

IN THE UNITED STATES DISTRICT  
COURT EASTERN DISTRICT OF  
ARKANSAS CENTRAL DIVISION

RYAN KOERDT	)	
	)	No. 4:21CV 554-BSM
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
RUSSELLVILLE SCHOOL DISTRICT	)	
AND RUSSELLVILLE BOARD OF	)	
EDUCATION	)	JURY TRIAL DEMANDED
	)	
<b>Defendants.</b>	)	
	)	
	)	

AMENDED COMPLAINT

Comes now the Plaintiff by and through his Attorney, Robert Newcomb, for his Amended Complaint against the Russellville School District and Russellville Board of Education states;

1. The jurisdiction of the Court is invoked pursuant to *28USC Section 1331*.

2. Venue is proper in this District and Division pursuant to *28USC Section 1391* and *28USC Section 83 (2)*.

3. Jurisdiction is being invoked in this preceding to enforce the provision of *Title IX* of the Education Amendments of 1972; *20USC Section 1681* et seek. Here and after referred to as *Title IX*.

4. The Plaintiff is a citizen of the State of Arkansas and is employed as the Girls Basketball Coach at Russellville High School.

5. The Defendant, The Russellville School District, is an educational organization that is organized under the Laws of the State of Arkansas to provide elementary through high school education to both boys and girls. The Defendant, The Russellville School District, receives Federal Funds.

6. The Russellville Board of Education is the governing body for the School District.

### FACTS

7. The Defendants do not provide the same facilities to the girls' basketball team that are provided to the boys' basketball team.

8. The Defendants provide fewer services to the girls' basketball program than they do to the boys' basketball program or the boys football program.

9. The boys' basketball program and the boys' football program have certified paid Assistant Coaches.

10. The girls' basketball team during the school year 2020-2021 (August 24th was first day of school) had a certified Assistant Basketball Coach for one (1) day.

11. The Defendants allow the boys' programs to have their Head Coach hire who they desire as an Assistant Coach as long as they meet minimum standards.

12. The Defendant allowed Plaintiff to informally speak to four applicants, which The Defendant did not consider as part of the official interview or selection process, in late May of 2021. The Plaintiff, Ryan Koerdt, in capacity as the Girls' Basketball Head Coach, voiced support and a desire to hire a certified and qualified female applicant who is a current Girls' basketball coach from an Arkansas school district, who meets all qualifications including, but not limited to, certified and recent and relevant girls' basketball experience. The Defendant ignored the Plaintiff's recommendation and willfully and blatantly refused to hire the qualified applicant Plaintiff recommended. The Defendant made an offer to an under-qualified female applicant, who has one-year experience as a volleyball coach and no coaching experience for basketball. The applicant rejected the offer. The Defendant re-opened the position in approximately June 2021, and again rejected the same female candidate Plaintiff recommended for the position during the May 2021 hiring process.

13. In developing the boys' basketball program, the Russellville School District arranges for seventh (7th) and eighth (8th) grade boys' to practice during the first period of the school day which allows the boys basketball Coach's to observe and work with those students for developing as basketball players within the athletic program where the same benefits are not offered to the girls' basketball players in seventh (7th) grades as they practice the last period of the school day while the sole girls' basketball coach is occupied with the high school girls' basketball team. If the girls' high school basketball team had an Assistant Coach, she could work with the seventh (7<sup>th</sup>) grade girls' during last period leaving no Assistant Coach for the high school girls' but all the teams for the boys' basketball and boys' football teams, would have an Assistant Coach.

14. The Plaintiff was a successful High School girls Coach during the 2020-2021 school year having a winning record, with 10 more wins than the previous year, and winning more conference games than any previous team had done since 1997. The girls' basketball team also made it to the quarterfinals of the state tournament which is as far as the boys' basketball program made it in the 2020-21 season.

15. The Plaintiff was voted "The Coach of the Year" in the 5 West Conference for the girls' basketball team that he coached, by his fellow Coaches.

16. On April 9th, 2021, the former Superintendent, Dr. Mark Gotcher for the Defendant School District, informed the Plaintiff that he would be able to pick his seventh (7th) grade Coach and High School Assistant Coach just as the boys' basketball and boys' football program does. The Defendant did not allow the Plaintiff to pick the qualified candidate of his choice.

17. The Defendant harassed the Plaintiff without just cause by hiring an Attorney to investigate the Plaintiff after the Plaintiff won a grievance hearing on April 18th 2021. The Defendant had already investigated the same matter, in which the Attorney was hired for, from March 30th 2021 until April 9th 2021. The original investigation led to a grievance filed by The Plaintiff against Dr. Gotcher. The School Board voted 7-0 in support of The Plaintiff on April 18th, 2021. Dr Gotcher was terminated for his actions involving the Plaintiff and other on-going issues on April 19<sup>th</sup> 2021, and the Defendant hired Superintendent Andrew Vining on April 19th, 2021.

18. No female basketball players quit during the 2020-21 basketball season yet at least two investigations were conducted.

19. The boys' basketball program had six members of the team quit during the 2020-2021 basketball season, and the Defendant did not conduct any investigations into the program.

20. Subsequent to the complaints the Defendant started investigations of the Plaintiff for transporting athletes in his personal vehicle while the boys' basketball players are transported by their Coaches in personal vehicles but had no investigation.

21. The Defendant investigated the Plaintiff because after the Plaintiff raised concerns about the violations to *Title IX* for alleged violations of the quarantine regulations but did not investigate the Coaches for the boys' programs who also had quarantine issues.

22. The Defendant has assigned the girls' high school basketball practices during the summer of 2021 to the 'old gym' at the school with no air conditioning even though there has been heat index days approaching one hundred (100) degrees while providing to the high school boys' basketball program practices in the air conditioned basketball arena. The 'old gym' does not have the same amenities as the arena such as locker room, restroom, and weight room.

23. The former Superintendent of the Defendant, Dr. Gotcher, sent an Assistant Principal to the girls' locker room after a post-game speech to evaluate and assess what was going on but never subjected the boys' basketball coaches to the same scrutiny.

24. When the Plaintiff was subjected to threats and profane language by two parents on two different occasions the Plaintiff reported it to the Defendant; the Defendant took no action even though the conduct of those parents was against school policy and should have resulted in actions against those individuals.

25. A parent along with Dr. Gotcher confirmed that they were given a keycard to the arena in return for the amount of money that said parent donated to the school. A 14-year-old female student athlete was using the facility unsupervised and unknown to the Plaintiff. This directly put Coach Koerdt responsible for that student and opened up liability issues for the Plaintiff. The Defendant continuously showed no support for the Plaintiff.

26. On the night of April 19<sup>th</sup> 2021, Andrew Vining was hired as the new Superintendent. On April 20<sup>th</sup> 2021, Mr. Vining gave the Plaintiff a full evaluation of the program even though no boys' athletic program has received an evaluation from Mr. Vining. During the evaluation, Vining told the Plaintiff that he did not do a good job this year with the team along with telling the Plaintiff he was lucky to have a job still. Mr. Vining also reported that one of the student athletes, whom parents had a problem with the Plaintiff, baby sits his grandchildren and they all go to church together. Mr. Vining told the Plaintiff that it is his school now and it's his way or the highway. Along with telling a story on how he "slapped a former female player on the butt" during a game that he was Coaching, Mr. Vining concluded that he does no "bluff". This was certainly another form of retaliation and bullying against the Plaintiff.

27. The Defendants were repeatedly told by the Plaintiff that the treatment of the girls' basketball program was not in compliance with *Title IX*.

**RETALITATION CLAIM**

28. The Plaintiff filed the original Complaint in this case on June 22<sup>nd</sup>, 2021.

29. The Pope County Sheriff's Office served the Defendants with the Complaint on June 28<sup>th</sup>, 2021.

30. The Defendant, The Russellville School District and Russellville Board of Education had renewed the Plaintiffs contract as a teacher on or about May 1<sup>st</sup>, 2021.

31. As part of the duties of the Plaintiff as the Head Coach of the girls' basketball team is to conduct practices during the summer other than when the Arkansas Athletic Association has what is referred to as "dead" periods where there is to be no actives.

32. The Plaintiffs daughter is a player on the school basketball team.

33. The Plaintiff and his daughter were out of state from June 28<sup>th</sup>- 30<sup>th</sup> 2021 on visits to the United States Navy Academy and the United States Military Academy on recruiting trips where she was offered scholarships to both Academies as a basketball player.

34. The Athletic Director contacted the Plaintiff on Thursday July 8<sup>th</sup>, 2021 saying he wanted to have a meeting with him on July 12<sup>th</sup>, 2021. This meeting did not happen because Plaintiff was out of State.

35. The Plaintiff was out of state with his daughter attending basketball tournaments in Indianapolis, Indiana from July 5<sup>th</sup>- July 12<sup>th</sup>, 2021. Upon his return to conduct the first practice on July 13<sup>th</sup>, 2021, the Plaintiff was informed that he was being placed on leave with pay and was ordered to not have any contact, directly or indirectly, with any of his current basketball players or those from last year even though they may have graduated from school.

36. The Defendants have investigated the Plaintiff numerous times without the placing him on leace. The investigations include:

- a. An investigation by the School District which The Board cleared the Plaintiff by a 7-0 vote.
- b. A complaint to Department of Human Services for Child Maltreatment which was unsubstantiated.
- c. A complaint to the Department of Education which is ongoing.
- d. An investigation was started by Mr. Vining hiring a Law Firm to investigate after the Board of Education voted to uphold the Plaintiff grievance. The actions of Mr. Vining were without the Board of Educations authorization.
- e. The investigation started immediately after the Defendants were served with the Complaint.



f. To retaliate against the Plaintiff, the School District violated Arkansas Freedom of Information Act by releasing information that had been found by the School District Board to be without merit concerning complaints about the Plaintiffs conduct causing him ridicule within the community. Further the School District released the information without giving the Plaintiff the opportunity to ask an Arkansas Attorney General opinion of the release of his personnel file as required by Arkansas law.

37. Mr. Andrew Vining, who is the Superintendent of the Russellville School District, has previously retaliated against an employee of the Clinton Police Department and Clinton School District for asserting his rights under the Fair Labor Standard Act, see *Bradley v. Clinton School District et al 4:18-cv-00061-BRW*.

38. The act of placing the Plaintiff on leave with pay stigmatizes him in the eyes of his basketball teams who was informed of it and was told that he would not be back for at least two (2) weeks if not longer.

39. The actions of the Defendants acting through Mr. Andrew Vining where it undermines the confidence to the students of the Plaintiff as a basketball Coach.

40. Any person who is a basketball Coach or athletic Coach would be hesitant in the future to complain knowing that their livelihood and reputations would be damaged by the Defendants.

41. The Court should award substantial damages to the Plaintiff for the retaliation being done by the Defendants.

**RELIEF REQUESTED**

42. The Courts should enter injunction Ordering the School District to allow the girls' basketball program to use the same facilities as the boys' basketball programs for practices during the year and summer.

43. The Court should issue an injunction Ordering the School District to allow the Plaintiff to hire Assistant Coaches under the same terms and conditions as the Coaches of the boys' programs are.

44. The Court should Order that the School District provide for the same elevation of seventh (7th) and eighth (8th) grade girls program as it does to the boys' Coaches for the seventh (7th) and eighth (8th) grade boys' programs.

45. The Defendant's should be Ordered to remove all negative complaints from the Plaintiffs' file.

46. The Court should award the Plaintiff reasonable Attorney's fees and cost.

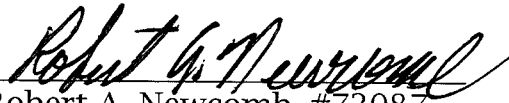
47. The Court should award substantial damages to the Plaintiff for the retaliation being done by the Defendants.

**JURY TRIAL DEMAND**

48. The Plaintiff requests Trial by Jury on all issues Trial-able by a Jury.

WHEREFORE we respectfully pray that the Court will grant the relief requested herein and such other relief in such that the Plaintiffs are entitled.

Respectfully submitted,



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