

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: August 10, 2020
TIME: 6:00 p.m.
PLACE: Electronic / Virtual Meeting Pursuant to Executive Order 2020-154

1. CALL TO ORDER & ROLL CALL

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

2. AGENDA MODIFICATION

3. GOOGLE MEET PARTICIPANT CONTROLS

4. CITIZEN PARTICIPATION

5. CONSENT AGENDA

- a. Ratification of Bill Payment - Per Summary Dated: August 10, 2020
- b. Approval of Minutes Dated: July 20, 2020
- c. Approval of 2020-2021 Student Handbooks
- d. K-12 Curriculum and Course Offerings

6. BOARD COMMITTEE REPORTS

- a. Finance Committee Report
- b. Building/Site Committee Report
- c. Personnel/Negotiation Committee Report

7. BUSINESS MANAGER'S REPORT

8. SUPERINTENDENT'S REPORT & COMMENTS

- a. 2020-2021 Staffing and New Teacher Hiring Recommendations
- b. Review Owner, Architect, Construction Team Meeting Notes
- c. Architectural Field Report on Elementary School Project

9. DISCUSSION ITEMS

- a. Return to School Planning and COVID-19 Preparedness Response Plan
- b. Review of Elementary Technology Systems Bid Package
- c. Elementary School Building Commissioning Bid Award
- d. Elementary Bond Project Application and Certificate for Payment #4
- e. Consumers Energy Easement for Elementary School Electrical Service
- f. Notice of Conditions of Bid and Sale of Property
- g. Milk and Bread Bid Awards
- h. First Reading: NEOLA Special Policy Update
- i. Comprehensive Title IX Training and Staff Training Update

10. ACTION ITEMS

- a. New Teacher Contract Approvals
- b. Return to School Plan and COVID-19 Preparedness Response Plan
- c. Elementary School Building Commissioning Bid Award
- d. Elementary Bond Project Application and Certificate for Payment #4
- e. Consumers Energy Easement for Elementary School Electrical Service
- f. Notice of Conditions of Bid and Sale of Property
- g. Milk & Bread Bid Awards

11. OTHER ITEMS OF BUSINESS & ANNOUNCEMENTS

12. 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 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, August 10, 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) +1 318-536-1070
2. Enter the meeting pin number below when prompted using your touch-tone (DTMF) keypad:
 - Pin number: 498 884 127#

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/gjs-bheu-htf

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

2020-2021 Student Handbooks

It is recommended that the Board of Education approve the student handbook for each school building through its consent agenda.

K-12 Curriculum and Course Offerings

It is recommended that the Board of Education approve the course offerings and K-12 curriculum for the District for the 2020-2021 school year through its consent agenda.

SUPERINTENDENT REPORT

2020-2021 Staffing and New Teacher Hiring Recommendations

- **Elementary Music Position:** Interviews were conducted and a candidate was recommended by Brian Dotson for hire to fill the vacancy created by the retirement of Janet Brown. All first round interviews were conducted virtually. The recommended candidate was then scheduled for a second round interview in person with Mr. Dotson, and then an additional in-person interview with the superintendent.

The District is pleased to recommend the hiring of Dierdre McKeever. Miss McKeever is a recent graduate of the University of Michigan and holds a Bachelor of Arts in Choral Music Education and Vocal Performance. Miss McKeever completed her student teaching experiences in Ann Arbor Public Schools and Grosse Pointe Public Schools. She has served as a camp counselor at Interlochen Arts Camp, and as the vocal music director at her church. Miss McKeever has been described as a “rising superstar” by a Professor of Music at the University of Michigan, and her supervising teachers have spoken highly of her accomplishments in the classroom during her student teaching experience. Miss McKeever is from Grosse Pointe Park, MI, and is excited to be joining the staff at Ludington Area Schools to continue in the tradition of music excellence. She will be recommended for hire at the Board meeting.

- **Fifth Grade Teacher:** Interviews were conducted and a candidate was recommended by Brian Dotson for hire to fill the vacancy created when Judy Bussey transferred into the Reading Interventionist position after Janie Manier resigned to accept a similar position at West Shore Educational Service District. All first round interviews were conducted virtually. The recommended candidate was then scheduled for a second round interview in person with Mr. Dotson, and then an additional in-person interview with the superintendent.

The District is pleased to recommend the hiring of Ingrid Fournier. Mrs. Fournier is currently a veteran teacher in the Forest Hills School District in Grand Rapids and has extensive experience as a highly effective teacher. She is highly recommended by her building principal. Mrs. Fournier has a Master’s degree from the University of Michigan, where she was a Peace Corp Fellow. Mrs. Fournier completed an independent study where she analyzed the educational system of the Netherlands during World War II as a part of her degree program.

Mrs. Fournier also holds a Bachelor’s degree from James Madison University in Communications and Italian. She studied abroad at the British Institute of Florence. Mrs. Fournier holds endorsements in Language Arts and Social Science, and she has been a long time mentor teacher, lead math teacher, and teacher consultant for Grand Valley State University’s Lake Michigan Writing Project. Mrs. Fournier has also been the varsity field hockey coach at East Grand Rapids High School and has been a lacrosse coach at Forest Hills. The District is excited for Mrs. Fournier to be joining our staff. She will be recommended for hire at the Board meeting.

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.

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.

DISCUSSION ITEMS

Return to School Planning and COVID-19 Preparedness Response Plan

We will discuss the draft of the District's Return to School Plan for the 2020-2021 school year and the development of the District's COVID-19 Preparedness Response Plan. We will review the public comment and feedback received by the District, as well as the final plan so that it can be approved by the Board of Education, as required by Executive Order, at the Board meeting on Monday.

Review of Elementary Technology Systems Bid Package

Communications by Design has developed a competitive bid process and technology systems bid package for the elementary school project on behalf of the District. This bid package includes the following:

- Clock/Message Display System
- Public Address/Emergency Alert System
- Door Access Control System
- Video Monitoring (Surveillance) Systems

As an update, the following timeline has been followed by Communications by Design with the bid process being published in the State's SIGMA system for bidders to consider on July 20, 2020:

- Request for Bid Distributed and Released: July 20, 2020
- Pre-Bid Meeting: July 27, 2020 at 1:00 pm
- Intent to Bids Due: July 30, 2020 by 5:00 pm
- Question and Clarification Deadline: July 31, 2020 by 5:00 pm
- Public Bids Due: August 18, 2020 at 11:00 am

Communications by Design will provide a recommendation to the Board for contract award at the September Board meeting after having conducted a thorough post-bid set of interviews involving the LASD review team and each competitive bid received.

Elementary School Building Commissioning Bid Award

The Christman Company developed an RFP seeking competitive bids for the commissioning of the new elementary school complex. Commissioning is a systematic process, through documented verification, that all building systems perform interactively, and as intended in the design phase of the construction process. This process is required by the State of Michigan for all new school buildings. The District received five (5) bids for the service ranging from \$22,500 to \$86,200. The budget for this part of the project was \$36,000. The Christman Company is recommending Functional Consultant Services, the low, qualified and responsive bidder at \$22,500. The company has several outstanding

recommendations and has been used by the Christman Company on past projects. We will be seeking approval at the Board meeting.

Elementary Bond Project Application and Certificate for Payment #4

We will discuss the certificate for payment on the elementary school bond project and review the request from the Christman Company to authorize the District to pay **\$731,439.83**, as certified by the architect and construction manager, and as outlined in the Certificate for Payment.

Consumers Energy Easement for Elementary School Electrical Service

We will discuss an easement on the elementary school project to Consumers Energy so that they can cross our property line to run the electrical service to the elementary school building. The easement and supporting documentation are being reviewed by the District's legal counsel at Thrun Law Firm. They will prepare a resolution that the Board will need to consider approving on Monday in order for Consumers Energy to run electrical service to the new school building.

Notice of Conditions of Bid and Sale of Property

We will review and discuss the Notice of Conditions of Bid and Sale of Property pertaining to the sale of the vacant school buildings (Foster, Lakeview, and Pere Marquette) that was developed by Gordon VanWieren at Thrun Law Firm. The Board will be asked to approve the notice at the Board meeting so that the notice can be publicly posted seeking proposals from interested bidders.

Milk and Bread Bid Awards

The District has solicited competitive bids from vendors for milk and bread products for the upcoming school year. Bids were received from Prairie Farms and Cedar Crest for milk. Aunt Millie's was the only bid received for bread. A recommendation to approve the award of the milk bid to Prairie Farms, and the bread bid to Aunt Millie's will be presented to the Board. The District used Prairie Farms and Aunt Millie's for milk and bread during the 2019-2020 school year. Bread costs are unchanged from the prior year, and the milk costs have a slight increase as described below:

- 1% white milk increased from .2250 cents to .2526 cents per half pint
- Fat free white milk increased from .2445 cents to .2578 cents per half pint
- 1% chocolate milk increased from .2490 cents to .2541 cents per half pint
- 1% strawberry milk increased from .2490 cents to .2551 cents per half pint

First Reading: NEOLA Special Policy Update

- 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 to 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).

Comprehensive Title IX Training and Staff Training Update

Thrun Law Firm will be providing comprehensive training on the new Title IX policies discussed above those who will serve as Title IX Coordinators, investigators, decision makers, or appeals officers under the new Title IX process. The training will cover, among other topics, the new complaint, dismissal, investigation, decision, and appeal procedures, and the new definition of sexual harassment. Thrun Law Firm will be providing this training on August 12, 2020.

In partnership with SET-SEG, the District’s insurance provider, SafeSchools will provide online virtual training for all staff in compliance with the new Title IX policy. All staff will complete this training prior to the start of the 2020-2021 school year.

ACTION ITEMS

New Teacher Contract Approvals

We will need an action item to approve the hiring and new teacher contracts for the following:

- The teacher contract and hiring of Dierdre McKeever as an elementary music teacher, as discussed and recommended above.
- The teacher contract and hiring of Ingrid Fournier as an elementary teacher, as discussed and recommended above.

Return to School Plan and COVID-19 Preparedness Response Plan

We will need an action item to approve the District's Return to School Plan and COVID-19 Preparedness Response Plan and to authorize the Superintendent to transmit the approved plan to West Shore Educational Service District, the Superintendent of Public Instruction, and the State Treasurer, as required by Executive Order 2020-142.

Elementary School Building Commissioning Bid Award

We will need an action item to approve the elementary school building commissioning bid award to Functional Consultant Services, the low, qualified and responsive bidder, in the amount of \$22,500, as discussed. The action item will also need to authorize the superintendent to sign and execute the agreement with Functional Consultant Services for the commissioning of the elementary school building.

Elementary Bond Project Application and Certificate for Payment #4

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 **\$731,439.83**, as certified by the architect and construction manager, and as outlined in the Certificate for Payment.

Consumers Energy Easement for Elementary School Electrical Service

We will need an action item to approve the resolution prepared by Thrun Law Firm authorizing the superintendent to sign and execute the Easement for Electrical Services Agreement with Consumers Energy, as discussed.

Notice of Conditions of Bid and Sale of Property

We will need an action item to approve the Notice of Conditions of Bid and Sale of Property, as it pertains to the sale of the vacant school buildings (Foster, Lakeview, and Pere Marquette), as discussed.

Milk & Bread Bid Awards

We will need an action item to approve the milk and bread bid awards to Prairie Farms for milk, and to Aunt Millie's for bread, as discussed above. The action item authorizes the Superintendent or Director of Business Services to sign and execute the agreements with Prairie Farms and Aunt Millie's.