

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: October 19, 2020
TIME: 6:00 p.m.
PLACE: Peterson Auditorium; Ludington High School: 508 N. Washington Ave., Ludington, MI 49431

- I. CALL TO ORDER & ROLL CALL
 - ☑ Steve Carlson ☑ Josh Snyder ☑ Bret Autrey ☑ Mike Nagle ☑ Stephanie Reed ☑ Leona Ashley ☑ Scott Foster
- II. PLEDGE OF ALLEGIANCE
- III. AGENDA MODIFICATION
- IV. CITIZEN PARTICIPATION
- V. CONSENT AGENDA
 - A. Ratification of Bill Payment - Per Summary Dated October 19, 2020
 - B. Approval of Minutes September 21, 2020
 - C. Non-Union Contract
 - D. WSESD Special Education Programming 2020-2021
- VI. BOARD COMMITTEE REPORTS
 - A. Personnel Committee Report
 - B. Finance Committee Report
 - C. Building & Site Committee Report
- VII. BUSINESS MANAGER'S REPORT: Jesse Rickard - Financial Audit Update
- VIII. SUPERINTENDENT'S REPORT and COMMENTS
 - A. Superintendent's Evaluation and Professional Growth Plan Goals
 - B. Ludington Area Schools Oriole Foundation Grant Awards
 - C. Review Weekly Construction Progress Updates from Construction Manager
- IX. DISCUSSION ITEMS
 - A. Pupil Membership Count Day Enrollment Update
 - B. Elementary Bond Project Application and Certificate for Payment #6
 - C. New Elementary School Technology Systems Bid Award
 - D. Retirement of Food Service Director
 - E. Second Reading - NEOLA Policy Update: Volume 35, Number 1
 - F. Feedback on Emergency Operations Plan from Emergency Manager
 - G. Extended COVID-19 Continuity of Learning Plan: Reconfirmation
 - H. Virtual Meeting Voting Affirmation
- X. ACTION ITEMS
 - A. Recognition of October as Principal's Month
 - B. Second Reading - NEOLA Policy Update: Volume 35, Number 1
 - C. Elementary Bond Project Application and Certificate for Payment #6
 - D. Extended COVID-19 Continuity of Learning Plan: Reconfirmation
 - E. Virtual Meeting Voting Affirmation
- XI. OTHER ITEMS OF BUSINESS & ANNOUNCEMENTS
- XII. 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.

Memorandum - Office of the Superintendent

FROM: Jason Kennedy, Superintendent

RE: Regular Meeting ~ Agenda Notes

Meeting Notice:

The Board of Education for the Ludington Area School District will meet on Monday, October 19, 2020 at 6:00 pm for its regular meeting. The meeting will be held in person at the Peterson Auditorium at Ludington High School, 508 N. Washington Ave., Ludington, MI 49431. Those attending the meeting are asked to enter through the main auditorium doors.

To help slow the spread of COVID-19 and protect the health and safety of all persons, the Michigan Department of Health and Human Services (MDHHS) Director Robert Gordon has issued [an Emergency Order](#) under section 2253 of the Public Health Code. This order restricts gathering sizes, requires face coverings in public spaces, and places capacity limitations on public venues to provide for safer workplaces.

The Emergency Order issued on October 9, 2020 by MDHHS Director Robert Gordon states:

Section 2(b)(3):

Indoor gatherings of more than 10 and up to 500 persons occurring at a non-residential venue are permitted only to the extent that the organizers and venue:

(A) In venues with fixed seating, limit attendance to 20% of seating capacity of the venue, provided however that gatherings at up to 25% of seating capacity are permitted in Region 6;

(B) In venues without fixed seating, limit attendance to 20 persons per 1,000 square feet in each occupied room, provided however that gatherings of up to 25 persons per 1,000 square feet in each occupied room are permitted in Region 6;

(C) Require that each person at the gathering wears a face covering except as provided in section 6 of this order.

Section 2(d):

Organizers and venues hosting gatherings permitted under subsection (b) of this section must ensure that persons not part of the same household maintain six feet of distance from one another, including by designing the gathering to encourage and maintain distancing.

As such, persons attending the meeting of the Board of Education will be required to comply with these requirements. Persons will be required to wear a face covering, except as provided in the order, and they will be required to maintain six feet of distance from one another.

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.

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

CONSENT AGENDA

Non-Union Contract

- Karen Hunt, Remote Learning Instructor & Support for OJ DeJonge Middle School for the 2020-2021 school year. Karen is a highly respected retired teacher from Ludington Area Schools and has successfully worked with the staff at OJ DeJonge in a variety of capacities both in her teaching career and in her retirement. She is excited for the opportunity to serve Ludington Area Schools again in a capacity to assist students with their learning needs.

WSESD Special Education Programming 2020-2021

Each year, school districts are required to sign an agreement with the West Shore Educational Service District for special education services that the WSESD provides to local school districts. The agreement provides the same level of special education service as the prior year.

BUSINESS MANAGER'S REPORT

Financial Audit Update

Auditors from Hungerford Nichols are working through the final stages of the financial audit for the year ending June 30, 2020. One component of the new state budget that was signed into law by the Governor on September 30, 2020 was a change to the due date for submitting our audited financial statements to the State of Michigan. This submission has historically been due on November 1 each year, but with some of the hurdles that have been presented this year, the deadline has been extended to December 1, 2020. We will discuss the timeline for sharing the completed annual financial report and the financial statements with the Board.

SUPERINTENDENT REPORT

Superintendent's Evaluation and Professional Growth Plan Goals

The professional growth plan developed by the superintendent, in alignment with the goal focus areas of the District, will be shared with the Board of Education at the meeting on Monday. This is the same goal setting process that all administrators follow within the district. The professional growth plan will include growth activities that will support the goal focus area, timelines for each of the activities, and support needed to meet the expectations outlined by the Board for the superintendent.

Oriole Foundation Fall 2020 Grant Awards

Twelve (12) grant requests totaling \$17,388.36 were approved for funding by the Oriole Foundation Board of Directors on October 6, 2020. The Oriole Foundation Fund Balance was reported as \$1,084,084 at the most recent Oriole Foundation Board of Directors meeting. The fall 2020 grant awards are summarized in the table below:

Bldg	Staff Member (s)	Amount Requested	Project Name/Details	Project Type	Approval Amount
LHS	Stone, Amy	\$127.10	Educreations Pro	COVID-19	\$127.10
LHS	Tomaski, Holtrust	\$1,500.00	Creating a Framework for Success	COVID-19	\$1,500.00
LHS	Rowe, Jennifer	\$480.00	Filming Tasty Videos	COVID-19; Lifeskills	\$480.00
OJ	Quist, Jessica	\$500.00	Leveled Classroom Library	Reading/Language Arts	\$500.00
OJ	Hatch, Kelley	\$2,409.00	Gizmos	COVID-19; Science	\$2,409.00
OJ	Lynch, Larry	\$4,500.00	Discovery Education	Geography/Social Studies	\$4,500.00
OJ	Shineldecker, Karen	\$2,500.00	Science IXLs	COVID-19; Science	\$2,500.00

OJ	Luce, Danielle	\$2,341.72	Remotely Operated Vehicle	Science	\$2,341.72
OJ	Helminski, Alison	\$980.00	Bal-A-Vis-X	COVID-19; Reading/LA; PE	\$980.00
FO	Boyd, Vaara, Cooper	\$820.44	4th Grade Bristle Bots	Science	\$820.44
FO	McKeever, Deirdre	\$1,050.00	Ukuleles (4th-5th Grades)	Music	\$1,050.00
FR	Kraft, Stacey	\$180.10	Project Based Economics	Geography/Social Studies	\$180.10
	Total				\$17,388.36

Review Weekly Construction Progress Updates from Construction Manager

We will review the monthly construction progress updates that have been provided to the District by the Christman Company. These updates were provided to the District on October 5, 2020 and October 12, 2020, and have been posted to the District's website.

DISCUSSION ITEMS

Pupil Membership Count Day Enrollment Update

We will discuss enrollment for the fall pupil membership count period, which is the first Wednesday in October. The District projects that its fall 2020 pupil membership count based on enrollment from Wednesday, October 7, 2020 will be 2,119 students. This is a slight decrease over the fall of 2019 pupil membership count, but was anticipated by the District.

Elementary Bond Project Application and Certificate for Payment #6

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 **\$1,385,738.58**, as certified by the architect and construction manager, and as outlined in the Certificate for Payment. The District received the authorized documents on October 9, 2020.

New Elementary School Technology Systems Bid Award

We will review the bid report and recommendations submitted to the District by Communications by Design and discuss the awarding of the new elementary school technology systems bids to Parkway Electric of Holland, MI and Moss of Grand Rapids, MI. A summary of all bids received by Communications by Design, on behalf of the District, are summarized below:

Bidder Name	Integrated Public Address System and Clock System	Integrated Building Access and Video Monitoring System	Notes:
Acorn	\$316,422	No bid submitted	
CatchMark Technologies	No bid submitted	\$699,327	
Convergint Technologies	No bid submitted	\$546,068	
DAT	\$292,166	No bid submitted	
FD Hayes	Submitted a bid for clocks in the amount of \$194,192, but did not submit a bid for an integrated PA and	No bid submitted	

	clock solution; Does not offer PA solution.		
Johnson Controls	\$313,928	No bid submitted	
Master Electric	Submitted a bid for clocks in the amount of \$138,138.01, but did not submit a bid for an integrated PA and clock solution; Does not offer PA solution.	\$585,439.64*	*Bid did not meet product specification requirements.
Moss	\$249,710.21	\$428,556.32	
Parkway	\$242,125	Submitted a bid for \$116,495 for a video monitoring system; Does not offer a building access system, nor is video monitoring system in an integrated configuration.	
Shareco	\$314,210	No bid submitted	
Town and Country	\$264,086	Submitted a bid for \$141,641 for a video monitoring system; Does not offer a building access system.	
Grand Valley Automation	No bid submitted	Submitted a bid for \$137,845 for a video monitoring system; Does not offer a building access system,	
Knightwatch	No bid submitted	\$372,638*	*Bid form was not signed; Did not include performance bond or insurance, as required; Disparate access and video systems, as the bid did not include total costs of all required bid specifications.
Vermillion Systems	No bid submitted	\$556,802	
Presidio	No bid submitted	\$446,990.63	

- **Integrated Public Address and Clock System Bid Calculation (Parkway):**

PA and clock system bid amount:	\$242,125.00
Less confirmed deduct (Overlapping licenses, installation, and service):	(\$6,600.00)
Add five (5) year warranty alternate:	<u>\$20,025.00</u>
Total bid approval amount for integrated system:	\$255,550.00

- **Integrated Building Access and Video Monitoring System Bid Calculation (Moss):**

Building access and video monitoring system bid:	\$428,556.32
Add five (5) year warranty alternate:	<u>\$10,080.00</u>
Total bid approval amount for integrated system:	\$438,636.32

The Board will need an action item to consider the following:

To approve contracts with Parkway Electric of Holland, Michigan in the amount of \$255,550.00, inclusive of combined award and warranty bid alternates, for new elementary public address and clock systems, and with Moss of Grand Rapids, Michigan in the amount of \$438,636.32 inclusive of combined award and warranty bid alternates, for new elementary building access and video monitoring systems, to be paid with funds from the 2019 bond proceeds.

Retirement of Food Service Director

We have received the retirement notice for Donna Garrow, the District's Food Service Director, effective at the end of December 2020. We will discuss options for replacing this position.

Second 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 second 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 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.

Feedback on Emergency Operations Plan from Emergency Manager

We will review generalized feedback that has been provided to the District on its Emergency Operations Procedure Manual after the plan was reviewed by Mason County Emergency Manager, Liz Reimink.

Extended COVID-19 Continuity of Learning Plan: Reconfirmation

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 20/21 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.

Virtual Meeting Voting Affirmation

On October 2, 2020, the Michigan Supreme Court ruled that the Emergency Powers of the Governor Act of 1945 (EPGA) was an unconstitutional delegation of legislative authority to the Governor. Accordingly, the EPGA cannot continue to provide a basis for the Governor to exercise emergency powers, including the issuance of Executive Orders. Further, the Emergency Management Act of 1975 (EMA) limited the Governor's authority to issue any COVID-19 Executive Orders after April 30, 2020.

Under the concurred Senate Bill 1108 (2020) from this week's legislative session, "a meeting of a public body that was held wholly or partly electronically by telephonic or video conferencing in compliance with the provisions described below, and that was otherwise in compliance with compatible provisions of the act applicable to a non electronic meeting, would be permitted in the following circumstances:

Before January 1, 2021, and retroactive to March 18, 2020, any circumstances, including those requiring accommodation of absent members described above."

While it is expected that Governor Whitmer will sign this bill into law, giving the bill immediate effect and negating the need to affirm the action of the Board in electronic meetings from the September 2020 Board meeting retroactive to March 18, 2020, it is the recommendation of the District's legal counsel to err on the side of caution and to affirm all meeting votes that occurred during an electronic meeting of the Board of Education at a Board meeting held in person where a quorum of the Board was physically present, retroactive from today's date back to March 18, 2020. This will ensure that all action by the board originally approved in an electronic meeting will be affirmed at a meeting where a quorum of the Board was physically present.

ACTION ITEMS

Recognition of October as Principals Month

We will need an action item to approve a proclamation in honor of October as Principals month.

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

We will need an action item to approve the second reading of the NEOLA Policy Update: Volume 35, Number 1. This update includes approval of the following policies, as discussed and outlined above:

- Policy 4362.01 - Threatening Behavior Toward Staff Members (Revised)
- Policy 5610 - Removal, Suspension, Expulsion, and Permanent Exclusion of Students (Revised)
- Policy 5611 - Due Process Rights (Revised)
- Policy 7440 - Facility Security (Revised)
- Policy 8450.01 - Protective Facial Coverings During Pandemic/Epidemic (New)

Elementary Bond Project Application and Certificate for Payment #6

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 **\$1,385,738.58**, as certified by the architect and construction manager, and as outlined in the Certificate for Payment. The District received the authorized documents on October 9, 2020. These were discussed with the Finance Committee of the Board.

Extended COVID-19 Continuity of Learning Plan: Reconfirmation

We will need an action item to approve the District's reconfirmation of its Extended COVID-19 Continuity of Learning Plan, as presented. This includes: reconfirming how instruction will continue to be delivered during the 2020 - 2021 school year, reviewing public comments from parents and/or guardians on the Extended Continuity of Learning Plan at this meeting, and reviewing weekly 2-way interaction rates.

Virtual Meeting Voting Affirmation

We will need an action item to consider affirming all votes cast by the Board of Education during all electronically held meetings of the Board that took place from today's date (October 19, 2020) retroactive to March 18, 2020, as discussed.