eligible for Leave	JTE	Cheryll Mitchell

B. RETIREMENTS

1. Certified	None
2. Non-Certified	None
3. Place on Retirement Index	None

C. RESIGNATIONS

1. Certified

a. Elementary Teacher (3 rd Grade)	FPE	Hannah Reinoehl
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2. Non-Certified

a. Instructional Assistant	ME	Desiree Baxter
b. Bus Driver	TRANS	Stephanie Fagg
c. Bus Driver	TRANS	Kimberly Koontz

3. ECA Resignations

a. Assistant Baseball Coach	NHS	Scott McDonald
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4. ECA Lay Coaches

None

D. TRANSFERS		
1. Certified	None	
2. Non-Certified		
a. Instructional Assistant	FPE	Kara Maynard
E. EMPLOYMENT		
1. Certified		
a. Guidance Counselor	NCMS	Lyndsey Cummings
b. 6 th Grade Math/English Lab	NCMS	Bryant Pestoff
c. HS English (1 yr. Temporary Contract)	NHS	Deb Allen
d. HS English	CA/NHS	Jacob Cummings
2. Non-Certified		
a. Attendance Secretary	NCMS	Brittanee Fabbri
b. 7-hr Food Service	CCHS	Sherry Griffith
c. Instructional Assistant (APEX)	NHS	Taylor Abney
d. Instructional Assistant	ESE	Elizabeth Van Horn
e. Bus Aide	TRANS	Dana Browning
f. Evening Custodian	ESE	Aaron Rogers
3. Supplemental	None	
F. EXTRA-CURRICULAR		
1. Extra-Curricular Certified	None	
2. Extra-Curricular Non-Certified	None	
3. Extra-Curricular Lay Coach		
a. HS Girls Asst. Cross Country Coach	NHS	Sydney Trout
4. Supplemental	None	
G. CHANGES		
1. Certified	None	
2. Non-Certified		
a. 7-hr Food Service	CCHS	Melissa Graham
3. ECA-Lay Coaches	None	
H. VOLUNTEERS		
1. CLASSROOM	None	
2. ATHLETICS/ECA		
<u>Clay City Jr/Sr High School</u>		
a. HS Asst. VB Coach	CCHS	Emily (Pollard) Hyatt
I. TERMINATIONS		
	None	
J. NON-RENEWAL		
	None	

Mr. Jackson moved to approve the consent agenda. Mr. Keller seconded, and the motion was approved by a 7-0 vote.

At this point, Mr. Reberger stated that the agenda would be adjusted slightly, going directly to Old Business.

IV. Old Business

A. Introduction of New VBE Therapy Dog

Superintendent Fritz introduced Brooke Kraemer, a teacher at Van Buren Elementary, and her dog Journey that will become a therapy dog at Van Buren. Superintendent Fritz explained that Journey, a puppy, was not diapered, which is why this item was moved up on the agenda.

Along with allowing all in attendance to see Journey, Ms. Kraemer shared that Journey was about 4 weeks old and had already started two rounds of her training. At this time, she can sit, lie down, wait, watch Ms. Kraemer, and leave it, and she is working on not jumping. Journey has been doing really well with her training and is in the first of six courses, each of which is about six weeks long. Ms. Kraemer is now trying to get Journey used to being around people.

At the conclusion of Journey's introduction, Mr. Reberger noted that the agenda would be further adjusted slightly, going directly to New Business Item B. Update to the 2021-22 CCS School Year Reentry Plan.

VI. New Business

B. Update to the 2021-22 CCS School Year Reentry Plan

Superintendent Fritz stated that the new bullet point in the 2021-22 CCS School Year Reentry Plan will say "as per CDC and Indiana State Department of Health guidelines, face coverings (masks) RECOMMENDED in the schools". He explained that the wording had been changed from "optional" to "recommended", and the reason was that the new wording reflected the guidance of both of those health organizations and would better align the school corporation with the intent of the guidance. The change had been approved by local health officials and had been run by the school corporation attorney. He stressed that, at this point, face coverings (masks) would now be recommended, not *required*. However, Superintendent Fritz noted that COVID in our county and in our schools was extremely fluid and was changing every day. The administration will continue to monitor the school corporation's results and the county's results and work with local health officials.

Dr. Shaw moved to approve the update to the 2021-22 CCS School Year Reentry Plan. Mrs. Adams seconded, and the motion was approved by a 7-0 vote.

III. Comments from Patrons

Erin Moore offered her thanks to the school board for the decisions they had been making and stated her support, in regard to masks, of the right of every person to choose what is right for their families and their children. Also, with the recent rise in COVID cases in our county and surrounding counties, she wanted to know if the mask rules were going to be changed and implemented back in the classrooms and school buildings. She urged all to unite and stand together and make decisions that moved us forward, even if it went against what they had been ordered to do.

Carrie Cunningham shared her point of view that while she believed all could agree that children remaining in the classroom was a priority, so was keeping them safe. As a nurse practitioner, she is confident that she is doing everything in her power to keep her

patients and staff safe; however, as a mother, she is concerned that the school board members are not currently doing everything in their power to keep our community, including her children, safe. Her question: what is the threshold at which Clay Community Schools will enforce the recommendations that masks be required of everyone in the schools?

Carrie Siples thanked the Board for having kids unmasked, in school, and in a positive atmosphere. She asserted that the COVID-19 virus had allowed government officials to put an approval rubber stamp on discrimination; those who disagreed with mask mandates were given different requirements and would be isolated and segregated from those who follow the directions. She also had concerns about healthy students being quarantined because they were close contacts of students who tested positive for COVID-19. It was her contention that school corporation employees were being told they could not speak against what they are being instructed to do, which she deemed to be a violation of their first amendment rights. Mrs. Siples asked to quit dividing ourselves as vaccinated and unvaccinated. She claimed the school corporation was quarantining students based off of vaccination status, even though it is not allowed to ask that about students; as she sees it, discrimination and segregation are being taught simply by dividing ourselves into two categories within our schools.

Ryan Shepherd stated that the first and third speakers had spoken about what he was going to say.

V. Superintendent's Report

Superintendent Fritz noted the following:

- A welcome to the school family was extended to new hires Lyndsey Cummings, Bryant Pestoff, Deb Allen, Jacob Cummings, Brittanee Fabbri, Sherry Griffith, Taylor Abney, Elizabeth Van Horn, Dana Browning, and Aaron Rogers.
- There will be a special budget session on September 20 at 6:30 pm. This is required every year to approve the budget.
- Superintendent Fritz provided an overview of the first few days of the school year; overall, it had gone very smoothly. Superintendent Fritz had visited all of the buildings and was in every hallway and a lot of the classrooms. He was very appreciative of all of the hard work of the school corporation's employees and was glad to have the students back in school. He is looking forward to a productive year.
- Congratulations were offered to Clay City Jr/Sr High School for being awarded, for the seventh year in a row, the IHSAA Sportsmanship Award. Superintendent Fritz pointed out that of the 410 eligible high schools in the state of Indiana, just eleven qualified for this extremely prestigious award for the 2020-2021 school year.

Following the Superintendent's Report, Mr. Reberger stated that Item VI. A. School Attorney Presentation on Legal Requirements of School Restrooms would be deferred to the end of the meeting.

VI. New Business

C. Request for Permission to Advertise the 2022 Budget, 2022 Capital Projects Plan, and the 2022 School Bus Replacement Plan

Mr. Romas moved to grant permission to advertise the 2022 budget, 2022 Capital Projects plan, and the 2022 School Bus Replacement plan. Dr. Shaw seconded, and the motion was approved by a 7-0 vote.

D. Request for Permission to Solicit Bids for Buses

Mr. Jackson moved to grant permission to solicit bids for new school buses through CIESC. Mrs. Baysinger seconded, and the motion was approved by a 7-0 vote.

E. Jocie's Cosmetology School MOU

Mrs. Adams moved to approve the Memorandum of Understanding between Clay Community Schools and Jocie's Cosmetology School. Mr. Romas seconded, and the motion was approved by a 7-0 vote.

F. Central Curriculum Recommendation – Learning.com & i-Ready

Mr. Jackson moved to approve the recommendation to adopt the Learning.com and i-Ready Instructional Resource curriculum materials. Dr. Shaw seconded, and the motion was approved by a 7-0 vote.

Prior to Item G., Superintendent Fritz requested to proceed with Item A.

A. School Attorney Presentation on Legal Requirements of School Restrooms

Superintendent Fritz prefaced the presentation by noting that, as a school district, there are questions from community members quite regularly as to why the school corporation does something in a particular way or why something is in place or why something is required. He offered the Central Curriculum Committee as an example, sharing that the committee is bound to follow the state standards and mirror those standards with our curriculum. Also, school bus inspections are required, and building codes must be followed in regard to ADA and fire marshal policies and other state and federal guidelines and mandates. Superintendent Fritz also referenced the school calendar, which must include the required 180 school days, as well as state assessments, which are required from the state level and are actually pushed down from the federal level. An example offered by Superintendent Fritz in regard to questions he receives about assessments was the IRead 3 assessment; if a student doesn't pass this test, they are subject to further conditions that the state requires.

Superintendent Fritz concluded his remarks with mention of restroom policies, noting that several questions had been asked over the past two or three years at the building and district level about that topic. The school corporation must follow legal requirements and court rulings, and Michelle Cooper, a school attorney with Lewis & Kappes who represents well over 40 school corporations from all around the state, had been invited to share information about restroom policies.

Ms. Cooper began her presentation by thanking the Board for inviting her to the meeting and sharing her appreciation for the professional manner in which the community members had offered their patron comments.

She then stated that she had been invited to educate the Board on the status of the law with regard to Title IX, a federal law that ultimately governs gender discrimination, specifically in education. She also mentioned another federal law called Title VII of the Civil Rights Act, and that law particularly governs employment and various forms of discrimination within the context of employment. Title IX, however, is very specific to gender and very specific to education.

Ms. Cooper noted that there had been a complete shift in the law over the last four years or so, with regard to Title IX. That had started around 2016 with a case out of Wisconsin involving a transgender student and an issue over facilities usage. The student had been born a female and identified as a male and wanted to be able to use the facilities that they gender-identified with rather than what conformed to their birth gender. This went through the district court and then up to the 7th Circuit Court of Appeals that includes not only Wisconsin but also Indiana. When the 7th Circuit rules on a matter, it has binding effect on all states within that circuit. In that case, which she deemed to be a landmark case for our jurisdiction, the federal court held that the right of the transgender student to be able to choose the facilities that they gender-identified with overrode the interests of the school corporation that had been attempting to prohibit it. The court made clear that gender identity and sexual orientation are covered under Title IX of this civil rights law; with gender identity, it would be a form of gender stereotyping, which the court then determined was unlawful.

Ms. Cooper pointed out that these cases are very fact-sensitive and involve a balancing of what's the interest of the governmental unit, being the school, vs that of the student. In this decision, the court said that a school corporation would have to have an exceedingly persuasive reason to outweigh the harm done to the student. When Ms. Cooper advises a school corporation with respect to the status of this law, she looks at these on a case-by-case basis. In most instances, kids will not want to be a focal point; many times, they will want to do things like use a gender-neutral facility or a staff bathroom. Many times, they are very cooperative, and solutions can be worked out without there being any disruption at all.

The Wisconsin case was described by Ms. Cooper as a deviation in what the law had been for many years. Up until these more recent cases, sexual orientation and gender identity were not recognized as being under the category of sex/gender in those laws. Now, that has changed. There had been a trilogy of cases that were combined by the U.S. Supreme Court; that consolidated case ultimately was under Title VII, and it addressed the issue of whether gender identity and sexual orientation are covered under Title VII of the Civil Rights Act. Last year, in June of 2020, the U.S. Supreme Court came down the same way that the 7th Circuit did and determined that sexual orientation and gender identity in fact are encompassed within the category of sex under Title VII of the Civil Rights Act and are now covered and recognized by that law.

Concluding her presentation, Ms. Cooper stated that this is the status of the law. She was not here to advocate one way or the other. She does not advise on personal beliefs; she just lets her clients know what the status of the law is. She shared that the Evansville schools had tested this a little bit. They had a case that went through U.S. District Court after the Wisconsin case had occurred and the 7th Circuit had ruled on

that. They opposed a student who wanted to use facilities that they gender-identified with, and ultimately the school corporation in that case did not prevail. The court determined that the student's rights and the harm to the student outweighed that of what the governmental interest was to put the restrictions in place that the school was attempting to do. That case did not make it up to the 7th Circuit because they thought the likelihood of anything changing was probably going to be pretty slim due to the fact that the Wisconsin case had already been decided.

Noting that this was the status of the law, Ms. Cooper informed the Board that she will continue, if cases come forward, to assess these on a case-by-case basis and try to engage in this balancing test that they have been charged with by the federal courts that govern us here in Indiana.

In response to a request from the audience as to what the term "sexual orientation" meant, Ms. Cooper confirmed that the terms "lesbian" and "gay" encompasses sexual orientation.

G. Highlights of CCS Spring ILEARN Results

Superintendent Fritz offered a PowerPoint presentation regarding various topics, including the Clay Community Schools spring ILEARN results. The presentation highlights included the following:

- New state averages for ILEARN are very low. With the change from ISTEP+ to ILEARN, no one has a really good handle on that, including the state, in regard to results.
- Superintendent Fritz deemed Clay Community Schools to be a great place to work, and the administration is very proud of the school system. However, it is a tough time to be in the schools. There is a lot of stress on students and parents, as well as employees. With that being said, Superintendent Fritz is confident in the school system and confident that we will have a great year.
- Superintendent Fritz celebrated some of the school corporation's achievements, including:
 - The major multi-million-dollar building project that took place at both Northview and Clay City
 - The Northview High School gymnasium bleachers replacement project
 - Golden Apple award winners for the school corporation
 - Curricular, co-curricular, band, and athletic awards for Clay City Jr/Sr High School
 - Last spring's Clay City High School girls softball team that went to the state softball tournament finals and finished as state runners-up, which had never been done in the history of Clay City
 - Band, athletics, curricular, and co-curricular awards for Northview High School
 - Awards for North Clay Middle School
 - Letter grade ratings for the elementary schools, including an "A" rating for some of the Title I schools
 - Blue Ribbon School status for two elementary schools, which recognizes schools for being best in the nation
 - Four Star schools

- Returning to the ILEARN results, Superintendent Fritz had asked Stephanie Jackson to compare area schools around us. He noted that there are 44 elementary schools and 24 middle schools in the surrounding area, and he wanted to see how Clay Community Schools ranked with those other schools. Those results included the following:
 - For 3rd grade, Clay City Elementary ranked second, and East Side Elementary ranked sixth (East Side is a Title I school)
 - For 4th grade, Staunton Elementary, Jackson Township Elementary, East Side Elementary, and Clay City Elementary all ranked in the top seven out of 44 schools; Staunton and Jackson Township ranked second and third
 - For 5th grade, Jackson Township ranked first and Staunton ranked second
 - For 6th grade, Clay City Elementary ranked fourth and North Clay ranked sixth
 - For 7th grade, North Clay Middle School ranked third and Clay City Jr/Sr High School ranked seventh
 - For 8th grade, North Clay Middle School ranked first
 - For English/Language Arts, Clay City Elementary ranked first, Jackson Township fourth grade ranked first, Staunton Elementary fourth grade ranked fourth, and for fifth grade, Jackson Township ranked first, Staunton was third, and Meridian Elementary (another Title I building) ranked eighth
 - Of the 24 area middle schools, Clay City Elementary 6th grade ranked first, North Clay Middle School 7th grade ranked first, and North Clay Middle School 8th grade ranked first

Superintendent Fritz stated that he was very proud of our schools. He referenced Mr. Reberger's often-used quote: "We do lots of things very well in Clay Community Schools". Mrs. Adams then shared one thing that had caught her eye: The graduation rate was well above the state average.

VII. Board Member Comments

Amy Adams stated that she was grateful to be here and to still be a part of the Clay Community Schools Corporation family. She offered congratulations to everyone for having a good start to the new school year. She believed lots of good things would be happening, even if there may be a few bumps in the road. Just like last year, we will get through them; we always do, this is a super-strong community. She wished the best of luck to everyone for the new school year.

Charley Jackson offered congratulations to the new hires. Also, he congratulated Clay City High School and thanked Kathy Knust for all of the work she does. In addition, he thanked all of the students, all of the principals, and all of the teachers and the whole community on a job well done to get the school year started on time.

Lynn Romas added to Mr. Jackson's comments by asking parents in attendance to go home and thank their children for a good start to the school year. He also stated that he appreciated all of the comments. He is listening to what they're saying, and he hears from all of the different angles, so the Board will do its best to make the right decisions and go from there.

Michael Shaw offered a "ditto" to all the great things that had already been said. He added his welcome to new employees. He believes the school corporation has some really good people in place, including Superintendent Fritz. He appreciated the

community showing up; their presence and opinion matter. Dr. Shaw concluded his comments by recognizing Jeff Bell as being such a huge part of the corporation.

Ryan Keller concurred with all of the comments already mentioned. He thanked those in attendance for coming out tonight; he really appreciated the community's support at these meetings. Mr. Keller acknowledged that there would be a lot of tough decisions to be made in the upcoming days, weeks and months for what's going to be best for the schools, the school corporation, the parents, and the students, as well as all members of the community. He believed it took a whole community to continue to have a great school corporation.

Tom Reberger shared that he believed plus-size people and older people would appreciate the new bleachers at Northview; they are wider, and there are handrails on the seating steps. Also, he could not let the meeting end without thanking the parents who have been here. He had seen lots of footage on national TV of board meetings that are just literally out of control because people aren't listening to each other. He summed it up by saying that we are listening to each other, and we're going to get through this. He agreed with Mr. Keller's comment that the Board was going to be facing some tough decisions in the next few days and weeks; he assured those in attendance that every decision that this board makes will be in the best interests of their kids.

VIII. Future Agenda Items

Amy Burke Adams would like to have an update in a few months on Journey.

IX. Adjournment

Having exhausted all agenda items, the meeting was adjourned at 7:58 p.m.

The meeting was audio recorded and copies may be requested by contacting the Central Administration Office.