

LIVINGSTON SCHOOL DISTRICT

Board of Education Meeting Agenda

August 25th 2020 Special Board Meeting

6:00 PM via Zoom—email jenny.stringer@livingston.k12.mt.us for Link



AGENDA CONTENTS

Notice of Public Comment P.2
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EDUCATIONAL MISSION

The Educational mission of the Livingston School District, in partnership with the community, is to provide the opportunity for all students to learn, in a safe environment, the knowledge, skills and attitudes needed in order to become life-long learners and contributing citizens in a diverse society.

Board Members

Ted Madden—Board Chair
Tom Shellenberg—Vice Chair
Druska Kinkie
Dann Babcox
Carol Goosey
George Bornemann
Sandra Rahn-Gibson
Mark Schulein
Dan Vermillion

NOTICE REGARDING PUBLIC COMMENT

Montana law requires school districts and other public agencies to include on the agenda for public meetings an item allowing public comment on any public matter not otherwise specifically listed on the agenda that is within the jurisdiction of the agency. As has also been the practice of the District, and in accordance with Montana law, if any member desires to speak to an item that is specifically listed/identified on the agenda, you will be allowed to do so when the item comes up for discussion and action. Comments regarding items specifically listed/identified on the agenda will have a time limit set by the Board Chair.

The public comment portion of the agenda is not the time designated to hear items that are specifically listed/identified on the agenda. For those individuals who desire to address the Board during the “public comment” portion of the meeting, if you haven’t already done so, please sign your name to the sheet located at the back of the room and indicate the general topic on which you will be commenting. The board chair person will call individuals to speak in the order listed on the sheet provided.

The board would like to remind everyone in attendance that to avoid violations of individuals rights of privacy, a member of the public wishing to address the Board during this time will not be allowed to make comments about any student, Staff member, or member of the general public during his/her designated time to speak. In addition, the board will not hear comments on contested cases or other adjudicative proceedings.

CONTACT INFORMATION

Livingston School District Board of Education

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Livingston, Montana 59047

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FUTURE EVENTS/MEETINGS

Next Regular Board Meeting

September 8th 2020

6:00 PM

Committee Assignments

Negotiations

Tom Shellenberg
George Bornemann
Dann Babcox
Carol Goosey

Curriculum

Carol Goosey
Ted Madden
Mark Schulein
Dan Vermillion

Finance

Sandra Rahn Gibson
Tom Shellenberg
Druska Kinkie
Dan Vermillion

Policy

Druska Kinkie
Carol Goosey
Sandra Rahn Gibson
Ted Madden

Facilities

George Bornemann
Dann Babcox
Mark Schulein
Tom Shellenberg

Calendar

George Bornemann
Druska Kinkie
Dann Babcox

Public Relations

Ted Madden
Sandra Rahn Gibson

Agenda Items

CALL TO ORDER

PUBLIC COMMENT

WHOLE BOARD ACTION

AB Schedule

Student Activity Plan

Board Policies 3210, 3225, 5010, 5012

INFORMATION ITEMS

Professional Development Plans

Update of Health Metrics for Further Reopening

August 25th, 2020

Board Meeting

Student Activities Update

Planning student activities in conjunction with the beginning of the academic school year continues to bring challenges, questions, ideas and conversation we never imagined having. This planning prioritizes the health and safety of our school community and is a very dynamic issue. The benefits of student activities make it a vital part of education while it also introduces behaviors and practices that have been deemed high risk with the presence of Covid-19. The Livingston School District and Park County Health Department have been working tirelessly to create an atmosphere that can accomplish offering safe opportunities for our students.

Weekly Activities Meeting

With the constantly changing data on Covid-19 spread, we have determined a weekly update with Park County Health through the fall season would provide the most current information to make informed decisions in regards to activities and travel. These meetings will occur every Thursday afternoon and will determine the activities schedule for the following Monday - Saturday. One factor that will be explored during this weekly meeting is determining locations where community spread of the virus is present and how that impacts our ability to travel and participate. Other factors will also be considered in these decisions that will be identified by the Park County Health Department.

The following pages in this packet include:

- Activity risk management continuum applied to CDC guidance on youth sports.
- Livingston School District Activity Guidelines and Procedures for Covid-19 PHS and SGMS Activities Programs.

Livingston School District Activities Guidelines and Procedures for Covid-19 PHS & SGMS Activities Programs 2020-2021

Team Practices

- All participants will be pre-screened prior to the start of practice
- Record keeping of daily attendance logs for contact tracing.
- Hand washing and sanitizing regularly before, during, and after practice.
- Practice pods, small groups of 4-5 students will be established for group drills.
- Mask use and social distancing practiced when possible.

Transportation

- All riders will be pre-screened prior to loading.
- Assigned seating charts will be kept for all trips consistent with practice pods.
- No overnight trips until further notice.
- Maximum bus capacity of 28 riders with masks on at all times.
- Travel distances limited to avoid the need for bus stops at restaurants and restrooms.
- Consideration for parent waiver for transportation to and from activity.

Spectators/Fans

- Spectators are not permitted at home events until further notice.
 - Consideration for spectators will be reviewed weekly with Park County Health.
- Live Streaming will be available for home soccer, football, and volleyball games through the NFHS Network for \$70 a year or \$11 a month at nfhsnetwork.com.

Equipment

- Coaches are responsible for sanitizing all equipment with disinfectant before, during and after each practice and competition based on equipment manufacturer recommendations.

Locker Rooms and Facilities

- Athletes and coaches must wear masks at all times.
- Locker locations will be separated as much as possible and athletes will be in proximity of teammates in their practice pod.
- Athletes will be encouraged to leave the locker room as soon as possible.

Competition

- Adherence to MHSAA activity specific guidance including: screening, disinfecting, and the use of distance and masks on sidelines/bench.
- Competition will only occur with other communities where community spread is not present.



Skill-building drills at home



Team practice



Within-team competition



Competition with teams from your area



Full competition from different areas

Practice	<ul style="list-style-type: none"> Virtual 	<ul style="list-style-type: none"> Pre-practice screening and attendance tracking Socially distant drills Hand washing / sanitizing Practice pods of small groups 	<ul style="list-style-type: none"> Mask use when appropriate Socially distant when possible 	<ul style="list-style-type: none"> Competitive contact will occur 	<ul style="list-style-type: none"> Competitive contact will occur
Equipment	NA	<ul style="list-style-type: none"> Sanitize before and after use per manufacturer recommendations. 	<ul style="list-style-type: none"> Sanitize before and after use per manufacturer recommendations. 	<ul style="list-style-type: none"> Sanitize before and after use per manufacturer recommendations. 	<ul style="list-style-type: none"> Sanitize before and after use per manufacturer recommendations.
Facilities / Locker Rooms	NA	<ul style="list-style-type: none"> Restrict use Encourage students to come prepared from home. 	<ul style="list-style-type: none"> Limit use 15 students at a time (class sizes) Locker location based on practice pods Get in / Get out 	<ul style="list-style-type: none"> Practice social distancing and mask use as needed. 	<ul style="list-style-type: none"> Permit visiting teams access to dressing rooms and showers
Spectators	NA	NA	NA	<ul style="list-style-type: none"> No spectators permitted or Limited number of home team spectators 	<ul style="list-style-type: none"> Limited number of home and away spectators
Travel	NA	NA	NA	<ul style="list-style-type: none"> No overnight trips Limit bus stops Parents transport students Assigned seating based on practice pods Masks on at all times 	<ul style="list-style-type: none"> Consistent hotel room assignments Cautious in restaurants and other public areas
Competition	<ul style="list-style-type: none"> Virtual Individual goals 	<ul style="list-style-type: none"> Team practice goals 	<ul style="list-style-type: none"> Intersquad scrimmages Intramural Sports 	<ul style="list-style-type: none"> Area schools in counties where there is no evidence of community spread. 	<ul style="list-style-type: none"> Compete in all scheduled contests.

STUDENTS

3210

Equal Educational Opportunity

Equal educational and extracurricular opportunities shall be available for all students without regard to race, color, national origin, sex, religious beliefs, physical and mental handicap or disability, or actual or potential marital or parental status. The District will not knowingly enter into agreements with any entity or any individual that discriminates against students on the basis of sex or any other protected status. Any student may file a ~~discrimination grievance complaint~~ by using the ~~Title IX and~~ Section 504 **[and ADA]** Grievance Procedures for claims relating to sex or disability discrimination, **the Title IX Sexual Harassment Grievance Procedures for claims of sexual harassment**, or the Uniform Grievance Procedure for all other claims.

No student shall, on the basis of sex, be denied equal access to programs, activities, services, or benefits or be limited in the exercise of any right, privilege, advantage, or denied equal access to educational and extracurricular programs and activities **pursuant to Title IX and its regulations**. Any student may file a sex equity complaint by using the District's ~~Title IX~~ **Uniform** Grievance Procedures.

Inquiries regarding discrimination of any kind should be directed to the building administrator or District's Title IX Coordinator, who shall provide information and, if necessary, direct the individual to the appropriate grievance procedures. Inquiries regarding sex discrimination **or sexual harassment** may also be directed to the District's Title IX Coordinator, **the Assistant Secretary for the U.S. Department of Education, or both**. The District will annually publish notice of these rights to students and parents.

Legal References:	§ 49-2-307, MCA	Discrimination in education
	§ 49-3-201, MCA et seq	Governmental Code of Fair Practices
	20 USC 1681 et seq	Title IX
	42 USC § 12111 et seq.	Americans with Disabilities Act
	29 USC § 791 et seq.	Rehabilitation Act of 1973
	28 CFR 35.107	Nondiscrimination on the Basis of Disability in State and Local Government Services
	34 CFR 104.7	Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance
	<u>34 CFR Part 106</u>	<u>Nondiscrimination on the Basis of Sex in Education</u>
	10.55.701, ARM	Board of Trustees

Policy History:

Adopted on:

Reviewed on:

Revised on:

Bullying, Harassment, Intimidation, and Hazing

The Board will strive to provide a positive and productive learning and working environment. Bullying, harassment, intimidation or hazing, by students, staff or third parties is strictly prohibited and shall not be tolerated.

Bullying is any harassment, intimidation, hazing or threatening, insulting or demeaning gesture or physical contact, including any intentional written, verbal or electronic communication or threat directed against a student that is persistent, severe or repeated and that:

- Causes a student physical harm, damages a student's property or places a student in reasonable fear of harm to the student or the student's property;
- Creates a hostile environment by interfering with or denying a student's access to an educational opportunity or benefit; or
- Substantially and materially disrupts the orderly operation of a school.

Bullying also includes acts of hazing associated with athletics or school-sponsored organizations or groups. Hazing includes, but is not limited to, any act that recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or as a condition or precondition of attaining membership in or affiliation with any District-sponsored activity or grade-level attainment.

Harassment, intimidation and bullying can take many forms - verbal, written, electronic, visual, physical and psychological - and is often, but not always, associated with race, ethnicity, religion, gender, sexual orientation, socioeconomic status or physical differences.

No person, including a district employee or agent, or student, shall bully, harass, haze or intimidate another based on the provisions of applicable local, state and federal laws and regulations that prohibit discrimination or any other reason. It is the policy of the board to comply with all nondiscrimination laws.

Complaints of bullying, harassment, intimidation and hazing will be handled as described below and as set forth in the applicable grievance procedure. The District shall use reasonable measures to inform staff members and students that the District will not tolerate bullying, harassment or intimidation, by including appropriate language in school handbooks.

Sexual Harassment Prohibited

Sexual harassment ~~of students~~ is prohibited. Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
- (2) 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; or
- (3) "Sexual assault" as defined in 20 U.S.C. § 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. § 12291(a)(10), "domestic violence" as defined in 34 U.S.C. § 12291(a)(8), or "stalking" as defined in 34 U.S.C. § 12291(a)(30).

~~Any person, including a district employee or agent, or student, engages in sexual harassment whenever he or she makes sexual advances, requests sexual favors, and engages in other verbal or physical conduct of a sexual or sex-based nature, imposed on the basis of sex, that:~~

~~Denies or limits the provision of educational aid, benefits, services, or treatment; or that makes such conduct a condition of a student's academic status; or~~

~~Has the purpose or effect of:~~

- ~~• substantially interfering with a student's educational environment;~~
- ~~• creating an intimidating, hostile, or offensive educational environment;~~
- ~~• depriving a student of educational aid, benefits, services, or treatment; or~~
- ~~• making submission to or rejection of such conduct the basis for academic decisions affecting a student.~~

~~The terms "intimidating," "hostile," and "offensive" include conduct that has the effect of humiliation, embarrassment, or discomfort. Examples of sexual harassment include, but not limited to, touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, and spreading rumors related to a person's alleged sexual activities. Sexual harassment includes sexual violence, which are physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the use of drugs or alcohol or intellectual or other disability. Sexually violent acts could include rape, sexual assault, sexual battery, and sexual coercion.~~

Reporting

Students, who believe they are victims of bullying, harassment, or intimidation, regardless of the reason, or have witnessed bullying, harassment, or intimidation, regardless of the reason, are encouraged to discuss the matter with their teacher, counselor, bus driver, coach, principal, or any responsible adult who is not involved in the alleged bullying, harassment, or intimidation. Students who believe they are victims of sexual harassment are encouraged to discuss the matter, including the formal complaint process, with the Title IX Coordinator. ~~or Students who believe they are victims of~~ harassment based upon a disability ~~or have witnessed sexual harassment or harassment based upon a disability~~ are encouraged to report the matter to the Title IX Coordinator/Section 504 Coordinator or Principal. Students may choose to report to a person of the student's same sex if alleging a violation of Title IX. Complaints will be kept confidential to the extent possible given the need to investigate.

Any adult school employee, adult volunteer, district contractor or agent who witnesses, overhears or receives a report, formal or informal, written or oral, of bullying, harassment, or intimidation shall report it in accordance with procedures developed under this policy. **Any adult school employee who has notice of sexual harassment or allegations of sexual harassment shall make a report to the District's Title IX Coordinator.**

Formal complaints alleging **sexual discrimination** or harassment shall be addressed through the District's Title IX Grievance Procedures. Complaints alleging disability discrimination or harassment shall be addressed through the District's Section 504 [and ADA if applicable] Grievance Procedures. All other complaints alleging bullying, discrimination, or harassment shall be addressed through the District's Uniform Grievance Procedure.

The Title IX Coordinator, Section 504 [and ADA if applicable], and/or administrator are responsible for taking the following actions in conformance with the applicable grievance procedure:

1. Taking prompt action to investigate/report complaints of harassment, intimidation and bullying.
2. Promptly notifying the ~~alleged victims~~ **complainants** and ~~alleged perpetrators~~ **respondents** and their parents/guardians regarding the outcome;
3. **Taking supportive or remedial measures to ensure continued access to the District's programs or activities while the grievance process is pending;** and
4. Taking disciplinary action as appropriate and any other actions appropriate to address the harassment, intimidation, and bullying.

In the event that a staff member or administrator knows or reasonably believes that the alleged behavior constitutes criminal activity or child abuse or neglect, the staff member or administrator shall report such activity to law enforcement and/or the Department of Public Health and Human Services. Nothing herein prohibits other individuals from reporting complaints to law enforcement. If it is determined that the alleged harassment, intimidation, or bullying did not occur at school or school-related activity or does not materially or substantially disrupt the orderly operation of the District, an administrator shall refer the matter, as appropriate, to other persons or entities with appropriate jurisdiction, including but not limited to law enforcement or the Department of Public Health and Human Services.

Consequences

Any District employee who is determined, after an investigation, to have engaged in bullying, harassment and intimidation of a student, regardless of the reason, will be subject to disciplinary action up to and including discharge. Any student who is determined, after an investigation, to have engaged in bullying, harassment and intimidation, regardless of the reason, will be subject to disciplinary action, including but not limited to, suspension and expulsion consistent with the District's discipline policy. Any person making a knowingly false accusation regarding bullying, harassment and intimidation, regardless of the reason, will likewise be subject to disciplinary action up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.

Retaliation and reprisal against any person who reports an act of harassment, intimidation or bullying or participates in an investigation under this policy is prohibited. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature and circumstances of the act, in accordance with district policy.

Cross References:	1700	Uniform Grievance Protocol Title IX/504 Grievance Procedure <u>Section 504 Grievance Procedure</u>
Legal References:	§ 20-5-207, MCA § 49-2-307, MCA § 49-3-201, MCA et seq 20 U.S.C § 1681 et seq <u>34 C.F.R. Part 106</u> 10.55.701, ARM 10.55.719, ARM 10.55.801, ARM	Bully-Free Montana Act Discrimination in education Governmental Code of Fair Practices Title IX <u>Nondiscrimination on the Basis of Sex in Education</u> Board of Trustees Student Protection Procedures School Climate

Policy History:

Equal Employment Opportunity and Non-Discrimination

As required by federal law, including but not limited to the Civil Rights Act of 1964, Title IX, and Section 504 and the Americans with Disabilities Act and their regulations The District will provide equal employment opportunities to **and will not discriminate in its educational programs or activities, including in the area of employment, with respect to** all persons, regardless of their race, color, religion, creed, national origin, sex, age, ancestry, marital status, military status, citizenship status, use of lawful products while not at work, physical or mental handicap or disability, if otherwise able to perform essential functions of a job with reasonable accommodations, and other legally protected categories. **For purposes of this policy, “sex” includes sexual orientation and gender identity and expression.**

The District will make reasonable accommodation for an individual with a disability known to the District, if the individual is otherwise qualified for the position, unless the accommodation would impose undue hardship on the District.

Persons who believe they have not received equal employment opportunities or have been retaliated against should report their claims to the building principal. **Inquiries regarding sex discrimination or sexual harassment may also be directed to the District’s Title IX Coordinator, the Assistant Secretary for the U.S. Department of Education, or both.** Claims of ~~sexual harassment or disability discrimination~~ will be handled through the District’s Title IX and Section 504 and ADA **Sexual Harassment** Grievance Procedures. **Claims of disability discrimination will be handled through the District’s Section 504 and ADA Grievance Procedure.** All other claims will be handled through the Uniform Complaint Protocol. No employee or applicant will be discriminated against because he or she initiated a complaint, was a witness, supplied information or otherwise participated in an investigation or proceeding involving an alleged violation of this policy or State or federal laws. The District reserves the right to take action against any individual who knowingly makes false accusations or knowingly provides false information.

Retaliation against an employee who has filed a discrimination complaint, testified or participated in any manner in a discrimination investigation or proceeding is prohibited.

Cross Reference: 1700 Uniform Complaint Procedure
Title IX **Sexual Harassment Grievance Procedure**
Section 504 and ADA Grievance Procedure

Legal Reference: Age Discrimination in Employment Act, 29 U.S.C. §§ 621, *et seq.*
Americans with Disabilities Act, Title I, 42 U.S.C. §§ 12111, *et seq.*
Equal Pay Act, 29 U.S.C. § 206(d)
Immigration Reform and Control Act, 8 U.S.C. §§ 1324(a), *et seq.*
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, *et seq.*
Title IX of the Education Amendments, 20 U.S.C. §§ 1681, *et seq.*

Nondiscrimination on the Basis of Sex in Education, 34 C.F.R. Part 106

Montana Constitution, Art. X, § 1 - Educational goals and duties
§ 49-2-101, *et seq.*, MCA Human Rights Act
Bostock v. Clayton County, 140 S.Ct. 1731 (2020)

Policy History:

Adopted on:

Reviewed on:

Revised on:

Sexual Harassment/Sexual Intimidation in the Workplace

The District shall provide employees an environment free of ~~unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct, or communications constituting~~ sexual harassment as defined and otherwise prohibited by State and federal law, including Title IX and its implementing regulations, in the educational programs and activities it offers, including the area of employment. Sexual harassment includes sexual violence, which are physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the use of drugs or alcohol or intellectual or other disability. Sexually violent acts could include rape, sexual assault, sexual battery, sexual coercion, sexual abuse, sexual exploitation, indecent exposure or any actual or attempted violation of Montana criminal laws. Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
- (2) 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; or
- (3) "Sexual assault" as defined in 20 U.S.C. § 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. § 12291(a)(10), "domestic violence" as defined in 34 U.S.C. § 12291(a)(8), or "stalking" as defined in 34 U.S.C. § 12291(a)(30).

~~District employees shall not make unwelcome sexual advances or request sexual favors or engage in any unwelcome conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. The terms intimidating, hostile or offensive include, but are not limited to, conduct which has the effect of humiliation, embarrassment or discomfort. Sexual harassment will be evaluated in light of all the circumstances.~~

A violation of this policy may result in discipline, up to and including discharge. Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action, up to and including discharge.

Employees should report claims of sexual harassment to ~~the Principal or Superintendent or~~ the District's Title IX Coordinator and/or use the District's Title IX Sexual Harassment Grievance Procedures. All formal complaints, ~~written or verbal~~, about behavior that may violate this policy shall be addressed through the District's Title IX Sexual Harassment Grievance Procedures promptly investigated. Initiating a complaint of sexual harassment shall not adversely affect the complainant's employment, compensation or work assignments.

Cross References: Title IX **Sexual Harassment** Grievance Procedures

Legal References: 42 USC § 2000(e) et seq. Title VII of Civil Rights Act
20 USC §1681 et seq. Title IX
34 C.F.R. Part 106 **Nondiscrimination on the Basis of Sex in**
Education
§ 49-2-101, et seq. MCA Human Rights Act
§ 49-1-102, MCA Freedom from discrimination
§ 49-3-201, MCA et seq. Governmental Code of Fair Practices

Policy History:

Adopted on:

Reviewed on:

Revised on: