

Courtney Bullar...: Hello and welcome to the Law and Education Podcast. This podcast was created and is typically hosted by me, Courtney Bullard. I'm the founder and CEO of Institutional Compliance Solutions and a 20 plus year practicing attorney in education law. I started this podcast because at the time there were no podcasts around Title IX matters. The purpose really was and still is to have conversations with other professionals who either work in Title IX or in areas that have important crossover with Title ix. There are over 50 episodes to date with colleagues and friends in the field, and it is time for a refresh. So in the coming episodes, you'll see some changes and updates with the podcast. While we work on these changes, though, I wanted to get this particular episode in front of you because the conversation is so great. Betsy Smith, Director of Title IX Services, takes the host role and interviews her husband and ICS employee, Jared Smith.

Jared joined ICS this spring as a client relationship specialist, so if you're an existing community partner, you've likely interfaced with him already. Importantly though, this academic year marks the first time in 16 years that he is not "going back to school". For the past 16 years, he served as a K-12 administrator and he also had Title IX duties in that role. We have so many K-12 community partners, clients, and strategic partnerships, and we're constantly tapping into what is happening on the ground to help us in supporting them. The addition of Jared has really helped us with that. And while this episode is K-12 specific, I encourage my higher ed folks to listen because it can help you understand what's going on on the ground in K-12 because those students are coming to you and matriculating to higher education. In this conversation, Jared talks about the challenges that he had in the Title IX role and also what he enjoyed most about being a K-12 administrator.

We'll have one more informational podcast in this format on the status of the Title IX regulations where I will give some updates and I'm working towards future topics with ICS team members and others. But without further ado, I want to turn you over to the conversation between Betsy and Jared. And side note, if you want to meet them in person, join us for our regional training at the beach in October at St. Simons Island. We'll be sure to put the registration link in the show notes.

Betsy Smith: Hi there, and welcome to the Law and Education Podcast. Surprise, I'm not Courtney Bullard. I am Betsy Smith, and I'm the Director of Title IX Services for Institutional Compliance Solutions. I am so glad to be your host today, and I'm known as the ICS resident cheerleader, so I love supporting professionals like you in this space, and I am excited that my first guest as a host is Jared. Hey, Jared.

Jared Smith: Hey, what's up guys?

Betsy Smith: Will you introduce yourself, Jared, and tell us just a little bit about you because most of our listeners have heard about me and my role at ICS previously.

Jared Smith: Right. So I am Jared Smith. I am the Customer Relationship Specialist at ICS, and just came on board in early March. So I have a background in K-12. I've been in the high school classroom, the middle school classroom, and also have administrative experience as a middle school assistant principal and also an elementary head principal.

Betsy Smith: So your brain is so full of that education knowledge and the K-12 experience, and you have given a whole lot of that information to me. We happen to be married. We didn't say that or haven't said that yet. So I have stolen a whole lot of your brainpower in the K-12 space and whether you know it or not, I use your experience and your situations that have happened as examples for our partners at ICS and sometimes maybe even in the podcast as well. Obviously I don't know the details of those situations, but it's been really helpful for me in the work that I do as well. So you've already told us a little bit about your path to ICS, but we're going to talk a good bit about that time that you were in the classroom, or more importantly, serving as an administrator.

So as you have already said, you were an administrator both in the elementary level and at the middle school level. So can you tell us maybe what was the most rewarding thing. Let's start there. The most rewarding thing about your administrative services in a K12 school district.

Jared Smith: Yeah. I would say the most rewarding part was probably just getting an opportunity to work with the kids, especially those that were, as we used to call them, the harder to love kids, the ones that may have behavior issues, emotional issues, maybe come from home situations that aren't great. Just to be able to work with those kids and those families to watch those kids not only grow academically, but socially and emotionally, that's really the part that I miss most about being in a school setting every day.

Betsy Smith: I think those were really the kiddos that were your specialty, or at least from my knowledge of what you were doing and what you would talk about at home is that it's really the kiddos that you miss the most.

Jared Smith: Yeah. And just all the fun things that I had a chance to do with some of those kids, whether it was going field trips with them or just spend time with them throughout the day. It really goes a long way when you take up time with those kids and just have an opportunity to build that relationship with them. It was all those little daily deposits that you would make that when something happened and you needed to make a withdrawal, especially with the family, those families knew that you cared about their kids and you were always acting in their best interest.

Betsy Smith: For sure. Okay. That was the most rewarding. What was the most challenging thing about being an administrator?

Jared Smith: So many of them. I think the hardest part was probably dealing with some of the parents that you never knew what you were going to get, whether it was just undiagnosed mental issues, substance abuse, it was unpredictable. So some days if something happened and you had to get in touch with that parent, they would be cooperative and work with you, and then sometimes they would call and you couldn't even understand what they were saying, or they would show up at the school right after you get off the phone and they were ready to engage in a fist fight in the foyer of the school. So that was challenging. Just before you picked up the phone or before you went into a meeting with them, you had no idea which version you were going to get. So it was also kind of fun too.

Betsy Smith: I'm sorry to speak over you, I'm just laughing because I know that that's real life and that there were people that wanted to fight you all the time.

Jared Smith: Yeah. And a lot of times I realized that they were just upset with a situation, whether it was with their kid or whether it was their own personal life. And when I first started doing it, I took offense to it and it really bothered me. But after a while, if you just let them come in and speak their piece, whether that involves just shouting or cussing or whatever, if you just let them get it out and then have a conversation with them, a lot of times it ended fairly well. It was always my mission when I had an angry parent or an angry grandparent or guardian that one of two things would happen when we left; either one, they would hug me or two, they would apologize for the way they had acted, and most of the time, one of those two would happen.

Betsy Smith: Yeah, absolutely. And that translates really well to this Title IX space because we're having hard conversations and our listeners and our K-12 admins and our investigators and decision makers and higher ed admins, they're working with individuals who are struggling or having a hard time dealing with facts or allegations in these type of situations. So that's really good advice as to how to not take offense I think when we're dealing with a situation because we don't know what's going on at home or within their family dynamic when we're doing our investigations or providing the support that we hope we're able to provide as Title IX professionals. So I think there's a good overlap there for sure.

Jared Smith: And I think a lot of that does also go back to just having those existing relationships with those kids and those families. When and if the time comes when you have to have those conversations, it's a lot more productive and I think it's less threatening when you're dealing with someone who knows that you care about them.

Betsy Smith: Yeah, the care piece, the care and support is definitely a passion of mine and our whole ICS team. So it's so important and I'm grateful that we were able to talk about it. All right, so let's transition a little bit to talk about perhaps some challenges with Title IX. So what was your role on the ground as an

administrator in the Title IX space? And then maybe we can talk about some challenges in that role.

Jared Smith:

So my last position in the former district that I used to work for was I was the assistant principal of the middle school, but I was also the building level Title IX coordinator. And after 2020, new regulations come out and the district inserted a very brief training into our SafeSchools module on Title ix. And I would always try to get those knocked out before school started. It was your classic bloodborne pathogens, students that are diabetic, just all those different things and Title IX was just thrown in there. So most of the time I would try to watch all of those even though most of those I had seen a thousand times before. But I distinctly remember seeing the Title IX module on there and wondering why we all of a sudden were focused on equity in sports, because that really was the general idea I had about Title ix.

So I remember hitting play on the module and I got a call to one of our behavior classrooms for special ed, and apparently there was a fistcuffs going on down there, so I was radioed down there and I walked in, it was like a bar fight. I mean, there was just stuff being thrown everywhere and kids screaming and cussing. So long story short, we got it sorted out, everybody was fine. I came back up to my office and the module had completed and I just quickly hazardly ran through the questions and I passed with, I believe it was an 84. All you needed is an 80 to pass the module. So it printed the certificate and I was Title IX certified according to our district. So yeah, that was my first encounter with Title IX at the K-12 level.

Betsy Smith:

So I'm going to stop you right there and I'm going to tell you that you have just given me extreme heartburn because in that same time period that we were talking about post 2020, I was working with ICS. Your school district was not a community partner and we were flailing, Courtney and I, to make sure that our districts had this training and that all of our investigators and decision makers and coordinators were trained on this 2000 page stack of papers. So clearly we do a very good job about separating work and home life, or at least we previously did, before you came on board with ICS because while all of this is going on for me, you in 2020 as an administrator, still thought that Title IX only involved athletics.

Jared Smith:

Yeah, it is shocking, and I hate to admit that because as we'll probably get to later in the story, the fact that you do what you do in a situation that I had to deal with was the saving grace. Because Title IX is like a lot of other things. You don't realize how bad you need the training until you get in a situation and you're looking in the rearview mirror wishing you had had it miles back. So yeah, sometimes the truth hurts, but I probably should have known that that doesn't really hold up in a court argument necessarily, but yes, I should have known.

Betsy Smith:

Well, you should have known in the household, but I think it is really helpful that now you do and now you're able to come on board with us at ICS and help make

sure that our community partners and that our investigators and decision makers and principals and assistant principals are all trained up in the way that they need to be in order to be compliant with the regs. And so that is really important and awesome. All right. So the challenges, one that you've mentioned is that you maybe didn't even know all of the things that were happening and it was just another compliance training that you had to check a box with. Is that fair to say?

Jared Smith: Yeah, I mean it's included in all of those different modules within our SafeSchool curriculum. So yes, once I had the certificate, I printed it with the rest of them and felt like I was going to be good to go.

Betsy Smith: And obviously we don't want you to talk about specifics of cases or anything like that, but experiences are important. So you're saying that ... I heard you say, and I know from us talking, that later at some point there was a situation where it was like, "Oh my goodness, I really need this training." So do you want to tell us a little bit about that and then we'll talk about my role perhaps in that a little as well.

Jared Smith: So we had a situation, there were a lot of people involved, and what I tried to do at first was reach out to the district and some other administrators in the district that I trusted that might have this knowledge. And what I found it was difficult to get in touch with certain people at the district level in a timeframe that would've been beneficial to me. But also just talking to some of my coworkers from around the district, they didn't really have any idea what I was talking about. In some weird way, it made me feel better that I wasn't the only one in the dark, but at the same time, realizing that there's this thing that is huge that across the board we are not equipped to handle.

Betsy Smith: Yeah, no, that is so helpful. So I think what I know is that there were multiple individuals involved or students involved, and that's about as much as I know and that I am scrambling behind the scenes seeing you worry, which is not really like Jared Smith. You're pretty chill and calm and collected most of the time, and I'm over here printing regulations for you and highlighting it for you, but trying not to talk to you about it because that's making you more stressed. And so throwing it at you as you go out the door for the day to say, "Hey, have a look at this little piece right here." And one thing that you highlighted that was so important from my perspective is the ability to contact or communicate with our Title IX coordinators or our Title IX deputy coordinators as administrators who are doing the work. And so making sure that that access is there and that if we're not able as Title IX coordinators to respond in a timely fashion, that we have someone else under us or available to our administrators. Does that seem fair?

Jared Smith: Yeah. And that was one of the, I guess, the feeling of loneliness. There's a situation and you know that there are specific steps that need to be taken and just reaching out and basically just hear crickets.

Betsy Smith: So for our listeners, if you're out there and you're a Title IX, if you're responsible for some Title IX piece and perhaps your district isn't, or your university isn't completely in compliance at this point, or you are flailing and feeling on your own, you're not alone in that. And we work with districts all the time and they happen to be some experiencing this exact feeling. So we want to make sure that people know that you're not alone in it and that it is hard. And part of us agreeing to do this podcast together was to talk about how hard and lonely it can be to do this work on the ground almost like you become frozen and that you can't do anything because you don't know what the right thing is.

Jared Smith: Right. And I think this situation was compounded because there were so many parties involved. So every step you took, it was times 18, 19, 20. So not only did you have that thought in your mind that if I'm not doing this correctly, I just got it wrong 19 times and just trying to stay on course with the timetables and trying to make sure everything was done, not perfectly, because I knew that wasn't necessarily a realistic expectation, but just to do it to the best of my ability, the way that it's drawn out to be done. And it is. I mean, it's one of those situations where I lost sleep at night and I don't lose sleep at night over very much.

Betsy Smith: Well, you just gave me an aha moment there of like we are not seeking perfection. And that's so important for everyone doing this work, this really hard work, to know is that perfection is not really attainable. And it's what we preach constantly is you've got to do the best you can with the information you have and put one foot in front of the other and keep moving because that is the absolute worst when we freeze and nothing gets accomplished. All right, let's move on just a little bit. What is something that you, as in the role that you have now, are wishing that you would've had, I guess, an administrator on the ground? Or let me say that a little bit differently. What is something that you know now that you wish you had had as an administrator on the ground?

Jared Smith: I really wish we had been community partners in my firm.

Betsy Smith: Oh, that was such a sales pitch and I'm not in that [inaudible 00:19:55].

Jared Smith: Listen, whether it's with ICS, whether it's with another company, just to have the resources to be able to, from start to finish, go through this process and on the front end make sure that you have these trainings and you know what your role is and what everybody else's role is in the entire process. And I know for me, having the tools and the resources, whether it was the templates or the flowcharts, for me, I'm very much a visual person. Having those charts and those steps set out, I was able to constantly go back and reference to make sure that everything was happening in the order that it was intended to happen. That really was super helpful to me because if you've ever been through one of these things, it's not over quickly.

It feels like a lot of serve-and-volley, you do this, someone else does that, you've got X amount of time and then it comes back and then it goes to this person. And then sometimes you maybe have Christmas break or spring break or god forbid summer break in between some of these situations that occur. So it really was a godsend just to have those tools to help, in my mind, keep this thing on track the way that it was supposed to be executed.

Betsy Smith:

So I think you're referencing now that when I was printing policies and processes and things for you, I was also printing flowcharts of do this and then do that. But that is something that's really helpful and we want to encourage our coordinators out there to make sure that everybody is feeling supported and having processes in a flowchart form so that you can really help to implement the policies that are hard to read and perhaps written by an attorney and make it really an easier process to get through.

All right. I'm going to go back and ask you a couple of other questions that have come to my mind, but I know that you served in a disciplinary role at the school. Can you tell me or tell us a little bit about what it was like for you when you were trying to one, be a disciplinarian on all the other things, but two, provide support and investigation in a Title IX matter?

Jared Smith:

So as the assistant principal of the middle school where I served, I dealt with a lion's share of the discipline. Any of the referrals that were written eventually ended up on my desk and we were a school of 750 to maybe 800 kids, maybe as high as 825, just fluctuated. But that's 750, 800. And depending on the time of year, that could be a huge volume of disciplinary issues. And of course whenever anybody gets called to my office, they already expect the worst. If you get called to my office, chances are pretty good you've either been accused of doing something or you've done something and you know you're going to go face the music, and it's not exactly known as a pleasant place to be in the school. So it's not like going to the counselor's office, which you might leave with a piece of candy or go into the library or go into any of these other places.

The assistant principal's office, it's where a majority of the disciplinary action takes place. So what I tried to do, I tried to have a separate space that I would use if I was having to deal with anything Title IX related, because the last thing somebody wants to do when they get called to the assistant principal's office is to open up about anything. Everybody gets real tight-lipped. You don't want to say the wrong thing, you don't want to say too much. So just utilizing another space in our front office to make it feel less like something that was punitive or just to have that threatening vibe to it. And I felt like just changing the space wouldn't completely do that because you're still talking about tough situations and tough circumstances potentially, but just having the ability to change the environment for a lot of those kids, I think made them at least see me in a slightly different light than maybe they would have if we were in my office where the majority of the suspensions and in-school suspensions were handed out on a regular basis.



Betsy Smith: And you brought up something earlier that I think is important to talk about here as well. So one, what your space looked and felt like, but also you talked about that currency that you had built earlier and that students knew that you were on their team. And I think that's something that I've noticed that you did a really good job of. Even when you were handing out discipline, you were handing it out with love. And I think even when you're having hard conversations or asking about hard things, you were able to do that because of the relationships that you had built previously. And I want you to talk about that a bit, but I also want to put a caveat here that sometimes those relationships that we have built with the students and the families create conflicts and biases that we need to make sure that we are not serving in a role with a conflict or a bias. But just generally knowing your students, high-fiving your students creates a space that they can feel more comfortable talking with you about the hard things. So can you tell us how you worked on that?

Jared Smith: Yeah, so when you have established that relationship with the students, and again, it was a big school, I'm not going to say that I had personal positive relationships with every kid. There were some that I knew better, usually the ones that were the most poorly behaved, because they spend a disproportionate amount of time in my office. But just trying to form that relationship when you do have to have those hard conversations, it doesn't make the conversation any easier necessarily, but at least at the end of the day they feel comfortable enough with you to open up about whatever's happened because I mean, let's not sugarcoat it. It's a hard conversation period, regardless of your relationship.

But if they're walking into that room and you're having to ask them questions of this nature, and if they at least trust that you're looking out for their best interest, it's going to go a lot better than if you're the disciplinary in the school that yells and screams and veins are popping out of your neck and the kids cower when they see you because they feel like they're always being targeted or somebody's out to get them, it just completely changes the dynamic of those conversations that you have with the kids.

Betsy Smith: Yeah, I'm laughing about that because while I know that you implemented discipline, I'm not sure that anyone would ever see you that cowered and have the veins pop out. That's not you, and that's not the atmosphere that you certainly brought, and I appreciate that you're the principal or AP who's entering a contest to kiss a pig or getting dunked in the dunking booth or something like that. So I think that did bring a lightheartedness or ease about the conversations.

Jared Smith: Right. Well, and a lot of times too, the kids knew that I had a job to do. Sometimes you have to make tough decisions, especially with kids and families that you're pretty close to. And a lot of times the student or the parents or the guardians would be upset about a decision I had made. But again, didn't yell, didn't scream, always told them, "Hey, I still love you, but you're suspended."



Or, "Hey, you're a great kid, but this has happened and this has got to be the consequence. So when you come back, I'm still going to love you and we're going to get this thing back on track, but here's your consequence."

Betsy Smith: And then the next week or month you might have to talk with that same kiddo about something that they've experienced that is bad. And so you've built that relationship even when disciplining them so that they feel comfortable bringing information to you. I think that is the best case scenario in this system, in the setup that you had. So I'm really grateful for it, and for the kiddos that got to experience it with you.

All right. I want to talk a little bit about silos. You talked about the loneliness feeling that can exist in the Title IX space when you don't feel like you have that support or you don't know what you're doing or you're calling everyone and maybe they don't know. I think you had good relationships with the principals and the APs within the district, but I think there are still silos that exist within each school and each area. Can you describe a little bit about that feeling?

Jared Smith: Right. So I think there are certain schools, and not necessarily just in my former district, but in the K-12 space, you've got so many individual schools that are basically their own little world. And of course it's part of a bigger whole, right? The whole district. But a lot of these administrators and staff members, they really are not fully aware of what Title IX encompasses. They're continuing to do what they believe is in the best interest of their school and their students, but they don't realize that, for example, if something occurs that may be under Title IX, they are continuing to discipline and do the things they've always done to try to, in their mind, protect the school and the students. And they don't realize that there's an entire different process that has to be followed. So I think that's really tough because you have well-intentioned adults that care about the kids in their building, but for whatever reason, they just don't know.

So it's not even ... I guess it would be hard to say that they're being indifferent about it. They just are doing things the way that they have always done them, which is not a good excuse or reason, but they really are in their hearts and in their minds acting in the best interest to protect kids in their building.

Betsy Smith: That is so hard, and I think it's a great way to talk about it, is that each building can become a silo. So we may have those silos within the buildings as well when we think about athletics or if you are the administrator for discipline, we have another administrator who's over curriculum, and you're living in that little zone. But we also have ... or that big zone, I guess it could be. But then we also have the schools themselves that can become siloed within the district, and we're not getting all the information to them because they're so worried about all the things that are just happening on a day-to-day basis in their building and unable to take on something more or different or collaborate even with the central office staff because everybody seems to be understaffed right now.

Jared Smith: Yeah, that is a challenge. You look at a lot of the schools, and again, not just in my foreign district, but across our state, across the country, a lot of them are grossly understaffed. So my role as an assistant principal, in addition to a majority of the discipline and also with being responsible for teacher evaluations, it was just ... it's overwhelming. So in addition to everything, and look, everybody's busy, I get it. I'm not trying to say that I was busy and everybody else was twiddling their thumbs. We're all busy, we're all overworked. But when you really start to figure out what's included, what's encompassed with this investigation process for Title IX, you're trying to balance that and you want to do a good job with that and do it the correct way. But also you've got all of these other things that are going on, so there's only so many hours in the day. I mean, the kids leave, bell rings 3:15, 3:30, depending on what district you're in, but it is. Sometimes you just feel like there's not enough hours in the day to adequately do all the things.

Betsy Smith: All right. So one incentive that I love that you used to use, and I want to talk about it because I think it makes me happy, it makes me smile, and then I'm going to wrap us up. But I know that an incentive for positive behavior that you used to use, not just for students, but sometimes for staff as well, involved the fire alarm at your school. And so I just want you to tell us about it because I think it's such a fun, positive story to share about ways that we can just really give incentives to our kiddos, and they don't have to be anything that costs us money.

Jared Smith: So if you're like me, my dream in life, one of my dreams, bucket list was to pull a fire alarm without consequence. I didn't want to go to jail, didn't want to get suspended, but it's there from the time you were a kid, when you walk into kindergarten, you're like, "That's a handle and it's bright red, and I know if I do it, it's going to make really loud noises." So when I first became an administrator, we were doing one of our routine fire drills, and I remember our school resource officer said, "Hey, do you want to pull the alarm?" I'm like, "Really?" It was the greatest day ever. So it was such an adrenaline rush to be able to do that, I started thinking about what that could mean for kids, because most of the kids are not going to do it. They want to, but they're good kids and they know the consequences.

So we started this incentive where if you were caught doing something that was kind or if you were working hard and you had good relationships, just anything we could find, your reward would be we would go pull you out of class right before a fire alarm. Of course, we would tell the teacher, "Student's with us, mark them as present when you're doing rosters outside," and with the parents' consent, we would just film the kid pulling the fire alarm and then we would email it to the parents. And the kids loved it. The parents loved it. Some of the parents were like, "I want to come pull the fire alarm. I've always wanted to do that." So just those little things that ... Kids are not very different than adults, or maybe it's just me, but I just knew that those kids would absolutely love pulling the fire alarm. So you're right, it doesn't always have to be something that cost

a ton of money or cost any money. Just get creative and find ways to give kids an incentive and just find creative rewards.

Betsy Smith: Oh, it makes me so happy. I think about all those kiddos and that memory and how awesome it is. Okay, so Jared, we're seeing so many administrators and teachers just like you leaving school buildings every day, and that's hard. And I think that the building and the district lost a pretty awesome one. I may be a little biased, but a pretty awesome one. But in this new role, I'm excited. You may say you don't still work in education, but I beg to differ and I think you do, and we're excited to have you on the ICS team helping those other administrators to do the work. So it's been so fun. Maybe they'll let us do this again sometime.

Jared Smith: Yeah, maybe. And then next time there won't be a flower delivery where Tootsie the doodle goes nuts.

Betsy Smith: Well, it was fun, and yeah, I'll talk to you later.

Jared Smith: Alrighty, thanks. See you.

Courtney Bullar...: I really hope that you enjoyed this conversation between Betsy and Jared as much as I did. When Betsy came up with the idea to record it, I was anxiously awaiting the opportunity to listen to it, and of course it didn't disappoint. For our K-12 administrators on the ground, whether you have a Title IX role or not, we see you. We value you. We so appreciate the work you're doing as an educator or as an administrator, or both. Many of you wear many, many, many hats, and I hope some of what you listened to with Jared resonated with you. For our higher ed professionals, of course we feel the same way. We really appreciate the work that you're doing on the ground in your Title IX compliance efforts, and we know it can be a lonely job many times. The ICS team, as always, is here to support all of you in your roles.

Lastly, I encourage you to check out our blog post. Betsy wrote a really good one recently on the Redzone and starting sooner, which definitely applies to K12 as much as it applies to higher ed. And we keep pumping out some really great content in our blog post, so be sure to check it out. I'll see you next episode. I hope you're having a great start to the academic year. And as always, please reach out if we can assist you. This podcast does not establish an attorney-client relationship, which is only formed when you have signed an engagement agreement with ICS. It is also not intended to replace any legal advice provided by your legal counsel. It is for informational purposes only.