

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

### **Personnel/Policy Committee Meeting**

Date: August 05, 2020

Time: 7:00 a.m.

Place: Ludington Area School District Administration Office  
809 East Tinkham Avenue, Ludington, Michigan

- 1) CALL TO ORDER & ROLL CALL  
 Stephanie Reed     Mike Nagle     Leona Ashley
- 2) CITIZEN PARTICIPATION
- 3) AGENDA MODIFICATION
- 4) MEETING PARTICIPANT CONTROLS
- 5) DISCUSSION ITEMS
  - a) New Teacher Hiring Recommendations
  - b) NEOLA Special Policy Update
    - i. Policy 2266: Nondiscrimination on the Basis of Sex in Education Programs or Activities (Replacement)
    - ii. Policy 5517.02: Sexual Violence (Rescind/Delete)
  - c) Comprehensive Title IX Training and Staff Training Update
  - d) NEOLA Policy List of Annual Public Notices
  - e) MHSAA Handbook Regulation I Policy Interpretations 50 and 51
  - f) Update on Return to School Planning and COVID-19 Preparedness Response Plan
  - g) Thrun Law Firm - Review of School Law Notes
  - h) Updates from other committees
- 6) OTHER ITEMS OF BUSINESS AND ANNOUNCEMENTS
- 7) ADJOURNMENT

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. 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, 231-845-7303. 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 Kennedy, Superintendent  
**RE:** Personnel/Policy Committee Meeting ~ Agenda Notes

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## **CITIZEN PARTICIPATION**

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

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

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

The presiding officer shall be guided by the following rules:

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

3. No commentary, adjustment of equipment, or positioning of operators is made that would distract either the Board or members of the audience while the Board is in session.
- I. Each Board agenda will include the following statement, "Public participation shall be permitted only as indicated on the order of business."

**Revised:** January 21, 2019

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

## **DISCUSSION ITEMS**

### **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 Brian, 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 on August 10, 2020 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 Manie 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 Brian, and then an additional in-person interview with the superintendent.

The recommended candidate is currently employed by Forest Hills School District in Grand Rapids and has extensive experience as a highly effective teacher. We are currently negotiating the salary for this position, and we will discuss this at the committee meeting on Wednesday.

### **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 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. The committee will review the training platform and training content at the policy committee meeting.

### **NEOLA Policy List of Annual Public Notices**

The committee will review the list of annual public notices and the procedures used by the District to notify the public of each of the annual notifications that we are required to provide to the public.

### **MHSAA Handbook Regulation I Policy Interpretations 50 and 51**

We will discuss the Michigan High School Athletic Association Handbook and Regulation I, Interpretations 50 and 51, as they relate to an incoming freshman student at Ludington High School.

### **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.

### **Thrun Law Firm - Review of School Law Notes**

We will discuss the most recent school law notes with the committee. This will provide the committee with the most recent developments in school law with regard to policy development.

**Updates from Other Committees**

We will review updates from each of the other committees in preparation for the Board meeting on Monday, August 10, 2020.