

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 Board of Education Meeting
DATE: April 19, 2021
TIME: 6:00 p.m.
PLACE: Ludington High School Library (in-person meeting)
ADDRESS: 508 N. Washington Avenue, Ludington, Michigan 49431

REGULAR MEETING

1. CALL TO ORDER & ROLL CALL
 Steve Carlson Bret Autrey Mike Nagle Stephanie Reed Josh Snyder Leona Ashley Scott Foster
2. AGENDA MODIFICATION
3. CITIZEN PARTICIPATION: Review Board Policy 0167.3: Public Participation at Board Meetings
4. CONSENT AGENDA
 - a. Ratification of Bill Payment - Per Summary Dated: April 19, 2021
 - b. Approval of Minutes – Regular Meeting Dated: March 15, 2021; Special Meeting Dated: April 12, 2021; Special Meeting Dated: April 16, 2021
 - c. Non-Union Hourly At-Will Contract: Payroll Assistant
5. BOARD COMMITTEE REPORTS
 - a. Personnel/Policy Committee Report April 14, 2021
 - b. Finance/Negotiation Committee Report April 15, 2021
 - c. Building & Site Committee Report April 16, 2021
6. BUSINESS MANAGER'S REPORT
7. SUPERINTENDENT'S REPORT and COMMENTS
 - a. Review Owner, Architect, Construction Team Meeting Notes and Progress
 - b. Review Progress on the Secondary School Complex Schematic Design Meetings
 - c. Review Progress on the Elementary Furniture Design Process
8. DISCUSSION ITEMS
 - a. Young 5 / Developmental Kindergarten Program
 - b. Review Bids Received for Vacant School Properties: Lakeview Elementary School
 - c. Elementary Bond Project Application and Certificate for Payment #12
 - d. Geotechnical Investigation: Secondary Building Bond Project
 - e. Food Service Consultant and Design Proposals for Secondary Complex
 - f. Pool and Traffic Signal Bid Awards
 - g. Auditing Firm Three (3) Year Proposal
 - h. WSESD 2020/2021 General Fund Budget Resolution
 - i. Second Reading: Policy Updates
 - j. Update on Extended COVID-19 Continuity of Learning Plan
9. ACTION ITEMS
 - a. Young 5 / Developmental Kindergarten Program
 - b. Elementary Bond Project Application and Certificate for Payment #12
 - c. Geotechnical Investigation: Secondary Building Bond Project
 - d. Food Service Consultant and Design Proposals for Secondary Complex
 - e. Pool and Traffic Signal Bid Awards
 - f. Auditing Firm Three (3) Year Proposal
 - g. WSESD 2020/2021 General Fund Budget Resolution
 - h. Second Reading: Policy Updates
 - i. Extended COVID-19 Continuity of Learning Plan
10. OTHER ITEMS OF BUSINESS & ANNOUNCEMENTS
11. 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

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

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

CONSENT AGENDA

- Non-Union Hourly At-Will Contract - Nicole Benedict, Payroll Assistant

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 being made at the elementary school project site.

Review Progress on the 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 this project. We will review draft schematic design concepts, and spaces that have been schematically designed thus far.

Review Progress on the Elementary Furniture Design Process

We will review and discuss the process used for the selection of furniture and equipment for the elementary school project. A presentation highlighting each of the meetings in the process will be shared with the committee.

DISCUSSION ITEMS

Young 5 / Developmental Kindergarten Program

We will discuss the development and implementation of a young 5's / developmental kindergarten program at LASD, starting next year, and will ask that the Board of Education consider approving the program on Monday, April 19, 2021, as discussed at each of the committee meetings and at the Board meeting.

Review Bids Received for Vacant School Properties: Lakeview Elementary School

We will review and discuss the bid proposals that the District received for Lakeview Elementary School. The District will discuss each of the six (6) bids that were received in further detail. Each bid received includes the buyer taking responsibility for demolition of the Lakeview Elementary School site so that the District does not have to do so using bond proceeds.

- Gibson Custom Homes: \$240,000 (24 housing units)
- Schultz Excavating: \$196,000 (8 housing units)
- JWhite Properties: \$195,000 (12 housing units)
- John Reed and Dan Hunter: \$190,000 (12 housing units)
- Todd and Nicole Stowe: \$170,000 (housing, as previously discussed)
- Tim Ferwerda: \$50,000 (housing)

City Manager, Mitch Foster, joined the Finance Committee meeting this week to discuss each proposal and to review the requirements for each of the proposals from the City's perspective. A summary of this committee meeting will be shared with the Board.

Elementary Bond Project Application and Certificate for Payment #12

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 \$1,777,278.46 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 April 7, 2021.

Geotechnical Investigation: Secondary Building Bond Project

The District has received three (3) proposals to complete the soils exploration, geotechnical investigation, and

soil borings necessary to be completed as a part of the secondary complex bond project. It is recommended that the District accept the low, qualified and responsive bid from Driesenga Associates in the amount of \$14,900. The bids received are outlined below:

- Driesenga Associates: \$14,900
- Soils & Structures: \$22,600
- Nordlund & Associates: \$18,225

Note: These proposals assume that they will be able to access the borings with a standard drill rig. In the event the soils are too soft for them to drive their rig to the boring locations, additional charges may apply. Each proposal is written with similar provisions, so the potential cost impact would apply to each proposal. The additional costs are on the order of \$1,200 - \$1,500 for the mobilization of an ATV mounted drill rig, if necessary.

Food Service Consultant and Design Proposals for Secondary Complex

We will review a recommendation from GMB to award the food service consultant services to JRA Food Service Consultants, LLC. in the amount of \$21,000. JRA Food Service Consultants was the low, qualified and responsive bidder, and also completed the food service design work at the new elementary school complex as a part of our bond project. The District also received a proposal from the Bakergroup in the amount of \$24,000.

Pool and Traffic Signal Bid Awards

The District has received bids for the pool mechanical equipment room and equipment upgrades and improvements, as well as the traffic signal construction at the corner of Jebavy Dr. and Bryant Rd. We will review the bid recommendation from the Christman Company. The bids received are outlined below, and the low, compliant, qualified, and responsive bidder will be recommended for bid award, as outlined below:

Pool Bid Recommendations:

WC 11 - Masonry

Recommended Firm: JK Masonry Inc.

Contract Amount: \$22,547

WC 24 - Painting

Recommended Firm: Dimension Four Painting Inc.

Contract Amount: \$18,965

Other Pool Bids Received:

WC 24 - Painting

Lake Painting, Inc.

Contract Amount: \$24,876

WC 24 - Painting

H & H

Contract Amount: \$31,126

WC 24 - Painting

Dave Cole Decorators

Contract Amount: \$34,000

Traffic Signal Bid Recommendation:

WC 28C – Traffic Signal

Recommended Firm: J. Ranck Electric Inc.

Contract Amount: \$76,500

Other Traffic Signal Bids Received:

Windemuller Electric, Inc.

Contract Amount: \$79,150

Auditing Firm Three (3) Year Proposal

We will discuss the proposal presented to the District by the auditing firm that audit's the District's financial statements each year, Hungerford Nichols. Hungerford Nichols has proposed a three (3) year agreement that will be discussed and recommended for action.

WSESD 2020/2021 General Fund Budget Resolution

We will discuss the WSESD General Fund Budget Resolution and will ask the board to take action to approve the resolution, as presented. An overview of the presentation that was provided to districts by WSESD will be reviewed with the Board prior to taking action on the budget resolution.

Second Reading NEOLA Policy Updates: Released February 2021

- **Volume 35, Number 2 Policy Update**

We will discuss the Volume 35, Number 2 NEOLA Policy Update that was released to the District after our board meeting in February 2021 by the District's policy adviser. Policy updates will be discussed for the following policies:

2260.01 – Section 504/ADA Prohibition Against Discrimination Based on Disability

This policy update places particular emphasis on protections for students who are identified under Section 504 and ADA, including accessibility to qualified individuals with regard to facilities, programs and activities according to federal law. Revisions to this policy are based on recent Office for Civil Rights (OCR) investigations and reviews of compliance issues, particularly related to vocational education/Career-Technical education programs with particular emphasis on vocational education.

2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities

This policy has been revised to reflect the recognized definition of "Rape" as of January 2021, deleting the original reference to the definition required by the Clery Act at the time of the release of the regulations in May 2020. The revised definition is that provided by the National Incident-Based Reporting System (NIBRS). Also, there is a suggested revision in the Appeals section of the policy. While the current regulation does not specifically address the implementation of remedies during the appeals process, it seems to be inappropriate to impose disciplinary sanctions while an appeal is pending.

5341 - Emergency Medical Authorization

This revision is necessary to comply with the revisions to the Do Not Resuscitate (DNR) laws that allow DNR orders for minors under appropriate circumstances. This revision is required to remain compliant with Michigan law.

5342 - Do Not Resuscitate Orders (DNR) for Minor Students

This new policy is necessary to comply with revisions to the Do Not Resuscitate (DNR) laws that now allow DNR orders for minors under appropriate circumstances and require specific procedures school districts must follow if they receive such an order. The policy is in compliance with M.C.L. 380.1180.

5343 - Physician Order for Scope of Treatment (POST)

This new policy is necessary to comply with the new statute setting out specific procedures that school districts must follow if they receive a physician order for scope of treatment (POST) form for a student. This policy is compliant with M.C.L. 380.1181.

7440.01 – Video Surveillance and Electronic Monitoring

Due to the significant increase in the use of virtual/on-line learning, this policy has been revised to allow a District to use pre recorded lessons or observations of on-line or virtual learning sessions as part of an employee's evaluation, in accordance with a collective bargaining agreement or Memorandum of Understanding approved by the Board. These revisions are provided to enable expanded use of technology monitoring for appropriate purposes.

8321 - Criminal Justice Information Security (Non-Criminal Justice Agency)

This policy is revised to include the latest review of procedures by the Department of Homeland Security (DHS) of implementation reviews by the Michigan State Police (MSP) and the qualified use of criminal records information by school employers. These revisions should be adopted in order to maintain accurate policies.

8330 - Student Records

This policy has been revised to comply with the obligation not to disclose the address of a student who provides the District with notice that they have received a participation card issued by the attorney general under the address confidentiality program act. This revision should be adopted in order to remain compliant with Michigan law.

8400 - School Safety Information

This policy has been revised to reflect the changes required by amendments, approved by the Governor, to the Sex Offender Registration Act (SORA). These revisions should be adopted in order to remain compliant with Michigan law.

8450.01 – Protective Facial Coverings During Pandemic/Epidemic Events

This policy is revised to reflect the changes in recommended exemptions enacted by the Center for Disease Control and Prevention (CDC). The guidance and content of this revised 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 revised policy is not currently required by statute or regulation, however is provided for district consideration.

8500 – Food Services

This policy has been revised to add the emphasis being sought by the United States Department of Agriculture (USDA) to prohibit stigmatizing students who lack the funds to pay for their meal or with unpaid meal charges. This revision is recommended for adoption.

8510 - Wellness

Revisions to this policy reflect updated requirements for evaluation and review of district wellness policies (at least every three years) and the updated regulations issued by the U.S. Department of Agriculture (USDA). These regulations provide the basis for USDA review and monitoring of district compliance with the Health and Hunger-Free Kids Act. WELLSAT:3.0 is the assessment tool widely used to audit school wellness policies. These revisions reflect the updated USDA regulations and are recommended for adoption.

● Second Reading: EDGAR Policy Update - February 2021

The update includes the following documents:

- Policy 6114 - Cost Principles - Spending Federal Funds (reissued)
- Policy 6325 - Procurement - Federal Grants/Funds (reissued)
- Policy 7450 - Property Inventory
- Policy 7455 - Accounting System for Capital Assets

- **Nondiscrimination and Anti-Harassment Policy Update - February 2021**

These policies have been revised to reflect changes in terminology and definitions, terms, and processes that are consistent with the latest regulations released by the United States Department of Education (USDOE), specifically Title IX regulations released in May 2020; effective August 2020.

While these revisions are substantially technical in nature, they should be considered as policy revisions. The update includes the following documents:

- 1422/3122/4122 - Nondiscrimination and Equal Employment Opportunity
- 1623/3123/4123 - Section 504/ADA Prohibition Against Disability Discrimination Based in Employment
- 1662/3362/4362 - Anti-Harassment
- 2260 - Nondiscrimination and Access to Equal Educational Opportunity
- 5517 - Anti-Harassment

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

Young 5 / Developmental Kindergarten Program

We will need an action item to approve the development and implementation of a young 5’s / developmental kindergarten program at LASD, starting with the 2021-2022 school year, as presented and discussed.

Elementary Bond Project Application and Certificate for Payment #12

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 \$1,777,278.46 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 April 7, 2021.

Geotechnical Investigation: Secondary Building Bond Project

We will need an action item to approve the geotechnical investigation bid from Driesenga Associates in the amount of \$14,900 to complete the soils exploration, geotechnical investigation, and soil borings necessary to be

completed as a part of the secondary complex bond project. Driesenga Associates was the low, qualified and responsive bid.

Food Service Consultant and Design Proposals for Secondary Complex

We will need an action item to approve and accept the recommendation from GMB to award the food service consultant services for the secondary bond project to JRA Food Service Consultants, LLC. in the amount of \$21,000. JRA Food Service Consultants was the low, qualified and responsive bidder, and also completed the food service design work at the new elementary school complex as a part of our bond project.

Pool and Traffic Signal Bid Awards

We will need an action item to approve and accept the following pool and traffic signal bids, as presented and discussed. Each bid was the low, qualified, and responsive bidder in each work category.

Pool Bid Recommendations:

WC 11 - Masonry

Recommended Firm: JK Masonry Inc.

Contract Amount: \$22,547

WC 24 - Painting

Recommended Firm: Dimension Four Painting Inc.

Contract Amount: \$18,965

Traffic Signal Bid Recommendation:

WC 28C – Traffic Signal

Recommended Firm: J. Ranck Electric Inc.

Contract Amount: \$76,500

Auditing Firm Three (3) Year Proposal

We will need an action item to approve and accept the three (3) year audit proposal from the District’s auditing firm, Hungerford Nichols, as discussed and recommended by the superintendent.

WSESD 2020/2021 General Fund Budget Resolution

We will need an action item to approve and accept the WSESD General Fund Budget Resolution, as presented and discussed.

Second Reading: NEOLA Policy Updates and EDGAR Policy Updates

We will need an action item to approve the second reading of the NEOLA Policy Updates; Volume 35, Number 2, the EDGAR Policy Updates issued to the District in February 2021, and the Nondiscrimination and Anti-Harassment Policy Updates, as presented and discussed.

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.