

## **BOARD OF TRUSTEES SPECIAL MEETING FEBRUARY 15, 2021 – 6:00 P.M.**

The special meeting was called to address issues resulting from the February 10<sup>th</sup> FBMS water damage, Governor Gianforte’s recent lifting of the mask mandate, and changing the March regular board meeting date.

The meeting was held electronically with trustees participating in person at the CHS library and the meeting open to the public via Zoom as a precaution due to COVID-19 and published with the meeting notice.

**BOARD MEMBER ATTENDANCE:** Tanya Bradley, Brent Burton, Bruce Brown, Steve Becker, DeeAnne Egan

**GUESTS/STAFF:** see Zoom attendance list (attached)

Superintendent Bob Lewandowski and District Clerk Joanne Schrupp were present for the proceedings.

Chairman Tanya Bradley called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance. Tyler Bush was introduced.

*Call to Order*

### **CORRESPONDENCE:**

A thank you note was read from Brandy Charette.

*Correspondence*

### **PUBLIC PARTICIPATION:**

Cindy Wier asked permission to use the cheer fund for the Divisional tournament hotel rooms. She was directed to go through the appropriate chain of command for activities.

*Public Participation*

### **NEW BUSINESS:** (exhibits attached)

Superintendent Lewandowski gave a rundown of the FBMS water incident. He reported at 6:30 a.m. on February 10<sup>th</sup> he was notified that FBMS was without power and the basement where the Central Administrative Offices are located was flooded. The main electrical panels were submerged under water. The entire District was also without phone and internet services as FBMS is the point of distribution. Middle school classes were canceled for the day and those students bused home. An external generator was brought in to provide partial power to the building. Water was pumped out one truckload at a time. Electrical panels would take days to dry out.

*New Business:  
FBMS water event*

A contingency plan was developed. Thursday, February 11<sup>th</sup>, became a remote learning day for middle school students. Middle school faculty were assigned rooms at CHS to prepare for face-to-face learning on Monday, February 15<sup>th</sup>. Friday the 12<sup>th</sup> was a PDW day on the school calendar allowing staff time to prepare the rooms. Mr. Lewandowski detailed transportation, lunch, and instructional day changes to the trustees. FBMS Principal O’Toole said today went very well.

The middle school will remain at CHS until FBMS has power and heat. Electricity is back up at FBMS as of today but reliability of switches is still a concern as is access. Fans are

still spread out on the main floor of FBMS. CHS had a water break this morning in the sewing room which was caught early and taken care of; might be an issue from last year's water main break. Thanks to CEI crews and the CPS maintenance department for their efforts. Thanks to the CHS administration and staff for preparing for and welcoming FBMS. The Board extended its thanks to everyone for their patience and flexibility.

The District's central business offices are operating out of multiple locations currently. The plan is to consolidate those employees at CHS temporarily. Phones are not available or are being shared. Bob Lewandowski reached out to Tyler Bush for creating business office space with an eye to a permanent solution. Tyler reviewed some options requiring minimal work. A relocatable is also an option. The priority is to keep the staff together. There are still concerns about privacy for the Superintendent, access to the nurse's office, cramped spaces, and where other staff will fit long term.

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Governor Gianforte announced on February 10<sup>th</sup> that the mask directive would be lifted on Friday, February 12<sup>th</sup>. He noted in lifting the mandate that local jurisdictions may still implement local mask mandates. This change in mask status requires follow-up action by the Board to address policy language and MOU's.

*State-wide mask  
mandate lifted:  
discussion of  
follow-up action  
needed*

Tanya Bradley read a concern from the principal of Fair-Mont-Egan to Lance Melton, MTSBA E.D. about the difficult situation this dissolution has put schools in. Tanya spoke by phone with Mr. Melton on Friday the 12<sup>th</sup>. No matter what, schools may face litigation. Mrs. Bradley emphasized the school district is not making a decision right now. MTSBA has provided guidance and options.

A COVID survey was sent from the Superintendent to staff to gather their input but not to community, parents, or students. Some trustees felt it was too limited in scope; it was meant to gather information from those affected by the mandate directly. Trustees were reminded the CDC still recommends masks in public settings for all people over the age of two where 6' social distancing is difficult to maintain and the MOA's signed in August with CCA and CFA are still in effect. Frontline workers, including educational staff, were originally placed in 1B for receiving the COVID vaccine but now have been moved to 1C.

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Policy 1905 *Student, Staff, and Community Health and Safety* states "Staff and students shall wear a mask while present in any school building. The School District requires the use of masks and will provide masks if needed. This mandate will continue until redirected by the Montana Governor's Office." That mandate was lifted by the new governor on January 11<sup>th</sup>. Currently, the District has MOU's in place with CFA and CCA which require face coverings. Kris Goss, MTSBA attorney, was asked for an opinion about the MOU's in light of the current situation. He explained the Classified MOU is still binding and employees expected to comply and use face coverings as specified. It would require renegotiation with CCA to avoid an unfair labor practice complaint and possible legal ramifications besides. The estimated cost is approximately \$50,000 in legal fees if it goes to a hearing. If students are allowed to come to school and remove masks there could be a grievance; it would be a potential change in working conditions issue. The

*Policy 1905  
discussion*

Certified MOU refers to and is reliant on District policy. After he reviewed the updated 1905 policy, Option 3 would delete “This mandate will continue until redirected by the Montana Governor’s Office.” in Policy 1905.

Both unions have stated their desire to maintain the language in the current MOU’s. Mr. Lewandowski said the short notice given districts by the Governor’s office made this transition difficult at best. The unions have given notice to the District.

There were numerous comments and, at times, heated discussion and disagreement verging on argument by trustees, staff, and community members. Emotions and opinions are strong on this issue. Chairman Bradley directed everyone to keep comments short and to the point.

Superintendent Lewandowski advised sitting down with CFA and CCA before making a decision. Trustees engaged in lengthy discussion and expressed strong opinions regarding the need to negotiate the changes in working conditions and the masking issue. The District Clerk read aloud the CFA Memorandum of Understanding. Mr. Lewandowski highlighted the portion in Item #4 which provides the latitude cited by attorney Kris Goss. The CCA MOU is the issue here and the Board should negotiate with CCA. It was suggested the agenda item be tabled.

DeeAnne Egan moved that students shall be exempted from wearing face shields/masks while present in any school building, or bus, or on any school grounds. Chairman Tanya Bradley seconded the motion. Discussion on the motion included concerns about buses traveling on the Northern Cheyenne reservation where masks are still required. Superintendent Lewandowski once again advised acting hastily would invite an unfair labor practice. It was also noted Governor Gianforte recommended mask wearing where social distancing was not possible. The vote was called. Bruce Brown, Steve Becker, and Brent Burton voted nay with DeeAnne Egan and Tanya Bradley voting aye. The motion failed.

*Motion to exempt students from wearing face coverings*

*Motion failed*

Brent Burton moved to table the decision on Policy 1905 and reconvene Thursday evening upon receiving further legal guidance. Steve Becker seconded the motion. When asked, Bob Lewandowski said the District would continue to follow its practice. Chairman Bradley reminded everyone to be respectful and grace-filled as we figure this out. The vote was called with all trustees voting in favor of the motion.

*Motion to table Policy 1905*

*Motion passed*

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The MHSA Executive Board addressed the lifting of the mask mandate in a correspondence dated February 12, 2021. Chairman Bradley read MHSA E.D. Mark Beckman’s letter. Activities Director Robin Nansel said the 3B has voted to uphold the tournament guidelines as approved so masks will be required during the tournament. The 3B is the governing body for the District basketball tournament. MHSA is the governing body for Divisional and State tournaments. She explained that CHS is the host school, essentially renting its facility to the 3B but the 3B is in charge of the actual tournament and established the rules for it. Bob Lewandowski noted this has been a question in the past on how much say the host school has over the tournament. He would like something in writing from the 3B committee. Dan Valdez expressed concern

*MHSA/District 3B Tournament masking requirement*

there was a rush to make a decision and encouraged the Board to take its time to figure things out in a reasonable amount of time.

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Steve Becker moved the Colstrip Board of Trustees approve moving the regular March Board meeting from March 8<sup>th</sup> to March 15<sup>th</sup> at 6:00 p.m. DeeAnne Egan seconded the motion which passed unanimous.

*Motion passed  
moving March 8  
regular meeting to  
March 15*

There being no other business before the Board, the meeting adjourned at 7:41 p.m.

*Adjourn*

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District Clerk

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Chair, Board of Trustees

March 15, 2021 Approval Date