

# HORRY COUNTY BOARD OF EDUCATION

## **MINUTES SPECIAL-CALLED MEETING District Office May 2, 2016**

The following persons were present:

### **Board of Education**

Joe DeFeo, Chairman	Holly Heniford	Pam Timms
David Cox, Vice-Chairman	Neil James	Sherrie Todd
Jeffrey Garland	Janice Morreale	Ray Winters
Janet Graham	John Poston	

### **Horry County Schools' Staff**

Mary Anderson	Carolyn Chestnut	Valerie McNeill
Damaris Baxley	Edi Cox	Boone Myrick
David Beaty	Gigi Fowler	Lucas Richardson
Daryl Brown	John Gardner	Rhonda Snowden
Dottie Brown	Kenny Generette	Natasha Staples
Dena Chatfield	Rick Maxey	

*As required by SC Law 30-4-80, local news media were informed of the date, time, place, and agenda of this meeting. Copies of the agenda were posted at the District Office and distributed to schools for posting.*

### **1. OPENING MAY 2, 2016, AT 11:45 A.M. – CALL TO ORDER**

Chairman DeFeo called the meeting to order at 11:45 a.m.

#### **A. Approval of Agenda**

***Board Action:*** A motion was made by Mr. James and seconded by Ms. Graham to modify the agenda to add an invocation. The motion carried. The Board Chair did not cast a vote on this item.

#### **Invocation**

Mr. Cox offered the invocation.

### **2. EXECUTIVE SESSION**

#### **A. Receipt of Legal Advice Regarding Title IX**

Mr. DeFeo stated that this Board has not adopted a policy, adding that they have not had time to vote on a policy. So far, the District has only complied with orders of the Fourth Circuit Court.

***Board Action:*** A motion was made by Mr. Garland and seconded by Ms. Timms to enter into executive session for receipt of legal advice regarding Title IX. Prior to the vote, Mr. Poston stated that any decision this Board makes will be made in public, adding that going into executive session is only to receive legal advice and not to make decisions behind closed doors. The decision making process will be a public process.

A vote was called for and the motion carried unanimously. The Board Chair did not cast a vote on this item.

### **3. BUSINESS**

***Board Action:*** A motion was made by Mr. Cox and seconded by Ms. Timms to return to open session for a Special-Called meeting. The motion carried unanimously and the Board returned to open session at 12:22 p.m.

#### **A. Board Action Regarding Title IX**

Mr. DeFeo read a Resolution from the Board as follows:

In light of the Fourth Circuit Court of Appeals' recent decision on Title IX and the District's efforts to be in compliance with the federal law, we recognize concerns that have arisen in reference to the privacy rights and protection of all students. Please know that it is the Board's and Administration's utmost concern to maintain the safety and wellbeing of all students. However, it is important to acknowledge that at this time, the Court of Appeal's ruling is legally binding on the state of South Carolina.

Given these circumstances, we want to articulate several points.

1. With the interest of the privacy of all students in mind, the Board directs the Administration to explore all legal avenues that pertain to the Court's Title IX interpretation including the Board's joining other school boards seeking to overturn the Fourth Circuit Court of Appeals' decision.
2. The Board directs the Administration to seek a legal opinion from the South Carolina Attorney General as it relates to transgender students' use of the restroom with the gender with which the student identifies as well as balancing the privacy rights of all students.
3. Horry County Schools does not have a policy governing restroom use, nor in complying with the Court of Appeals' ruling is the school district advocating or allowing an open-door restroom approach for students of either gender.
4. In light of this fact, the Board directs the Administration to manage requests made by, or on behalf of, transgender students in reference to the use of restroom facilities, whether it be the restroom of the gender with which the student identifies or an alternate private restroom within the school building. These matters will be addressed by appropriate school administrators with families on a case-by-case basis, while making efforts to meet a student's individual needs, as well as ensuring the privacy rights and protections of all students.

***Board Action:*** A motion was made by Ms. Heniford and seconded by Ms. Timms for the Board to adopt the Resolution as stated by the Board Chair. The motion carried unanimously. The Board Chair did not cast a vote on this item.

***Board Action:*** A motion was made by Mr. Garland to direct Horry County School District, through Horry County School District's legal representatives, to offer affirmative assistance to Gloucester County School Board; to file an Amicus Brief with the United States 4th Circuit Court of Appeals in case number 152506.P; G.G vs. Gloucester County School Board in Support of Gloucester County School Board. Authorize Horry County School District to procure, contract, and consult with specialized legal representation on the

matters related to this case as necessary. Unless and until it is no longer binding legal authority, Horry County Schools must and will comply with the U. S. 4th Circuit Court of Appeals ruling and Title IX. This motion was seconded by Ms. Graham.

Mr. DeFeo stated that if a parent is concerned for their student or if a student is concerned, they should report this to the administration who will work with the student to offer a restroom with a locking door, such as in the nurses' office, without regard for their gender identity.

Upon a vote, the motion carried unanimously. The Board Chair did not cast a vote on this item.

#### **4. ADJOURNMENT**

***Board Action:*** A motion was made by Ms. Heniford and seconded by Mr. Cox to adjourn. The motion carried unanimously and the meeting adjourned at 12:36 p.m. The Board Chair did not cast a vote on this item.

Respectfully submitted,



Rhonda Snowden  
Executive Assistant to the Superintendent and  
Horry County Schools' Board of Education

Approved:           May 23, 2016