

# March Agenda

## Special Meeting of Trustees

The Board of Trustees of School District #35 have scheduled an emergency meeting for **Wednesday, March 18, 2020** at **11am** at the **Gallatin Gateway School Board Room and virtually**. *(All policies can be found at [www.gallatingateway.school.com](http://www.gallatingateway.school.com).)*

### Call to Order

### Presiding Trustee's explanation of procedures

### Public Comment- Non Agenda Items- Sign in sheet

### NEW BUSINESS:

Board consideration of current circumstances related to COVID-19 for possible declaration of unforeseen emergency pursuant to 20-9-801 through 20-9-806, MCA

### Next Meetings:

- Special Meeting- March 20, 2020 @ 10am
- Special Meeting- April 3, 2020 @ 10am- agenda setting
- Special Meeting- April 3, 2020 @ 11:30- District Clerk Evaluation
- Regular Meeting- April 15, 2020 @ 6pm

### Adjournment

*Per the CDC recommendations the Board will be limiting the attendance to the meeting to no more than 10 individuals and will also be utilizing an online platform. Please use one of the following options if you wish to participate:*

1. *Download the mobile Zoom app from Google Play or Apple Store*
  - a. *Meeting ID: 993 575 933*
2. *Use the following link to access online:*
  - a. <https://zoom.us/j/993575933>
  - b. *Meeting ID: 993 575 933*
3. *Attend in-person: limited to 10 total attendees of the meeting (including board and administrative staff)*

Audience Participation

The Board recognizes the value of public comment on educational issues and the importance of involving members of the public in its meetings. The Board also recognizes the statutory and constitutional rights of the public to participate in governmental operations. To allow fair and orderly expression of public comments, the Board will permit public participation through oral or written comments during the “public comment” section of the Board agenda and prior to a final decision on a matter of significant interest to the public. The Chairperson may control such comment to ensure an orderly progression of the meeting.

Individuals wishing to be heard by the Chairperson shall first be recognized by the Chairperson. Individuals, after identifying themselves, will proceed to make comments as briefly as the subject permits. The Chairperson may interrupt or terminate an individual’s statement when appropriate, including when statements are out of order, too lengthy, personally directed, abusive, obscene, or irrelevant. The Board as a whole shall have the final decision in determining the appropriateness of all such rulings. It is important for all participants to remember that Board meetings are held in public but are not public meetings. Members of the public shall be recognized and allowed input during the meeting, at the discretion of the Chairperson.

Cross Reference: 1420 School Board Meeting Procedure

Legal Reference: Article II, Section 8, Montana Constitution – Right of participation  
Article II, Section 10, Montana Constitution – Right of privacy  
§§ 2-3-101, et seq., MCA Notice and Opportunity to Be Heard

As you undoubtedly know, the Governor created some ambiguity regarding whether schools are to be funded during this two week closure with his comments during yesterday's press conference. We hope to see that ambiguity resolved favorably and in short order. If, however, the Governor does not resolve that ambiguity, or worse, declares that the days will have to be made up to avoid funding reductions, we need to be prepared. There are some key actions that elected boards can take now that will take the sting out of the potential funding loss for this two week closure. Each board should strongly consider:

1. Immediately convening (electronically is fine under 2-2-302, MCA; notice not required under the law, 20-3-322, MCA) to declare its own unforeseen emergency. This action alone will ensure that your district is not double penalized for shortfalls in aggregate hours of instruction. It will also buy you one day of school closure free of any penalty.
2. Convening soon (electronically is fine under 2-2-302, notice must be provided) and authorizing/directing your leadership team to work with teaching staff on identifying your students who are proficient in the near future and definitely prior to the end of the school year.

The two actions above will, if performed in each school district in the state, save schools millions of dollars in state revenue that would otherwise be lost if the Governor does not waive penalties. Here is how it works:

1. The state's funding of school district general fund budgets comes up to approximately \$4.4 million for each 6 hour day (1080 aggregate hours divided by 180 days).
2. Ten days total comes up to \$44 million. However, there is a double penalty under 20-1-301 for each hour short of the minimum aggregate hours. So, a loss of 10 days of aggregate hours of instruction without a declaration/authorization of proficiency and without a board's declaration of an unforeseen emergency will cost schools \$88 million in state aid.

The cost of inaction on a statewide basis then is \$88 million in state aid. If, on the other hand, all school boards statewide 1, convene immediately and declare their own unforeseen emergency and 2, authorize your staff to identify proficiency levels, we can reduce the funding loss of \$88 million down to \$10.5 million, saving schools \$77.5 million that would otherwise be in jeopardy. This is based on an underlying assumption that proficiency rates largely mirror the statewide graduation rate of 86.6%. Additionally, if offsite instruction is provided during this closure to those who are not proficient, there will be no funding loss at all.

We know that the uncertainty of whether the Governor will waive the penalties for the lost instruction time is unnerving. We can, however, take productive action to protect our schools' funding regardless of whether the Governor acts.

In Summary:

- No Action - \$88 million funding reduction if lost days are not made up at the end of the school year.
- Proficiency and Unforeseen Emergency Declaration by School Board - Reduce Funding Loss to \$10.5 million
- Proficiency, Unforeseen Emergency and Limited Offsite Instruction to Those not Proficient - No funding loss

Lance Melton

Executive Director  
Montana School Boards Association

**Board meeting to declare an unforeseen emergency:**

**Action Item:** Board consideration of current circumstances related to COVID-19 for possible declaration of unforeseen emergency pursuant to 20-9-801 through 20-9-806, MCA.

**Note:** 20-3-322(3) provides: (3) Special meetings of the trustees may be called by the presiding officer or any two members of the trustees by giving each member a 48-hour written notice of the meeting, except that the ***48-hour notice is waived in an unforeseen emergency.***

**Note:** 2-2-302 provides: Meeting defined. As used in this part, "meeting" means the ***convening of a quorum*** of the constituent membership of a public agency or association described in 2-3-203, whether corporal or ***by means of electronic equipment***, to hear, discuss, or ***act upon a matter over which the agency has supervision, control, jurisdiction, or advisory power.***

***Recommended motion:***

*I move the board of trustees of Gallatin Gateway School District declare an unforeseen emergency in accordance with Sections 20-9-801 through 20-9-806, MCA, due to the community and school health concerns related to COVID-19 and authorize the administration to take necessary steps to execute this declaration and inform the public and government agencies of this declaration.*