

The Board of School Trustees of the Lebanon Community School Corporation met in Regular session at 7:00 p.m. on Tuesday, March 19, 2024.

BOARD MEMBERS PRESENT: Mr. Parks, Mrs. Hutcheson, Mr. Hendrix, Mr. Clouser, and Mrs. Jones were present.

OTHERS PRESENT: Dr. Milleman, Mr. Dennis, and approximately 77 others.

PLEDGE OF ALLEGIANCE

Mr. Hendrix led the Pledge of Allegiance.

MISSION STATEMENT

Mrs. Jones read the Mission Statement of the School Corporation.

APPROVAL OF MINUTES

Mrs. Hutcheson moved to approve the minutes for the February 20, 2024 Regular Meeting. Mrs. Jones seconded the motion, which passed unanimously.

SUPERINTENDENTS ANNOUNCEMENTS AND CELEBRATIONS

Congratulations to all of our Winter Sport Athletes.

Spring break is coming up. Dr. Milleman wished everyone a happy and healthy Spring Break!

BOARD RECOGNITIONS

Katie Reasoner with Eli Lilly presented a \$10,000 donation check to be utilized for STEM education. These funds will be used to purchase robotics kits for each of our elementary STEM programs. Dr. Milleman thanked Lilly for the donation. Katie stated in giving back to the community one of the four pillars they are investing in is education. She will be back for honors night as they will award a \$5,000 Lilly manufacturing scholarship. Mr. Farrell, STEM teacher at Harney Elementary stated the STEM teachers teach the four C's; creativity, collaboration, critical thinking, and communication. He also thanked Lilly for the donation.

INFORMATIONAL ITEMS

A. School Construction and Renovation Update

Mr. Dennis provided a financing update on the Capital Projects

[Capital Project Financing Update](#)

B. [Attendance Boundaries – Elementary Rebalancing Project Preview](#)

C. Board Policy 2260

Kent Frandsen stated that as council for Lebanon Schools he has been asked to make a presentation on federal law with respect to the rights of transgender student in public schools primarily as it relates to the use of restrooms and locker rooms. He stated his role is provide legal advice to the board. He helps the corporation meet its legal obligations. He has served as the school districts general attorney for 45 years. He leaves non legal matters up to board or an appropriate school administrator. Since this school district teaches its students to respect and follow the law, he believes it is important for

board members and administrators to do the same. This is true even if they disagree with the law's requirements. The law can be changed and often does but until so he recommends the corporation follow the law. The topic tonight is how to balance the rights of transgender students with those of the student population in general. Disagreement does exist in our society not only to what the law ought to be but what it is. The law should be for Congress to decide when it comes to the interpretation and application of federal statutes such as Title IX. In our systems of government, the answers are normally identical regardless of the particular state. We are in an unusual situation where the interpretation and application of a federal law is not the same in all 50 states. Currently it depends on which federal circuit. There are 11 circuits. In 2017 the 7th circuit federal court of appeals has jurisdiction over IN, IL and WI. He spoke about a case in Kenosha, Wisconsin. This was a challenge to a public school's requirement that student use the school restroom which was consistent with the student's biological gender. This student had been diagnosed and treated for several years for gender dysphoria and was in the process of transitioning. This student considered himself to be male and objected to be prohibited from using the boy's restroom, or being forced to use some other special restroom. Title IX expressly prohibits public schools from denying any student participation in an educational program or opportunity "on the basis of the student's sex". The statute does not define what the word sex means in that context. This remains an open question in our society in law today. The 7th Circuit Court of Appeals in Chicago reviewed a decision by a federal district judge in Wisconsin and concluded that since the student legitimately identified as a male he was entitled to be treated as such. In approximately seven years since that decision other Federal and Circuit Courts of Appeal have considered similar cases. Some have followed the 7th circuits approach and ruled in favor of the student. Others have rejected the decision by finding that under Title IX, the student's gender at birth should control. In Indiana similar lawsuits have been brought against public schools in Evansville, Vigo County, and Martinsville. These are all located in the southern district of Indiana. In all three cases the district court followed the 7th circuits rationale in the Kenosha case. The students have prevailed in each of those cases. There are roughly six federal judges in the southern district of Indiana. They have made it clear that they believe the 7th circuit decision in the Kenosha case is binding precedent on the lower courts in this circuit. The fundamental issue in each case is the same. When a clear split arises between the federal circuits the Supreme Court of the United States will normally agree to consider the matter and decide the question once and for all. In the Martinsville case, the Supreme court rejected the petition without explanation thereby leaving the 7th circuits decision in effect.

In Mr. Frandsen's opinion there are three options for a change in the law in this circuit.

- Convince the 7th circuit to reverse course on this issue in a future case
- For Congress to amend the law
- Hope the US Supreme Court accepts a case that addresses this issue and rules in favor of the school

Mr. Frandsen recommends to the public and the school board to lobby the elected Senators and Congress members to support an amendment of the statute itself. Secondly, fingers crossed the court will address the issue sooner rather than later and lastly, he does not recommend to ignore the mandate of the unfavorable court decisions in this circuit on this question. Mr. Frandsen believes at the moment it is not a fight with waging, at least in court. We need to continue to stay abreast of the changes of the law. We need to do what we can when a student of transgender status meets the legal standards for that status. We can communicate with other school districts to learn their procedures and experiences. We need to continue to work with transgender parents and students to see if alternatives can be identified. People need to understand the problem legally first before we can start

to figure out how we can fix it. The privacy and confidential laws we are required to follow make it difficult to talk about these situations openly. We cannot discuss information of individual students.

Mr. Clouser asked Mr. Frandsen to briefly explain what an injunction is. Mr. Frandsen explained when a court issues an injunction it can be either a preliminary injunction before the case is decided or a permanent injunction. A permanent injunction is when a case has been fully concluded and there is a court ordered mandate to do something or not to do something. An injunction is an equitable remedy that's available when someone is refusing to do what they are supposed to do legally.

Dr. Milleman spoke regarding board policy 2260- Non-Discrimination & Access to Equal Educational Opportunity and addressed some questions the board had. Dr. Milleman shared that our commitment is that all of our students feel welcome, safe, and supported at school. Often, the communication with the school starts when a student requests to be identified by a name inconsistent with the name on the birth certificate and therefore in our student management system. This system is what we use for student identification in classes, gradebooks, etc. Indiana law requires us to notify parents of their students' request and provide parents the opportunity to approve, and to begin a dialogue with the school. Our school counselors and administration do an outstanding job working with students and families when students are navigating issues of gender identity. As students and families are working through the students' gender identity, there may be a request by the family for their child to use a restroom consistent with the student's transgender status. This most often results with the child using a private restroom. Any parent or child, regardless of whether there is a gender identity situation, may request to use a private restroom. If there is a request for the child to use a student restroom consistent with the child's transgender status, the counselors and administration require additional assurances of the validity of the student's transgender status and the transgender is likely enduring. A combination of these assurances includes things like: The length of time the student has presented as the gender; The length of time the student has presented as the gender at school therefore shaping the understanding and identification of the student as that gender by peers and staff; Parents' understanding and acknowledgment that the student is identified outside of school and in the family as the gender; Any diagnosis of gender dysphoria or counseling that may be taking place with the student; Depending on the current state or federal law governing it, and the age of the student, the use of any hormone therapy or other medical treatment. If the school administration is not assured of the legitimacy of the student's transgender status, the student would be allowed, at maximum to use a private restroom. If students attempt to use a restroom inconsistent with their biological sex as an inappropriate lark and mockery, or as an attempted harassment of the opposite sex, the matter would be handled as a serious disciplinary matter. For example, a student cannot simply announce a new gender to peers or school and enter a restroom. If students working through transgender status issues makes the decision on their own to use a public student restroom consistent with their transgender status, and the school administration is made aware, the administration and counselors will immediately intervene and work through the assurance items above before permission would be considered. We have not, from the recollection of our school administrators received a request from a student or parents to use a locker room inconsistent with the student's biological sex. We have experienced two situations in which a student of transgender status misunderstood the application of their understanding with the school to change in a private facility for physical education. For one class period, the students used a private enclosed area within the locker room corresponding the student's identified gender. When the situations were brought to the attention of the school counselor and administration, they

immediately intervened and communicated with the parents and student. The practice, as originally intended, for the students to change in an area separate and disconnected from the locker room was implemented. In the design of our upcoming middle school renovation, we are increasing the number of private areas available to any student requesting a private facility whether a restroom or an area to change for activities such as physical education.

Mr. Clouser asked if our policy is consistent with other districts. Dr. Milleman stated it is and many schools use the same policy development so in some cases the wording is very close. Dr. Milleman stated he would be happy to bring additional samples from other districts and review with Mr. Clouser and Mrs. Hutcheson as they are on the policy committee. Mrs. Hutcheson asked Mr. Frandsen what the penalty would be if you do not follow the law. He stated it would be attorney fees, and student's fees. The federal courts have the power to enforce their orders by Sherriff or US Marshall. There could be a loss of funding from the Department of Education.

Mr. Clouser made a motion to move comments from the public, Mr. Hendrix seconded the motion, which passed unanimously.

Bud Wirey, expressed his disappointment in the board as they did not respond to the young lady after she spoke at the previous board meeting. He asked if we could purchase separate changing facilities. He believes there has to be some creative thinking to get this taken care of. Mr. Parks explained the rationale behind to not responding to the period of comments from the public on the board agenda. The purpose of the public comment period is to provide members of the public the opportunity to voice their opinions regarding specific topics, not for the board to debate, agree or disagree with the statement being made.

Tasha Marshall, 2421 Turnberry Drive. She is the mother of 6th grader who spoke at last month's board meeting. She appreciated the email explaining why they could not respond at the last board meeting. She stated her daughter was not physically in the locker room. That is why she said imagine this. This was her friends coming to her as they felt unsafe and didn't know who to turn to or seek guidance. She was speaking for all of the sixth-grade girls. She stated there are two girl's locker rooms at LMS and wanted to know why can't we allow the transgender to use the additional locker room. Kent Frandsen responded that you cannot stigmatize the transgender student by tell them they have to use a different area. She stated the things happening at the middle school are not consistent with what the public is being told. She does know if the middle school is not being transparent with administration or is administration not being transparent with the public? She asked if we have the transgender provide medical documentation from physician stating they have gender dysphoria. She also asked if we require a diagnosis as to what they are identifying as or are we going off what they say they are identifying as.

Kent suggested we have a checklist available for the public to view for transparency to claim transgender status.

Anna Jackson, expressed her concern for the safety of the girls in these locker rooms. She believes we should have individual changing spaces available.

The board will move forward to review the current policy and provide updates.

Mr. Hendrix stated the board wants to do the best possible thing for every student. We will continue to navigate through this as best as they can.

CONSENT AGENDA- STAFF MATTERS

Classified

459	Parker, Hannah	Harney Pre-K Instructional Assistant	New Hire	Scale II, Step 0
460	Fortune, Duane	Substitute	New Hire	Level II
461	Hill, Macy	Substitute	New Hire	Level II
462	Alvarez, Daniel	Substitute	New Hire	Level II
463	Sanders, Norma	Substitute	New Hire	Level II
464	Watson, Brannon	Substitute	New Hire	Level I
465	Sims, Allison	Substitute	New Hire	Level I
466	Carson, Hailey	Substitute	New Hire	Level I
467	Rust, Cadence	Bus Aide	New Hire	Step 0
468	Paxton, Kayla	Custodian	Resignation	NA
469	Staton, Michael	Technology Support Specialist	Resignation	NA
470	Christian, Jacklyn	Food Service	Termination	NA

Certified

107	Boyett, Suzi	HE	Homebound for KDG student @ HBS	New Hire	Per Master Contract
108	Harrod, Hope	HBS	Homebound for 5th student @ HBS	New Hire	Per Master Contract
109	Peppler, Riley	LHS	Physics Teacher	New Hire 24-25 SY	Step E
110	Wagner, Jayna	HBS	HBS Interim Assistant Principal	Contract Status Change	Daily Rate of Asst. Principal Step 1
111	Kessler, Jacob	LHS	Band Director	Resignation	NA
112	Turano, Erica	JS	School Psychologist	Resignation	NA
113	Huffer, Amanda	JS	Educational Consultant	Resignation	NA
114	Moore, Amber	PW	Principal	Resignation	NA
115	DeLaRosa, Roberto	HBS	Assistant Principal	Retirement	NA

Bob DeLaRosa, Hattie B. Stokes Assistant Principal has submitted his letter of retirement effective June 30, 2024. Dr. Milleman requested approval of the severance agreement between LCSC and Mr. DeLaRosa. Dr. Milleman thanked him for his 26 years of service to students and staff..

ECA

455	Miller, Jarred	LHS Assistant Boys Golf Coach	ECA New Hire	Per Master Contract
456	Hensley, Paul	LHS Assistant Girls Tennis Coach	ECA New Hire	Per Master Contract
457	Engels, Thomas	LMS Assistant Girls Tennis Coach	ECA New Hire	Per Master Contract
458	Vaughn, Aaron	LHS Girls Varsity Basketball Coach	ECA New Hire	Per Master Contract
459	Parker, Hayden	LMS Baseball Coach	ECA Volunteer	NA

Mr. Hendrix moved to approve the staff matters as presented, Mr. Clouser seconded the motion, which passed.

Mr. Levine introduced Mr. Vaughn as the new LHS Girls Varsity Basketball Coach.

Mr. Vaughn thanked the board, Dr. Milleman, Phil Levine, Mr. Meyer, the interview committee, and the LHS Boys Basketball program. He has a great deal of gratitude for this opportunity. He introduced his family, wife Jordan and children Rilee, Archie and Ainsley. Parents Don and Lori Vaughn. He also thanked a few of his previous coaches. The program expectations are academics, basketball and character.

CONSENT AGENDA- BUSINESS MATTERS

Mr. Dennis requested approval of the routine business matters for claims #59446- #59607 and the payrolls for March 1, 2024, and March 15, 2024.

The total of the payrolls was \$2,324,341.05. The total for the claims was \$4,880,950.04. The total amount approved was \$7,205,291.09.

Mrs. Jones moved to approve the business items as presented, Mr. Clouser seconded the motion, which passed unanimously.

COMMENTS FROM THE PUBLIC

ACTION ITEMS

A. Request Approval of Change Orders

Mr. Dennis stated there were no change orders to report this month.

B. Request Approval of Stokes Playground Site Prep

Mr. Dennis requested approval of Stokes Playground Site Prep. This contract allows for the work to prepare the site so the playground surface and equipment can be installed. The contract will be awarded to Smock Fansier.

Mrs. Hutcheson moved to approve the playground Site prep as presented, Mr. Hendrix seconded the motion, which passed unanimously.

C. Resolution to Purchase a Used School Bus

Mr. Dennis requested approval of the resolution to purchase a used school bus.

Mrs. Jones moved to approve the resolution as presented, Mrs. Hutcheson seconded the motion, which passed unanimously.

D. Request Approval to Authorize Policy Analytics Investigation

Mr. Dennis requested approval to authorize policy analytics investigation. They currently perform an annual property tax analysis for us. This report tells us how our tax rate could be affected by changes as we build more homes. Mr. Dennis has reached out to task them with a separate project. The Lilly project is the size according to Indiana statute where the school will receive revenue in sort of like a pass through TIF. This revenue would arrive for the first-time next calendar year. We do not know what the magnitude of the revenue could be. This analysis will help tell us the revenue we will receive from the incremental AV growth of the Eli Lilly project, but also the property that was sold to Eli Lilly coming off our tax roles. The IEDC purchased this land use to be agricultural land. This campus crosses two townships, one of which belongs to Western Boone Community Schools. We are going to split with cost with Western Boone Community Schools.

Mr. Hendrix moved to approve the policy analytics investigation as presented, Mr. Clouser seconded the motion, which passed unanimously.

E. Request Approval of Donation from Whitestown American Legion

Dr. Milleman is requesting approval of a donation from the Whitestown American Legion. They made the donation in recognition of Army Veteran, Larry Brush. The donation amount was \$1,100.00. The donation will be put into the Food Service Angel Fund.

Mrs. Jones moved to approve the Whitestown American Legion donation as presented, Mrs. Hutcheson seconded the motion, which passed unanimously.

F. Request Approval of Donation from Rotary

Dr. Milleman is requesting approval of a donation from the Rotary to Lebanon High School. The donation amount was \$2000.00. This will be put into the "Hardship Fund".

Mrs. Jones moved to approve the Rotary donation as presented, Mr. Clouser seconded the motion, which passed unanimously.

G. Request Approval of Out of State and Overnight Trips

Mr. Martin requested approval of the following out of state and overnight trips;

- Central Elementary 5th Grade Trip to Louisville, Friday, March 17, 2024
- Perry-Worth 4th Grade to Camp Tecumseh, May 2 & 3, 2024

- LMS 8th Grade Band & Choir students to Kings Island, Thursday, May 23, 2024

Mr. Hendrix moved to approve the out of state and overnight trips as presented, Mr. Clouser seconded the motion, which passed unanimously.

UPCOMING BOARD MEETINGS AND EVENTS

Dates:

April 16, 2024, Regular Board Meeting, Herman B Wells Community Room, 7:00 pm

There being no other business to come before the Board the meeting was adjourned at 8:59 pm

Craig M. Parks, President

Lisa E. Hutcheson, Vice-President

Tiffany A. Jones, Secretary

Trey M. Hendrix, Board Member

Jordan Clouser, Board Member

Board of School Trustees