

PROCEEDINGS
OF THE BOARD OF EDUCATION
Paducah, Kentucky
SPECIAL MEETING
December 11, 2020

A special meeting of the Board of Education of the Paducah Independent School District was held in the Seminar Room of the Innovation Hub, 500 S. 25th Street, Paducah, Kentucky, on Monday, December 11, 2020 at 4:00 p.m.

NOTE: due to the COVID-19/Coronavirus pandemic, this meeting was closed to the public and live-streamed online.

ROLL CALL

Members Present: Felix Akojie, Carl LeBuhn, Mary Hunter Hancock; James Hudson, Janice Howard

Others Present:

Donald Shively, Superintendent

Lisa Chappell, Secretary

William Black, Instruction/Assistant Superintendent

Dale Weaver, IT

Nicholas Holland, Attorney

Wayne Walden, Community Relations

After the roll call, it was established that a quorum of Board members was present. Dr. Shively led the Pledge of Allegiance.

ORDER NO. 203

APPROVAL OF AGENDA

The agenda was presented. The motion was made by Dr. Akojie and seconded by Mrs. Howard that the Board concur with the recommendation of the superintendent and approve the agenda as presented. The roll was called and all members present voted "yes".

ORDER NO. 204

ACTION TO GO INTO EXECUTIVE SESSION

Dr. LeBuhn announced the need to go into executive session for the discussion of personnel and property. The motion was made by Dr. Akojie and seconded by Mrs. Howard that the Board go into executive session. The roll was called and all members present voted "Yes." Donald Shively, Carl LeBuhn, Mary Hunter Hancock, Janice Howard, James Hudson, and Felix Akojie. Dr. Shively was present for a portion of the executive session. Dale Weaver, Will Black, Lisa Chappell and Wayne Walden waited upstairs until reconvening to regular session and adjournment.

ORDER NO. 205

ACTION TO RETURN TO OPEN SESSION

The motion was made by Dr. Akojie and seconded by Mrs. Howard that the Board return to open session. The roll was called and all members present voted "Yes."

ORDER NO. 206

A motion was made by Dr. Akojie and seconded by Mrs. Hancock that the Board direct Dr. Shively to request 40 unpaid days (20 in this 2020-2021 school year and 20 in the 2021-2020 school year). The Board will approve such leave upon request. The purpose of this leave shall be in obtaining professional education regarding race, equity, and community engagement. The roll was called and members voted:

Dr. Akojie – yes

Mrs. Hancock – yes

Mrs. Howard – yes

Dr. Hudson – abstained

Dr. LeBuhn – yes

Dr. Lebuhn read the following statement from the Board:

Paducah Public Schools Board of Education

Statement Regarding Superintendent Donald Shively

Thank you to the Paducah Public School community for participating as our community and school system continue to address a difficult but crucial dialogue about racial relationships, equity, and civic harmony. The members of the Paducah Board of Education strive to enhance the quality of the education available to every student in our system. We recognize that we cannot achieve that without addressing these important issues. Guided by lofty goals and the best interests of the students and community we serve, the Board is working to implement a multifaceted approach to address many of the racial and other equitable issues highlighted by the ongoing discussion involving a picture of our Superintendent, Dr. Donald Shively. This statement outlines our process and our plan.

The image of Dr. Shively that sparked the current dialogue portrays action that is inconsistent with the standards the Board established for its students, teachers, and administrators. As many have expressed, such conduct cannot be tolerated if our community is going to continue progressing toward the abolition of both express and implicit racism. The Board recognizes that the action portrayed in the image and the image's impact must be addressed.

After initially receiving only an oral report regarding the existence of the image, but not the image itself, the Board members had their first opportunity to view the actual image simultaneously with the public and the internet community when it was posted on social media on October 20th, 2020. Board members were shocked, hurt and extremely disappointed to see the entire content of the photograph. The photo is a total contradiction to the vision and mission of the Paducah Public Schools. The Board unequivocally agrees that the photo is offensive.

In response to the Board and community's concerns, the Board sought to gather public input on the matter, including through a dedicated email address and a public comment period during the last regular Board Meeting. Individual board members have had countless conversations with community members during this time. Over the last several weeks, Board Members have spent many difficult hours listening and evaluating the situation. Every piece of input was considered, and every available option was examined. As appropriate under Kentucky law, the Board's conversations regarding this sensitive personnel issue were held in executive session, which permitted the Board to have candid discourse about the matter.

In addition to the public's input, the Board also had to consider Dr. Shively's due process rights that include (1) that the Board must have sufficient legal cause to terminate his contract and (2) that the Kentucky Commissioner of Education must approve any termination of Dr. Shively's contract upon consideration of his past performance and evaluations. A failure to do so could have led to costly and perhaps fruitless legal proceedings that would not serve to heal the community or improve outcomes for students. Furthermore, no small part of our consideration was that schools are facing unprecedented logistical challenges presented by the COVID-19 pandemic. The Board concludes that the issue confronting it is whether the school system and its students are better served by allowing Dr. Shively to continue as Superintendent and, if so, what additional measures are needed?

The Board agreed that due consideration must be given to Dr. Shively's performance and commitment to equity over the entirety of his tenure as Superintendent. Board believed in February of last year and agrees today that Dr. Shively's performance as Superintendent has been above average, if not exemplary, and that the educational experience offered to every pupil in our diverse student population has improved under his leadership. In examining his record and in further discussions with Dr. Shively, the Board remains convinced that Dr. Shively regrets the incident and that his decision-making is not guided by discriminatory motives or racist beliefs.

But the Board also recognizes that Dr. Shively's leadership has been undermined by an image of him that is inconsistent with our values and principles. The students and others in the community who are offended or disappointed by the picture have legitimate concerns that merit a serious response.

Given his achievements to date to advance the learning of all students, the Board has determined that Dr. Shively should remain in his current role, but that the Board's evaluation of Dr. Shively's performance should focus more closely on Dr. Shively's progress in areas like cultural and racial sensitivity, empathetic communication, keener recognition of implicit bias, and a deeper understanding of issues confronting minority groups. Through additional training and community dialogue, the Board believes Dr. Shively will further develop the skills necessary to restore confidence in all the constituencies served by this school system.

In order to accomplish training in these areas without burdening the District, with its action today, the Board has directed that Dr. Shively take forty (40) unpaid days off between now and June 30th, 2022, including (20) of those days between now and the start of the 2021 school year, to participate in focused learning opportunities identified by the Board, the Kentucky Educators Association, local leaders, and others. Importantly, part of this time off will be used by Dr. Shively to learn from and regain the trust of community leaders, parents, students, and teachers through individual and small group meetings. The Board will continue to evaluate Dr. Shively's effectiveness as Superintendent and his success achieving these goals.

To further assure the community that it is working to address equity and diversity issues, members of the Board have been in preliminary discussions with the University of Kentucky's Education and Civil Rights Initiative (<https://education.uky.edu/civil-rights/>). At future meetings, the Board anticipates approving a contract to engage this group, with these efforts funded in part by money saved from Dr. Shively's unpaid time off. This esteemed group, led by program chair Dr. Gregory Vincent and assistant superintendent Will Black will facilitate a community driven Racial Equity Plan for the Paducah Public School District. The goals of this initiative include but are not limited to an equity audit, policy review, developing training plans to address growth, improved recruitment and retention of minority educators as well as establishing a community-based peer review process. The success of this program will depend greatly upon the community's input as we move through this important work in the months ahead.

The Board will work with community leaders, educators, and administrators across the state to continue to identify opportunities for Dr. Shively, Board Members, and others in our school system to participate in educational and other efforts that will allow us all to advance our cultural sensitivity and communications.

The Board acknowledges that there is no resolution that would satisfy everyone's concerns and positions. This Board reminds those who disagree with the outcome today that the Board members were elected to make these difficult decisions, and that in this instance they did so only after spending hours debating and thoughtfully considering the options. Our Board Members are concerned citizens, and they have donated their time and energy, often at significant personal expense, to work diligently for a better school system. Just as the Board has engaged in a sincere effort to respond to community concerns, we hope that the community will reward that work by giving this plan a good faith opportunity to succeed. Recognize that the goal of this decision is unity and a plan that advances the district and community together in shared responsibility for student achievement and racial harmony.

Dr. Shively responded with this statement:

First and foremost, I am committed to the success of each and every child in our district.

To our students, employees, parents/guardians, board of education, and community, I want to stress that I accept full responsibility for how my horrible and racially insensitive decision to wear black face has affected and impacted the community at large; especially the students of Paducah Public Schools. Through the dialogue with our African American community over the past several weeks, I have gained a deeper understanding of hurt that I have created. Both personally and professionally, my actions have caused others severe pain; have created anger towards myself and others; have created issues of trust in me and our school district; and have created division in our community that we all love. I do not just accept the board decision – I embrace the opportunity to learn and improve as a person and as a person who has influence on children, adults, and our community. This plan provides professional growth to me which is imperative to ensuring the success of each and every child in our district. Together we have an opportunity to become a model school district for equity, inclusion, and diversity. I hope and pray that others see in me a deep commitment – a commitment from my heart – which is focused on ensuring our students are successful not only in school, but in life.

I want to again apologize for my poor judgement by ever thinking that wearing black face was somehow an acceptable behavior, and I apologize specifically to our African American community for the hurt I have caused by my insensitivity, regardless of how long ago it was done. I apologize to the Board of Education for placing them in this precarious situation to have to deal with my decision. Most of all, I apologize to our students and our staff of Paducah Public Schools for how my actions have not only hurt each of you, but also impacted your view of me as a professional leader.

I know the weeks and months ahead will be difficult for many people, including myself. I am committed to going through this process and becoming a better version of myself to ensure the success of each and every one of our 3,159 students, of our 461 employees and the community that I serve.

ORDER NO. 207

ACTION TO ADJOURN

The motion was made by Dr. Akojie and seconded by Mrs. Howard that the meeting be adjourned. The roll was called and all members present voted "Yes." The meeting adjourned at 6:24 p.m.

Chairman

Secretary

The requirements of KRS 61.810, 61.815, 61.820 and 61.823 were complied with relative to the foregoing meeting.