

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 Schools, in partnership with the community, will achieve excellence in a positive environment where motivation and quality instruction ensure learning and equip students for success in society.

MEETING: Regular Meeting
DATE: September 21, 2020
TIME: 6:00 p.m.
PLACE: Electronic / Virtual Meeting Pursuant to Executive Order

1. CALL TO ORDER & ROLL CALL

☑ Steve Carlson ☑ Bret Autrey ☑ Mike Nagle ☑ Stephanie Reed ☑ Josh Snyder ☑ Leona Ashley ☑ Scott Foster

2. PLEDGE OF ALLEGIANCE

3. AGENDA MODIFICATION

4. GOOGLE MEET PARTICIPANT CONTROLS

5. CITIZEN PARTICIPATION

6. CONSENT AGENDA

a. Ratification of Bill Payment - Per Summary Dated September 21, 2020

b. Approval of Minutes Regular Meeting August 10, 2020; Special & Closed Meeting August 24, 2020

7. BOARD COMMITTEE REPORTS

a. Finance Committee Report

b. Personnel/Policy Committee Report

c. Building & Site Committee Report

8. PRINCIPAL'S REPORTS - None

9. BUSINESS MANAGER'S REPORT

a. Coronavirus Relief Funding and Accounting Implications

10. SUPERINTENDENT'S REPORT & COMMENTS

a. Review Owner, Architect, Construction Team Meeting Notes

b. Review Architectural Field Report on Elementary School Project

11. DISCUSSION ITEMS

a. New Teacher Hiring Recommendation

b. Second Reading - NEOLA Special Policy Update: Title IX Regulations

c. First Reading - NEOLA Policy Update: Volume 35, Number 1

d. Update on Traffic Light and Right of Way Easement Acquisition

e. Elementary Bond Project Application and Certificate for Payment #5

f. Update on Bid Process - Vacant Elementary School Buildings

g. Update on District Goals and Extended COVID-19 Continuity of Learning Plan

12. ACTION ITEMS

a. New Teacher Hiring Recommendation

Roll Call Vote: Y/N Steve Carlson Y/N Bret Autrey Y/N Mike Nagle Y/N Stephanie Reed Y/N Josh Snyder Y/N Leona Ashley Y/N Scott Foster

b. NEOLA Special Policy Update: Title IX Regulations

Roll Call Vote: Y/N Steve Carlson Y/N Bret Autrey Y/N Mike Nagle Y/N Stephanie Reed Y/N Josh Snyder Y/N Leona Ashley Y/N Scott Foster

c. Elementary Bond Project Application and Certificate for Payment #5

Roll Call Vote: Y/N Steve Carlson Y/N Bret Autrey Y/N Mike Nagle Y/N Stephanie Reed Y/N Josh Snyder Y/N Leona Ashley Y/N Scott Foster

d. District Goals and Extended COVID-19 Continuity of Learning Plan

Roll Call Vote: Y/N Steve Carlson Y/N Bret Autrey Y/N Mike Nagle Y/N Stephanie Reed Y/N Josh Snyder Y/N Leona Ashley Y/N Scott Foster

13. OTHER ITEMS OF BUSINESS & ANNOUNCEMENTS

14. ADJOURNMENT

Official minutes of the Ludington Board of Education are available for public inspection during normal business hours at the Board of Education's Administration 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.

Memorandum - Office of the Superintendent

FROM: Jason Kennedy, Superintendent

RE: Regular Meeting ~ Agenda Notes

Meeting Notice and Meeting Access Information:

This notice is given and published pursuant to the Executive Orders issued by Gretchen Whitmer, Governor of the State of Michigan.

The Board of Education for Ludington Area School District will meet on Monday, September 21, 2020 at 6:00 pm for its regular 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, pursuant to law and mandates of Executive Order 2020-154 issued by Governor Gretchen Whitmer.

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) +1 413-961-2466
2. Enter the meeting pin number below when prompted using your touch-tone (DTMF) keypad:
 - Pin number: 154 890 679#

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/ijf-rxoc-xcz

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

BUSINESS MANAGER REPORT

Coronavirus Relief Funding and Accounting Implications

The Federal Coronavirus Relief Fund, which was signed into law on July 31, 2020 has finally resolved the 2019-2020 state budget shortfall, after much discussion and consideration. These new federal funds provide a one time restricted revenue to all districts, which equates to \$350 per pupil; \$756,812 for the district. This one time revenue is offset by a one time per-pupil reduction in the amount of \$175 per pupil; \$378,406. The net result is that the district is receiving an additional \$378,406 in new restricted revenue (new revenues of \$756,812 less the per-pupil reduction of \$378,406) to be used for compliance with the new public health requirements, staff costs for developing online learning capabilities, and other related expenditures resulting from the pandemic. Although this information has been available since early August, MDE has provided more specific guidance related to appropriately accounting for these funds in relation to the 2019-2020 fiscal year and the 2020-2021 fiscal year. The most critical guidance released by MDE results in a negative impact to every district in the state. We are required to include the \$175 per-pupil reduction of \$378,406 as lost revenue for the 2019-2020 fiscal year. Additionally, we are required to not recognize the offsetting revenue of \$756,812 until the 2020-2021 fiscal year. We will discuss the details of this with the Board.

SUPERINTENDENT'S REPORT & COMMENTS

Review Owner, Architect, Construction Team Meeting Notes

We will review the most recent owner, architect, and construction team meeting notes for the elementary school project as a way to continue to keep the building and site committee apprised of the work and progress at the elementary school project site. These documents are posted to the District's website.

Architectural Field Report on Elementary School Project

We will review the most recent Architectural Field Report on the Elementary School Project that was completed by Jon DenOuden from GMB Architecture + Engineering. Jon is a construction administrator with GMB Architecture + Engineering, and his role is to provide construction management oversight as an employee of the architect to ensure that the project is being constructed according to the architectural design, as specified. This is another layer of oversight to ensure that the project is moving forward and according to design specifications. These documents are posted to the District's website.

DISCUSSION ITEMS

New Teacher Hiring Recommendation

- **Elementary Teaching Position:** Interviews were conducted and a candidate was recommended by Jennifer Mackey for hire to fill the vacancy created by Chaz Dila. Mr. Dila accepted the elementary technology position that was posted when Kris Anderson left that role to accept a mathematics teaching position at the middle school. The mathematics vacancy was created when Cindy Hill retired from the District at the end of this past school year. Interviews were conducted by a team of educators at Lakeview Elementary School.

The District is pleased to recommend the hiring of Cody Jensen. Mr. Jensen holds a bachelor's degree in Interdisciplinary Studies (Grades K-8) and a master's degree in Instructional Design from Western Governors University. Mr. Jensen has spent the last two years teaching at Mason County Eastern Schools. Prior to that, he served as a migrant teacher and paraprofessional at Mason County Central Schools. Mr. Jensen has experience with many of the curricular resources that are used in Ludington Area Schools and across West Shore Educational Service District, and he has completed many of the necessary training on these curricular resources.

The District is pleased to welcome Cody Jensen to the District, where he will serve as a first grade teacher at Lakeview Elementary School.

Second Reading - NEOLA Special Policy Update: Title IX Regulations

- Policy 2266: Nondiscrimination on the Basis of Sex in Education Programs or Activities (Replacement)
- Policy 5517.02: Sexual Violence (Rescind/Delete)

Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs and Activities is a replacement policy for Policy 5517.02, which is being eliminated. Policy 2266 is a mandatory policy that memorializes the key requirements of the new Title IX regulations that the U.S. Department of Education, Office for Civil Rights (“OCR”) released on May 6, 2020. The new regulations go into effect on August 14, 2020, which means that public school districts must follow its mandates when addressing, investigating and adjudicating allegations of sexual harassment occurring in the District’s education program and activities that the District received notice of on or after August 14. It is expected that districts will need to certify/affirm their compliance with Title IX and these new implementing regulations when applying for and receiving federal funds related to the 2020-2021 school year.

The new regulations are extremely prescriptive and the District is required to use specific terms (e.g., Complainant, Respondent, Title IX Coordinator, Formal Complaint, Sexual Harassment), definitions, and procedures (i.e., grievance process and procedures) in its policy that are different from those found in other NEOLA nondiscrimination and anti-harassment policies and administrative guidelines. For example, the regulations mandate a specific definition of “Sexual Harassment” that includes not only the standard quid pro quo sexual harassment that is found in existing policies, but also a more stringent definition of hostile environment sexual harassment (i.e., “unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district’s education program or activity”) and sexual misconduct that is based upon definitions of “sexual assault,” “dating violence,” “domestic violence,” and “stalking” that are derived from two Federal statutes that historically have only applied to post-secondary and higher-education institutions (i.e., the Clery Act and the Violence Against Women Reauthorization Act).

Additionally, the scope of conduct that is covered by the regulations is narrower than that which is covered by other nondiscrimination and anti-harassment policies – e.g., the regulations do not cover conduct that occurs outside the United States (i.e., any field/class trips that take place outside the United States) or conduct involving a Respondent (i.e., the individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment) that the district does not have “substantial control” over.

Further, the regulations necessitate the need for the Board to require any employee who receives a report of, or has knowledge of, Sexual Harassment to notify the Title IX Coordinator so it can be promptly and equitably addressed; the District is considered to have “actual knowledge” and, therefore, responsibility for addressing such misconduct, even if the employee fails to bring it the appropriate person’s attention. In such a situation, the District could be found in violation of Title IX if it does not promptly and equitably address Sexual Harassment that occurs in its education program or activity.

The regulations also eliminate the practice of having a single investigator and decision-maker. Under the new regulations the person who conducts an investigation cannot be the same person who makes the ultimate determination of responsibility concerning whether the Respondent engaged in Sexual Harassment. The investigation process is further different from school districts’ prior practices because the Complainant (i.e., the individual who is alleged to be the victim of conduct that could constitute Sexual

Harassment) and the Respondent must be provided advanced written notice before being interviewed, and must be afforded at least 10 days advanced notice of, and an opportunity to review, all of the evidence and information collected by the investigator before the investigator prepares the investigatory report. In addition, the parties must have a minimum of 10 days to review the investigatory report before a decision-maker issues a determination of responsibility or conducts a hearing (if the Board elects to allow live hearings).

Last, the regulations detail specific training that certain members of the District's Title IX team need to receive and mandate the retention of specific records for a period of seven calendar years and the posting of certain information on the District's website (i.e., the Board's notice of nondiscrimination, the name/title and contact information for the District's Title IX Coordinator, the Board-adopted grievance process and procedures, and specific training materials).

First Reading - NEOLA Policy Update: Volume 35, Number 1

Volume 35, Number 1 of the NEOLA policy update has been released to schools. The Board will complete the first reading of the following policies:

- Policy 4362.01 - Threatening Behavior Toward Staff Members (Revised)

The corresponding policy (Policy 3362.01) for instructional staff was revised in the Volume 34 Number 2 Update in February 2020 in response to NEOLA client requests to provide more clarity to the characterization of "threatening behavior." This revision is recommended for adoption.

- Policy 5610 - Removal, Suspension, Expulsion, and Permanent Exclusion of Students (Revised)
- Policy 5611 - Due Process Rights (Revised)

Revisions to these 2 policies provide for the use of the "Preponderance of Evidence" standard of evidence in determination of student discipline. This standard is consistent with the standard of evidence that has been applied in the Nondiscrimination and Anti-Harassment policies in effect. In addition "Retention of Investigatory Records" has been added to both policies. These revisions are recommended for adoption.

- Policy 7440 - Facility Security (Revised)

This policy has been revised in response to Public Act 2020-45 (effective June 1, 2020), which authorizes the Superintendent to install temporary door locking devices when deemed necessary. These revisions are recommended for adoption.

- Policy 8450.01 - Protective Facial Coverings During Pandemic/Epidemic (New)

This new policy is based on guidance from the Center for Disease Control and Prevention (CDC). The guidance and content of this policy may be included in the District's Restart/Reopening plan for the 2020-21 school year. The policy provides coverage for students, district employees, and volunteers/visitors. This new policy is provided for district consideration.

Update on Traffic Light and Right of Way Easement Acquisition

We will discuss an update on the traffic light right of way easement acquisition and the work that is being done with the property owners at the corner of Jebavy Dr. and Bryant Rd. to secure an easement from each property owner allowing for the traffic light to be installed at this corner. We will also review and discuss the traffic signal construction documents. These are posted to the District's website.

Elementary Bond Project Application and Certificate for Payment #5

We will need an action item to approve the certificate for payment on the elementary school bond project and to authorize the District to pay **\$1,165,386.28**, as certified by the architect and construction manager, and as outlined in the Certificate for Payment. The District received the authorized documents on September 2, 2020. These were discussed with the Finance Committee of the Board.

Update on Bid Process - Vacant Elementary School Buildings

We will review and discuss the bid process pertaining to the sale of the vacant school buildings (Foster, Pere Marquette, and Lakeview) and provide an update on this process with the Board.

Update on District Goals and 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.

District/PSA educational goals written for all students and all subgroups must be established no later than September 15, 2020, and submitted in their Plan to the ISD or Authorizing Body, as applicable, no later than October 1, 2020, for approval. ISDs and PSAs will transmit the approved plan to the superintendent of public instruction and the state treasurer.

We will review the goals that have been established by the District to comply with the legislation, as well as the Extended CoVID-19 Learning Plan, the reconfirmation meeting template, and the data that is required to be collected and documented. We will also discuss modifications to the District's plan based upon feedback that has been received by the District.

ACTION ITEMS

a. New Teacher Hiring Recommendation

Roll Call Vote: Y/N Steve Carlson Y/N Bret Autrey Y/N Mike Nagle Y/N Stephanie Reed Y/N Josh Snyder Y/N Leona Ashley Y/N Scott Foster

We will need an action item to approve the hiring and new teacher contracts for the hiring of Cody Jensen as an elementary teacher, as discussed and recommended above.

b. NEOLA Special Policy Update: Title IX Regulations

Roll Call Vote: Y/N Steve Carlson Y/N Bret Autrey Y/N Mike Nagle Y/N Stephanie Reed Y/N Josh Snyder Y/N Leona Ashley Y/N Scott Foster

We will need an action item to approve the second reading of the NEOLA Special Policy Update: Title IX Regulations. This update includes approval of the replacement policy 2266: Nondiscrimination on the Basis of Sex in Education Program or Activities, and the deletion of Policy 5517.02: Sexual Violence, which is being rescinded and replaced by Policy 2266, as discussed and outlined above.

c. Elementary Bond Project Application and Certificate for Payment #5

Roll Call Vote: Y/N Steve Carlson Y/N Bret Autrey Y/N Mike Nagle Y/N Stephanie Reed Y/N Josh Snyder Y/N Leona Ashley Y/N Scott Foster

We will need an action item to approve the certificate for payment on the elementary school bond project and to authorize the District to pay **\$1,165,386.28**, as certified by the architect and construction manager, and as outlined in the Certificate for Payment. The District received the authorized documents on September 2, 2020. These were discussed with the Finance Committee of the Board.

d. Extended COVID-19 Continuity of Learning Plan

Roll Call Vote: Y/N Steve Carlson Y/N Bret Autrey Y/N Mike Nagle Y/N Stephanie Reed Y/N Josh Snyder Y/N Leona Ashley Y/N Scott Foster

We will need an action item to approve the District's Extended COVID-19 Continuity of Learning Plan, and to authorize the Superintendent to sign and transmit the plan to the West Shore Educational Service District for approval and transmission to the Superintendent of Public Instruction and the State Treasurer.