

March Agenda Special Meeting of Trustees

The Board of Trustees of School District #35 have scheduled a special meeting for **Friday, March 20, 2020 at 10:00am** at the **Gallatin Gateway School Board Room and virtually**. *(All policies can be found at www.gallatingateway.school.com.)*

Call to Order

Presiding Trustee's explanation of procedures

Public Comment- Non Agenda Items- Sign in sheet

NEW BUSINESS:

- Discussion & Consideration of Staffing related to COVID-19 and Governor mandated school closures
- Consider MOU with Gallatin Gateway School Association related to COVID-19 and Governor mandated school closures
- Consider authorizing/directing Superintendent to work with teaching staff on identifying students who are proficient 20-9-311(4)(d), MCA
- Consider authorizing Off-site Instruction as defined and referenced in sections 20-1-101(5); 20-1-101(14); 20-7-118; and 20-9-311(11), MCA

Next Meetings:

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: 210 341 279*
2. *Use the following link to access online:*
 - a. *<https://zoom.us/j/210341279>*
 - b. *Meeting ID: 210 341 279*
3. *Attend in-person: limited to 10 total attendees of the meeting (including board and administrative staff)*

"The Gallatin Gateway School community empowers our students to take responsibility for their learning so they may achieve their individual potentials as lifelong learners and productive citizens."

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

"The Gallatin Gateway School community empowers our students to take responsibility for their learning so they may achieve their individual potentials as lifelong learners and productive citizens."

**MINUTES
SPECIAL MEETING
BOARD OF TRUSTEES, GALLATIN GATEWAY SCHOOL DISTRICT #35**

Call to Order

A committee of the Board of Trustees of the Gallatin Gateway School District #35 met at 10:00am Friday, March 20, 2020 virtually via Zoom. Board Chair Aaron Schweiterman presided and called the meeting to order at 10:01am.

Trustees Present

Aaron Schwieterman, Board Chair; Julie Fleury, Board Vice-Chair; Mary Martin, Carissa Paulson, Patti Ringo

Trustees Absent

None

Staff Present

Theresa Keel, Superintendent; and Carrie Fisher, District Clerk
(others may have been present via Zoom)

Others Present

Meeting held virtually- no sign-in sheet available

Presiding Trustee's Explanation of Procedures

Board Chair Aaron Schwieterman explained the public comment process to be followed for addressing the Board in accordance with Gallatin Gateway School policy. He noted: 1) that prior to a vote the public may comment on agenda items; 2) there will be time for public comment on non-agenda items; and 3) public comment periods are not intended to be a question and answer session.

Public Comment on Non- Agenda Items

None

NEW BUSINESS

Superintendent Theresa Keel noted that the purpose of this meeting is for the Board to address staffing and to take steps recommended by MTSBA to protect the District if the Governor does not waive financial penalties for districts falling short of aggregate hours of instruction due to the closure order issued on March 15, 2020.

Discussion & Consideration of Staffing related to COVID-19 and Governor mandated school closures

Superintendent Theresa Keel provided the Board with information regarding staffing updates and plans for classified and certified employees during the COVID-19 crisis. She noted that certified employees would be working remotely during the closure and most classified employees would be working in the building. She explained that staffing levels in the building would be maintained at ten or less employees and social distancing would be expected. She also explained employees may need to be assigned tasks outside of their regular duties and asked the Board to authorize her to make those decisions during the crisis.

Motion: Trustee Mary Martin to authorize the Superintendent to develop schedules and assign duties outside of normal scope of work for classified staff as it relates to the COVID-19 crisis.

Seconded: Trustee Carissa Paulson
Public Comment: None
For: Fleury, Martin, Paulson, Ringo, Schwieterman
Opposed: None
Motion passed unanimously

Consider MOU with Gallatin Gateway School Association related to COVID-19 and Governor mandated school closures

Motion: Trustee Carissa Paulson to approve the Memorandum of Understanding (MOU) between Gallatin Gateway School District and Gallatin Gateway School Association as it relates to the COVID-19 crisis.
Seconded: Trustee Mary Martin
Public Comment: None
For: Fleury, Martin, Paulson, Ringo, Schwieterman
Opposed: None
Motion passed unanimously

Consider authorizing/directing Superintendent to work with teaching staff on identifying students who are proficient 20-9-311(4)(d), MCA

Motion: Trustee Mary Martin to authorize superintendent to work with district staff in making determinations regarding pupils who are proficient in courses in which the pupils are enrolled without regard to the aggregate hours of instruction provided. The superintendent is directed to make a final determination of proficiency for each pupil for each enrolled course, using district assessments, including class grades at a minimum, and reporting a full-time equivalent conversion of ANB for such pupils, based on the scheduled time ordinarily provided through the aggregate hours of instruction for such courses.
Seconded: Trustee Carissa Paulson
Public Comment: None
For: Fleury, Martin, Paulson, Ringo, Schwieterman
Opposed: None
Motion passed unanimously

Consider authorizing Off-site Instruction as defined and referenced in sections 20-1-101(5); 20-1-101(14); 20-7-118; and 20-9-311(11), MCA

Motion: Trustee Carissa Paulson to authorize the superintendent to work with district staff in providing instruction for pupils of the district. Such instruction may include any method or methods identified as appropriate by the superintendent, including but not limited to offsite instruction as defined and referenced in sections 20-1-101(5); 20-1-101(14); 20-7-118; and 20-9-311(11), MCA.
Seconded: Trustee Mary Martin
Public Comment: None
For: Fleury, Martin, Paulson, Ringo, Schwieterman
Opposed: None
Motion passed unanimously

Next Meetings:


Special Meeting- March 27, 2020- tentative based on COVID-19 crisis- time TBD
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

Board Chair Aaron Schwieterman adjourned the meeting at 10:28am.



Aaron Schwieterman, Board Chair



Carrie Fisher, District Clerk

Special Meeting

March 20, 2020

Sign-in Sheet

<u>Name- please print</u>	<u>Signature</u>
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GALLATIN GATEWAY SCHOOL
PO BOX 265, GALLATIN GATEWAY, MT 59730

The agenda must also include a "public comment" item in order to allow members of the general public to comment on any public matter under the jurisdiction of the district that is not specifically listed on the agenda, except that no member of the public will be allowed to comment on contested cases, other adjudicative proceedings, or personnel matters. The Board Chairman may place reasonable time limits on any "public comment" item in order to maintain and ensure effective and efficient operations of the Board. The District shall not take any action on any matter discussed, unless the matter is specifically noticed on the agenda, and the public has been allowed the opportunity to comment.

** Public comment will be asked on each agenda item. Do not sign below for agenda items.*

Public Comment Sign-in

Date: March 20, 2020

**Please sign below for non-agenda items to be heard under New business: Public comment.*

NAME (Please Print Clearly)	TOPIC (Please Print Clearly)
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March 20, 2020- Recommended Motions

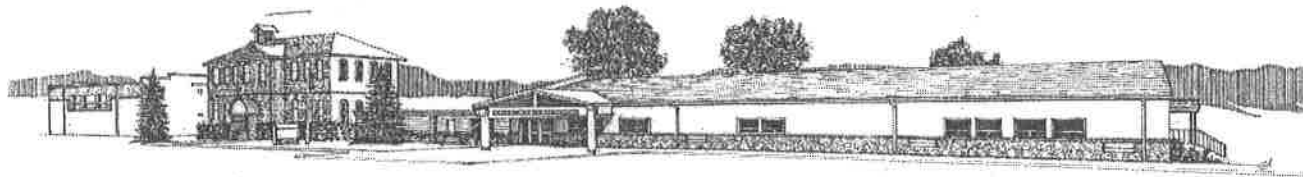
Staffing: to authorize the Superintendent to develop schedules and assign duties outside of normal scope of work for classified staff as it relates to the COVID-19 crisis.

MOU: to approve the Memorandum of Understanding (MOU) between Gallatin Gateway School District and Gallatin Gateway School Association as it relates to the COVID-19 crisis.

Proficiency: The superintendent is authorized to work with district staff in making determinations regarding pupils who are proficient in courses in which the pupils are enrolled without regard to the aggregate hours of instruction provided. The superintendent is directed to make a final determination of proficiency for each pupil for each enrolled course, using district assessments, including class grades at a minimum, and reporting a full-time equivalent conversion of ANB for such pupils, based on the scheduled time ordinarily provided through the aggregate hours of instruction for such courses.

Offsite Instruction: The superintendent is authorized to work with district staff in providing instruction for pupils of the district. Such instruction may include any method or methods identified as appropriate by the superintendent, including but not limited to offsite instruction as defined and referenced in sections 20-1-101(5); 20-1-101(14); 20-7-118; and 20-9-311(11), MCA.

GALLATIN GATEWAY SCHOOL



PO BOX 265, GALLATIN GATEWAY, MT 59730
Gallatin Gateway Board of Trustees, School District No. 35 And The Gallatin
Gateway Education Association, MEA-MFT

March 20, 2020

Each collective bargaining agreement identifies hours of work and in some cases work location. Due to the COVID-19 pandemic, the District is, in response to the Governor's order, dated March 15, 2020 at 5:00 pm, Mountain Standard Time, closing Gallatin Gateway Schools to student instruction from March 16, 2020 through March 27, 2020.

This agreement is between the Gallatin Gateway School (The District) and the Gallatin Gateway Education Association and is in effect March 23, 2020 through March 27, 2020. If the crisis continues past March 27, 2020, the parties agree to continue this agreement until such time as agreed by both parties.

This memorandum of understanding confirms that GGS will compensate all Certified Teacher employees during the two-week closure at their regular rate of pay for their regular hours. Health and other benefits will be paid accordingly. All time-off will be cancelled and employees will be credited with any pre-approved time off during the closure. If the crisis continues after March 27, 2020, employee pay and leave will be subject to current pay and leave policies.

From March 23, 2020 through March 27, 2020, Teachers will be asked to prepare digital and off-line learning and services to be able to maintain connectivity to students and parents from a remote work location. Work times, prep times and lunch times still apply.

Teachers may work from the school; however, times allowed in the school will be scheduled by the Superintendent to maintain "social distancing." If the crisis continues past March 27, 2020, these provisions continue until such time as agreed by both parties.

All State and Federal Laws apply during this time unless specifically waived by the Governing Authority.

This Agreement is signed and dated this 20th day of March, 2020.


Board Chair


Superintendent


President, Gallatin Gateway Education Association



March 17, 2020 @ 6:20 am

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

March 19, 2020 7:39am- Lance Melton

We have had a couple of districts ask if funding can even be withheld for shortfalls in aggregate hours of instruction, given that the second enrollment count is finished.

We want to make sure that everyone knows that the completion of enrollment counts from October and February will not protect you if you are short of the required aggregate hours of instruction for those to whom you owe it (i.e., any student not proficient under 20-9-311(4)(d)).

The three steps that each district should take in order to protect itself if the Governor does not waive financial penalties for districts falling short of aggregate hours of instruction due to his closure order are, as previously outlined:

1. Have the Board of Trustees declare its own unforeseen emergency pursuant to 20-9-801 et. seq. If you want to avoid having to reconvene the board for multiple declarations, the declaration should be specified to, at a minimum, overlap/run concurrent with, any declaration of emergency by the President, Congress, Montana Legislature, Governor or County Health Department. This action will ensure that you will not be penalized 2x the hourly rate for each hour short of the aggregate hours of instruction required under law. COMPLETED March 18, 2020
2. If not already authorized under existing policy, have the Board of Trustees authorize administration to provide offsite instruction. This action will ensure that, even in the face of an order to close schools, your district can continue to serve students and satisfy the aggregate hours of instruction through distance learning.
3. If not already authorized under existing policy, have the Board of Trustees direct administration to identify proficiency of students in the district (we recommend using teacher grades for simplicity and familiarity) and to include proficient students in the district's ANB count as allowed by 20-9-311(4)(d). This action will ensure that you do not have to meet aggregate hours of instruction for those students in the district who are proficient.

Minimum Pupil Instruction Days & Hours

School districts must provide at least the minimum aggregate hours as defined below:

1. 360 hours for a half-time kindergarten program or 720 hours for a full-time kindergarten program (MCA 20-7-117);
2. 720 hours for grades 1 through 3; and
3. 1,080 hours for grades 4 through 12.

Note: 1,050 aggregate hours of pupil instruction for graduating seniors may be sufficient

MCA 20-1-301

Kindergarten, grade 1 through 3, and grade 4 through 12 programs must be considered separately for the purpose of computing compliance with minimum aggregate hour requirements.

MCA 20-9-805

Minimum Aggregate Hours Not Met: For any district that fails to provide for at least the minimum aggregate hours, the superintendent of public instruction shall reduce the direct state aid for the district for that school year. (MCA 20-1-301 & 20-9-805) However, the board of trustees may close school for 1 school day each year because

of an unforeseen emergency and may not be required to reschedule the pupil-instruction time lost because of the unforeseen emergency. MCA 20-9-806(2)

School Closure by Declaration of Emergency: If a school is closed by reason of an unforeseen emergency that results in a declaration of emergency by the board of trustees, the trustees may later adopt a resolution that a reasonable effort (defined as at least 3 school days or equivalent aggregate hours made up) has been made to reschedule the pupil-instruction time lost. If such a resolution is adopted, the lost pupil-instruction time need not be rescheduled for the district to receive its full annual equalization apportionment.

MCA 20-9-806(1)

This item is a significant compliance issue, in that direct state aid payments to the districts will be reduced if required minimums are not met. As the funding agency for school districts, OPI has requested that non-compliance with this issue be disclosed in an audit finding.

From: Perry, Marissa <Marissa.Perry@mt.gov>

Sent: Thursday, March 19, 2020 12:53 PM

To: Perry, Marissa <Marissa.Perry@mt.gov>

Cc: Loranger, Erin <erin.loranger@mt.gov>

Subject: RELEASE: Governor Bullock Releases Additional Guidance Related to Public K-12 School Closures

FOR IMMEDIATE RELEASE:

Thursday, March 19, 2020

CONTACTS:

Marissa Perry, Communications Director, Governor's Office, (406) 444-4514

Erin Loranger, Press Secretary, Governor's Office, (406) 444-9725

Governor Bullock Releases Additional Guidance Related to Public K-12 School Closures

Bullock asks schools to plan if there are future closures and ensure students continue to receive necessary services

MONTANA – Governor Steve Bullock today released additional guidance related to public K-12 school closures. A decision has not been made on future closures at this time.

"I sincerely appreciate the teachers, the administrators and school staff who are working diligently in this challenging and unprecedented time to make sure that the needs of children in every corner of our state are met. Collectively, we must ensure that students are still able to receive a quality education and the services Montana families rely on in the event of longer school closures," Governor Bullock said. "I recognize that decisions to close schools put an extra strain on families and we must do everything we can to ease the burden."

Governor Bullock directed measures be put in place immediately to ensure that schools are utilizing the two-week closure to plan if there are continued or future closures. This includes waiving requirements for

pupil instruction time through March 27. Districts will continue to receive all state payments during the initial two-week closure as budgeted and appropriated by the Montana legislature.

In the event there are closures beyond March 27 pursuant to a gubernatorial directive, a district will not be required to reschedule in-person pupil-instruction time lost because of the closure if the board of trustees for the district approves the district's plan/report that it has made up the lost pupil-instruction time through remote learning, provided for meals for students, provided for services to students with disabilities, and provided other services customarily provided to students in school. Districts whose plans/reports are approved will continue to receive all state funding.

The full Directive is attached.

March 19, 2020- 2:23pm Lance Melton

We do recommend a board-adopted declaration of unforeseen emergency. In the unlikely event that the Governor does not approve a plan, that adoption will reduce the penalty for missing aggregate hours of instruction from 2x to 1 day free and proportional reductions in funding.

We also recommend adoption of proficiency, for the reason you have stated and because it is authorized by current law and takes much of the pressure off missing aggregate hours of Instruction.

OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR



MIKE COONEY
LT. GOVERNOR

TO: Montanans; all officers and agencies of the State of Montana
FROM: Governor Steve Bullock
DATE: March 19, 2020
RE: Directive Implementing Executive Orders 2-2020 and 3-2020 and providing additional direction related to school closures

Executive Orders 2-2020 and 3-2020 declare that a state of emergency exists in Montana due to the global outbreak of COVID-19 Novel Coronavirus. On March 15, 2020, I issued a Directive pursuant to these executive orders directing the closure of all non-residential public schools in Montana through March 27, 2020, and providing that all eligible schools will continue to receive all state payments.

This Directive provides additional guidance related to school closures, planning by schools and school districts in the event of future closure, the provision of services to students during closure, and state funding for schools.

In accordance with the authority vested in me under the Constitution, Article VI, Sections 4 and 13, and the laws of the State of Montana, Title 10, Chapter 3 and Title 50, Chapter 1, MCA, and other applicable provisions of the Constitution and Montana Law, I hereby direct the following measures be in place in the State of Montana effective immediately:

- Requirements for pupil instruction time through March 27 are waived. Districts will continue to receive all state payments during this period as budgeted and appropriated by the Montana legislature.
- Districts are expected to use this two-week period to plan and implement ways to provide students with (1) quality public education through remote learning, (2) school meals, (3) services to students with disabilities, (4) other services customarily provided to students in school, in the event there are school closures beyond March 27.
 - Districts are not required to provide pupil-instruction time during these two weeks through remote learning, though, where possible, it is strongly encouraged.
- In the event there are closures beyond March 27 pursuant to a gubernatorial directive, a district will not be required to reschedule in-person pupil-instruction time lost because of the closure if the board of trustees for the district approves the district's plan/report that it has made up the lost pupil-instruction time through remote learning, provided for meals for students, provided for services to students with disabilities, and provided other services customarily provided to students in school.
 - Districts will present an initial plan to the board of trustees for the district (school board) for approval, followed by periodic reports on implementation for approval as well, at intervals to be determined by the school board.

- Waiver of required in-person pupil-instruction hours is subject to the final approval of the Governor, in consultation with the Superintendent of Public Instruction, consistent with § 10-3-104, MCA and other applicable provisions of law. Presumptively, the Governor will approve waiver requests that are approved by school boards.
- Districts whose plans/reports are approved will continue to receive all state funding.
- If a district's plan/report is not approved, then it will be required to reschedule the pupil-instruction time lost. State funding associated with additional necessary time will be financed through federal stimulus funds, if available, or through a supplemental appropriation in House Bill 3 during the 2021 legislative session.
- During the two-week period of closure through March 27, the education community will also survey districts to determine the status of planning efforts and as well as the extent to which schools are already providing remote learning, meals, services for students with disabilities, and other services customarily provided to students in school.

Authorities: Section 10-3-104, MCA; §§ 50-1-202, -203, and -204, MCA; 37 A.G. Op. 132 (1978); Executive Orders 2-2020 and 3-2020; Montana Constitution, Art. VI, Sections 4 and 13; §§ 10-3-103, -302, and -305, MCA; and all other applicable provisions of state and federal law.

Limitations

- This Directive is effective immediately and expires at the end of the declared state of emergency in Executive Orders 2-2020 and 3-2020.
- This Directive shall be implemented consistent with applicable law and subject to the availability of appropriations.
- This Directive is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the State of Montana, its departments, agencies, or entities, its officers, employees, or agents, or any other person.