

## NOTICE OF PUBLIC MEETING

### LUDINGTON BOARD OF EDUCATION - LUDINGTON AREA SCHOOL DISTRICT 809 E. Tinkham Avenue, Ludington, Michigan 49431 – Phone 231-845-7303

*This is a meeting of the Board of Education in public for the purpose of conducting the School District's business and is not to be considered a public community meeting. There is a time for public participation during the meeting as indicated on the agenda.*

Mission: The Ludington Area School District, in partnership with parents and community, will educate and empower students to adapt and succeed in their future.

**MEETING:** Regular Meeting

**DATE:** February 15, 2021

**TIME:** 6:00 p.m.

**PLACE:** Electronic/Virtual

Ludington Area Schools Administration/Central Office, 809 E Tinkham Ave, Ludington, Michigan

#### **REGULAR MEETING**

1. CALL TO ORDER & ROLL CALL/MEMBER LOCATION:  
 Steve Carlson/ \_\_\_\_\_  Bret Autrey/ \_\_\_\_\_  Josh Snyder/ \_\_\_\_\_  Mike Nagle/ \_\_\_\_\_  
 Stephanie Reed/ \_\_\_\_\_  Leona Ashley/ \_\_\_\_\_  Scott Foster/ \_\_\_\_\_
2. SPECIAL PRESENTATION - President's Volunteer Service Award Sawyer Hendrickson
3. AGENDA MODIFICATION
4. GOOGLE MEET PARTICIPANT CONTROLS
5. CITIZEN PARTICIPATION
6. CONSENT AGENDA
  - a. Ratification of Bill Payment - Per Summary Dated February 15, 2021
  - b. Approval of Minutes – January 18, 2021 Organizational, Regular, Special & Closed Meetings
7. BOARD COMMITTEE REPORTS
  - a. Personnel Committee Report: February 10, 2021
  - b. Finance/Negotiation Committee Report: February 11, 2021
  - c. Building & Site Committee Report: February 12, 2021
  - d. Co-Curricular Committee Report: February 9, 2021
8. BUSINESS MANAGER REPORT
  - a. IRS Closing Agreement on 3% Retiree Healthcare Contributions
9. SUPERINTENDENT'S REPORT
  - a. Review Owner, Architect, Construction Team Meeting Notes and Progress
  - b. Community Input Activities for Secondary Complex Design
  - c. District and Building Annual Education Reports
  - d. Mid-Year Extended COVID-19 Learning Plan Goal Reporting Form
  - e. COVID-19 Learning Loss Planning and Implementation Plan
  - f. Update on Work of the District Network Team
  - a. Mid-Year Report on Superintendent's Goals / Evaluation
  - g. Oriole Foundation Grant Awards: Winter 2021
10. DISCUSSION ITEMS
  - a. Update on Secondary School Complex Schematic Design Meetings
  - b. Elementary Bond Project Application and Certificate for Payment #10
  - c. Review Bids Received for Vacant School Properties
  - d. West Michigan Conference Letter of Acceptance
  - e. Updated Extended COVID-19 Continuity of Learning Plan
11. ACTION ITEMS
  - a. Elementary Bond Project Application and Certificate for Payment #10
  - b. Action on Bid Received from Peter Riley
  - c. IRS Closing Agreement on 3% Retiree Healthcare Contributions
  - d. Updated Extended COVID-19 Continuity of Learning Plan Approval
  - e. Closed Session: Periodic personnel evaluation of the Superintendent per MCL 15.268 Section 8(a), as requested by the Superintendent.
12. OTHER ITEMS OF BUSINESS & ANNOUNCEMENTS
13. ADJOURNMENT

Official minutes of the Ludington Board of Education are available for public inspection during normal business hours at the Board of Education's Central Business Office, 809 E. Tinkham Avenue, Ludington, Michigan. The Ludington Area School District is an equal opportunity employer and provider. If you are an individual with a disability who is in need of special accommodations to attend or participate in a public meeting please contact Superintendent Jason J. Kennedy at 231-845-7303 at least 24 hours prior to the meeting or as soon as possible.

## **Meeting Notice and Meeting Access Information**

This notice is given and published pursuant to the Epidemic Emergency Order issued by the Director of the Michigan Department of Health and Human Services.

The Regular Meeting of the Board of Education for Ludington Area School District will meet on Monday, February 15, 2021 at 6:00 p.m. for a regular board meeting as a virtual meeting (online and/or by phone) to protect the health, safety, and welfare of the citizens of Ludington Area School District from Coronavirus/COVID-19. This virtual meeting is authorized pursuant to the Michigan Open Meetings Act, MCL 15.263a.

Public comment will be handled using the participant controls of the Google Meet platform. These will be discussed at the start of the meeting. If you are listening by telephone only, you will be called upon by the host during the time for public participation in the meeting.

To comply with the Americans with Disabilities Act (ADA), any citizen requesting accommodation to attend this meeting and/or to obtain this notice in an alternative format, should contact Superintendent Jason Kennedy, Ludington Area School District at (231) 845-7303 at least twenty-four (24) hours prior to this meeting.

### **Google Meet Instructions for Participants**

#### **To join the conference by telephone:**

1. On your phone, dial the teleconferencing number provided below:
  - Phone number: (US) +1 915-799-0919
2. Enter the meeting pin number below when prompted using your touch-tone (DTMF) keypad:
  - Pin number: 591 516 280#

#### **Before the meeting:**

1. You will need a computer, tablet, or smartphone with speakers or headphones. You will have the opportunity to check your audio immediately upon joining the meeting.

#### **To join the meeting via video conference or technology device:**

1. At the start time of the meeting, click on the link below to join via computer. You may be instructed to download the Google Meet application.

**Meeting Link:** [meet.google.com/yjg-fzms-qze](https://meet.google.com/yjg-fzms-qze)

# Memorandum - Office of the Superintendent

**TO:** Board of Education  
**FROM:** Jason Kennedy, Superintendent  
**RE:** Regular Meeting ~ Agenda Notes

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## CITIZEN PARTICIPATION

### Review Board Policy 0167.3: Public Participation at Board Meetings

The Board of Education recognizes the value of public comment on educational issues and the importance of allowing members of the public to express themselves on District matters.

To permit fair and orderly public expression, the Board shall provide a period for public participation at every regular meeting of the Board and publish rules to govern such participation in Board meetings. The rules shall be administered and enforced by the presiding officer of the meeting.

The presiding officer shall be guided by the following rules:

- A. Public participation shall be permitted as indicated on the order of business, or at the discretion of the presiding officer.
- B. Participants must be recognized by the presiding officer and will be requested to preface their comments by an announcement of their name, address, and group affiliation, if and when appropriate.
- C. Each statement made by a participant shall be limited to three (3) minutes duration.
- D. No participant may speak more than once.
- E. Participants shall direct all comments to the Board and not to staff or other participants.
- F. The presiding officer may:
  1. interrupt, warn, or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant;
  2. request any individual to leave the meeting when that person does not observe reasonable decorum;
  3. request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting;
  4. call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action;
  5. waive these rules with the approval of the Board when necessary for the protection of privacy or the administration of the Board's business.
- G. The portion of the meeting during which the participation of the public is invited shall be limited to thirty (30) minutes, but the timeframe will be extended, if necessary, so that no one's right to address the Board will be denied.
- H. Tape or video recordings are permitted. The person operating the recorder should contact the Superintendent prior to the Board meeting to review possible placement of the equipment, and agrees to abide by the following conditions:
  1. No obstructions are created between the Board and the audience.
  2. No interviews are conducted in the meeting room while the Board is in session.
  3. No commentary, adjustment of equipment, or positioning of operators is made that would distract either the Board or members of the audience while the Board is in session.
- I. Each Board agenda will include the following statement, "Public participation shall be permitted only as indicated on the order of business."

**Revised:** January 21, 2019

Legal: M.C.L.A. 15.263(4)(5)(6), 380.1808

## Regular Meeting

### **SPECIAL PRESENTATION**

#### **Sawyer Hendrickson receives President's Volunteer Service Award**

Sawyer Hendrickson, 11 years old, of Ludington, MI, a student at OJ DeJonge Middle School, has been honored for her exemplary volunteer service with a President's Volunteer Service Award. The award, which recognizes Americans of all ages who have volunteered significant amounts of their time to serve their communities and their country, was granted by The Prudential Spirit of Community Awards program.

Sawyer Hendrickson is devoted to serving her country. She spends numerous volunteer hours preparing thousands of stockings to send to troops overseas during the holiday season. This year alone, she sent over 10,000 stockings filled with goodies and necessities to those that are deployed. She does this through her non-profit organization, Miss Sawyer's Kids with a Cause. Her tagline, "Making A Difference In The Lives of Our Veterans and Active Duty Military, One Smile at a Time." Sawyer has walked at the Tomb of the Unknown Soldier, laid Goldstar roses at Arlington National Cemetery, handed out patriotic painted rocks, and participated in numerous events nationwide. Sawyer truly exemplifies volunteerism for the good of our country.

In its 25th year, The Prudential Spirit of Community Awards, sponsored by Prudential Financial in partnership with the National Association of Secondary School Principals (NASSP), recognizes students across America for outstanding volunteer service.

"Across the United States, young volunteers are doing remarkable things to contribute to the well-being of the people and communities around them," said Prudential Chairman and CEO Charles Lowrey. "Prudential is honored to celebrate the contributions of these students, and we hope their stories inspire others to volunteer, too."

"Demonstrating civic responsibility through volunteerism is an important part of life," said NASSP Executive Director JoAnn Bartoletti. "These honorees practice a lesson we hope all young people, as well as adults, will emulate." - Mr. Brian Dotson, Foster Elementary School Principal.

### **BUSINESS MANAGER'S REPORT**

#### **IRS Closing Agreement on Taxability of Healthcare Contributions**

For the past several years, the FICA taxability of the 3% healthcare contributions (RHC) that Districts are required to make to the retirement system, on behalf of its employees, has been in question. Recently, ORS indicated that it is in position to get a favorable ruling from the IRS that these contributions are exempt from both federal and FICA taxes and are inviting districts to sign onto a closing agreement by granting power of attorney. By being part of the closing agreement, districts can pursue any applicable refunds in employer and employee taxes.

Although Ludington Area Schools did not treat RHC as FICA taxable, while most other schools in our region did, professional guidance from a variety of sources advocate that all districts sign the power of attorney no matter their situation. However, significant questions remain unanswered about the effect and mechanics of the proposed closing agreement which could have material impacts on school districts and affected employees. Additionally, signing of the closing agreement will commit LASD to the finalized terms and, as currently proposed, we will not have a chance to review the closing agreement at any stage before execution. Given all of this, further research is needed to determine whether we officially proceed with

granting power of attorney before the March 1, 2021 deadline, nonetheless, we ask for your approval to proceed in the event we determine this action to be prudent.

It is my recommendation that the Board approves the legal firm of, W. Alan Wilk of Dykema Gossett, PLLC (counsel for the ORS) as LASD's representative before the IRS, and authorize him to finalize the Closing Agreement and sign on our behalf, as deemed appropriate by administration.

## **SUPERINTENDENT'S REPORT**

### **Review Owner, Architect, Construction Team Meeting Notes and Progress**

We will review the most recent owner, architect, and construction team meeting notes for the elementary school project, as well as the construction progress update that has been provided to the District by the Christman Company, as a way to continue to keep the Board apprised of the work and progress at the elementary school project site.

### **Community Input Activities for Secondary Complex Design**

We will discuss opportunities that will be made available to the community in order for them to provide feedback on the development of the schematic design of the secondary complex.

### **District and Building Annual Education Reports**

We will discuss the District and building level Annual Education Reports (AER) that were published to the District's website on February 1, 2021. The deadline for doing so was February 15, 2021. The Annual Education Report (AER) is a report designed to meet federal requirements of the Every Student Succeeds Act (ESSA) for reporting on performance for the most recently completed school year to parents and communities. This year's AER is based on data from the 2019-20 school year.

### **Mid-Year Extended COVID-19 Learning Plan Goal Reporting Form**

We will discuss the mid-year Extended COVID-19 Learning Plan Goal Reporting Form that has been posted to the District's transparency webpage, as required. This reporting form highlights the goals that were established by the District under our Extended Continuity of Learning Plan, as well as the progress and growth of students on the NWEA benchmark assessments from the fall administration of the assessment to the winter administration of the assessment in both reading and mathematics for all students and subgroups of students in grades K-8.

### **COVID-19 Learning Loss Planning and Implementation Plan**

We will discuss efforts that have been made by our staff to develop COVID-19 Learning Loss Plans that provide for enhanced summer school and learning programs and options to support any lost learning time as a result of COVID-19.

### **Update on Work of the District Network Team**

We will discuss the work of the District Network and update the Board of Education on progress being made by our DNT team toward the completion of the goal focus areas that were established.

### **Mid-Year Report on Superintendent's Goals / Evaluation**

An overview of the superintendent's goals and mid-year progress will be discussed during the superintendent's report at the regular board meeting.

## Oriole Foundation Grant Awards: Winter 2021

The Oriole Foundation has met to review the grant applications that were received for winter funding. All awards that were received were funded by either the Foundation or by the District. The fund balance of the Foundation has grown to \$1.27 million dollars. Grant requests approved by the Foundation, totaled \$11,599.62. Heidi Urka's requested \$1,000 for literacy resources was covered by an earmarked donation to the Foundation in her name, and the grant award to Alison Helminski was covered by the District. The Foundation is able to award \$41,672 in grants between the winter and fall grant rounds. This leaves \$30,072.38 that can be funded for the fall 2021 grant cycle. A list of the winter grant awards can be found below:

Teacher's Name	Title of Grant Project	Amount Awarded
Heidi Urka	Literacy Resources	\$1,000
Sarah Calhoun	Interlocking Base Ten Math Blocks	\$1,509.84
Katie Eisinger	Bookworm Book Vending Machine	\$5,845
Chaz Dila	3-D Printing Pens	\$500
Sara Roesler	STEAM Connections	\$870.90
Tanya Gasaway	Gimkit	\$59.88
Theresa Shoop and Tracy Lenz	Educreations	\$198
Rich Kirby	Core Developer	\$1,722
Erik Bratschi	Outdoor Picnic Tables	\$894
Alison Helminski	HeartZone Blinks	\$5,000*

\* District funded project

## DISCUSSION ITEMS

### Update on Secondary School Complex Schematic Design Meetings

We will review an update on the secondary school complex schematic design meetings and progress that is being made on the schematic design of the secondary school complex design.

### Elementary Bond Project Application and Certificate for Payment #10

We will need an action item at the Board meeting on Monday to approve the certificate for payment on the elementary school bond project and to authorize the District to pay the certificate for payment in the amount of \$2,421,050.55, as certified by the architect and construction manager, and as outlined in the Certificate for Payment. The District received the pay application information from the construction manager to process on February 9, 2021. This information will be shared with the committee prior to the committee meeting.

### Review Bids Received for Vacant School Properties

The Board will review each of the remaining bids that were received for vacant school properties at the Board meeting on Monday evening. The original bid closing date was Friday, January 8, 2021 at 3:30 p.m. The Board has already taken action at its January 18, 2021 meeting to reject three (3) of the bids that it

had received, as outlined below. Each bid has been reviewed with Gordon VanWieren, the District's legal counsel at Thrun Law Firm. Options, as discussed with the District's legal counsel will be shared with the Board as we move forward. The Board will not be asked to take action that would award a bid on Monday, even though February 15, 2021 had been identified as the earliest date that the Board would consider taking action toward awarding a bid. However, the Board may consider rejecting any and all bids, at its discretion, at any time.

The District received the following bids that were still being considered by the Board of Education:

- Peter Riley - \$170,000 for Lakeview Elementary School: Property to be subdivided into lots for purchase and construction of private homes; Bidder keeps the playground equipment and modifies one lot to be set-up for a park that will be donated to the City of Ludington. The bid specified the following conditions and contingencies:

<b>EXHIBIT A</b>
<b>Condition of Property:</b> <ol style="list-style-type: none"><li>1. All buildings and structures removed except for specific children's playground equipment. Said playground equipment will be used in accordance with the proposed new city park that is to be donated.</li><li>2. Property is to be leveled and cleared of all building materials.</li></ol>
<b>Contingencies:</b> <ol style="list-style-type: none"><li>1. Successful completion of soil test to check for any toxic or hazardous materials.</li><li>2. Meeting with Ludington Area School Board.</li></ol>

- Todd and Nicole Stowe - \$145,000 for Lakeview Elementary School: Single family residential housing development with houses that fit the neighborhood; Demo with new build; Architecture and aesthetics to compliment the neighborhood.

Rejected Bids on January 18, 2021:

- ~~George Duncan DBA Gold Nugget Properties, LLC. (George Duncan) - \$15,000 for Lakeview Elementary School: Housing (no further detail provided).~~
- ~~George Duncan DBA Gold Nugget Properties, LLC. (George Duncan) - \$15,000 for Foster Elementary School: Housing (no further detail provided).~~
- ~~George Duncan DBA Gold Nugget Properties, LLC. (George Duncan) - \$15,000 for Pere Marquette Early Childhood Center: Housing (no further detail provided).~~

It is the recommendation of the superintendent, in consultation with Gordon VanWieren, attorney at Thrun Law Firm, that the Board of Education consider an action item to reject the bid from Peter Riley in the amount of \$170,000 for the purpose of housing. This bid requires that all buildings and structures be removed from the property, except for specified playground equipment, and that the property be leveled and cleared, resulting in this being a net zero bid for the District. The Board will need to consider an

action item to reject the bids from Peter Riley.

### **West Michigan Conference Letter of Acceptance**

The District has been notified in writing by the West Michigan Conference (WMC) that Ludington Area Schools has been preliminarily accepted into the West Michigan Conference, pending Board approval by each current WMC school. The Letter of Acceptance outlines the alignment of schools in the conference at both the high school and middle school levels, if all schools that were accepted into the league move forward with joining the WMC. At the high school, the conference would be arranged by enrollment. Ludington High School would be the largest school by enrollment in the proposed conference alignment. Ludington would join Whitehall, Fremont, Orchard View, Oakridge, Manistee, and Montague in this tier of the WMC. At the middle school, the league would be divided into a north and south division by geography to help with transportation costs and the time that middle school students spend traveling to games. This is a great benefit of this conference alignment, and will reduce lost instructional time due to travel for our middle school athletes.

Each school board of the WMC will vote to approve the proposed alignment at their respective board meetings in February 2021. Each school that has been invited to join the conference is encouraged to communicate their intention to the WMC no later than April 2021.

As a result, a co-curricular committee meeting was held on February 9, 2021 to review the proposed conference alignment and to seek feedback from committee members. We will discuss this at the February Board meeting. Then, a second co-curricular Board committee meeting will be held in March.

Then, if the co-curricular Board committee supports moving this conference alignment to a Board agenda for approval, we would do so at the March Board meeting and vote to consider the approval of the conference alignment in March 2021. This will be in advance of the April 2021 deadline provided by the WMC, while providing two meeting opportunities for the co-curricular committee and Board to review and ask questions in preparation for any vote.

We will discuss school alignment, travel and financial benefits, as well as competition and athletic offerings that would benefit LASD. We will also discuss our desire to align other non-athletic extracurricular opportunities that may be of benefit to joining a league with the stability that the WMC has had.

### **Update on Extended COVID-19 Continuity of Learning Plan**

On August 20, 2020, Governor Whitmer signed House Bill 5913 into law as Public Act 149. Section 98a states that in order to receive state aid for 2020-2021, districts must provide for instruction under an extended COVID-19 Learning Plan ("Plan") that has been approved by an intermediate district or authorizing body. The Plan does not replace the District's/PSA's COVID-19 Preparedness and Response Plan, it is an additional plan that includes new assurances and sections on educational goals, instructional delivery, grading, and equitable access.

Section 98a(1)(c) states, "Thirty days after the approval of the plan under subsection (2), and every 30 days thereafter, the district must, at a meeting of the board or board of directors, as applicable, of the district, reconfirm how instruction is going to be delivered during the 2020-2021 school year. Public comment must be solicited from the parents or legal guardians of the pupils enrolled in the district during a meeting described in this subdivision." Section 98a(1)(i) states, "The district shall publicly announce its weekly interaction rates under this subdivision at each reconfirmation meeting described in



subdivision (c) and make those rates accessible through the transparency reporting link located on the district's website each month."

We will review the Extended Continuity of Learning Plan Reconfirmation Meeting template and reconfirm how instruction is going to be delivered during the 2020-2021 school year, accept public comment during the meeting from parents and/or guardians on the Extended Learning Plan, and review weekly 2-way interaction rates. We will also discuss any changes to the plan. We will also complete each of these tasks at the Board meeting on Monday so that the Board can reconfirm the District's Extended Continuity of Learning Plan.

## **ACTION ITEMS**

### **Elementary Bond Project Application and Certificate for Payment #10**

We will need an action item at the Board meeting on Monday to approve the certificate for payment on the elementary school bond project and to authorize the District to pay the certificate for payment in the amount of \$2,421,050.55, as certified by the architect and construction manager, and as outlined in the Certificate for Payment. The District received the pay application information from the construction manager to process on February 9, 2021. This information will be shared with the committee prior to the committee meeting.

### **Action on Bids Received from Peter Riley**

It is the recommendation of the superintendent, in consultation with Gordon VanWieren, attorney at Thrun Law Firm, that the Board of Education consider an action item to reject the bid from Peter Riley in the amount of \$170,000 for the purpose of housing. This bid requires that all buildings and structures be removed from the property, except for specified playground equipment, and that the property be leveled and cleared, resulting in this being a net zero bid for the District. The Board will need to consider an action item to reject the bid from Peter Riley.

### **IRS Closing Agreement on Taxability of Healthcare Contributions**

It is my recommendation that the Board approves the legal firm of, W. Alan Wilk of Dykema Gossett, PLLC (counsel for the ORS) as LASD's representative before the IRS, and authorize him to finalize the Closing Agreement and sign on our behalf, as deemed appropriate by administration and as discussed by the business manager and superintendent.

### **Updated Extended COVID-19 Continuity of Learning Plan Approval**

We need an action item to reconfirm the District's Extended Continuity of Learning Plan, as written and presented.

### **Closed Session: Periodic Personnel Evaluation of the Superintendent**

Per MCL 15.268, **Section 8(a)**, the Board will need to consider an action item to enter into a closed session to discuss the periodic personnel evaluation of the Superintendent, as requested by the Superintendent. This written communication to the Board serves as the formal request of the Superintendent to enter into a closed session pursuant to the named statute. Below is the language from the law pertaining to the voting requirements for entering into a closed session.

#### **15.267 Closed sessions; roll call vote; separate set of minutes.**

Sec. 7. (1) A 2/3 roll call vote of members elected or appointed and serving is required to call a closed session, **except** for the closed sessions permitted under **section 8(a)**, (b), (c), (g), (i), and

(j). The roll call vote and the purpose or purposes for calling the closed session shall be entered into the minutes of the meeting at which the vote is taken.

(2) A separate set of minutes shall be taken by the clerk or the designated secretary of the public body at the closed session. These minutes shall be retained by the clerk of the public body, are not available to the public, and shall only be disclosed if required by a civil action filed under section 10, 11, or 13. These minutes may be destroyed 1 year and 1 day after approval of the minutes of the regular meeting at which the closed session was approved.