

LYME CENTRAL SCHOOL DISTRICT
BOARD OF EDUCATION
SPECIAL MEETING – JL BOCES RESOLUTION
Minutes
March 16, 2020 - 4:30 p.m.
Lyme Central School Library

Call to Order by Deanna Lorthrop, Board of Education President, at 4:38 PM

Pledge of Allegiance

MEMBERS PRESENT:

Deanna Lothrop, President
Kathy Gardner
Ray McIntosh
Scott Rickett
Terry Countryman
Sherri Wilson, Board Clerk

MEMBERS EXCUSED:

Jon LaFontaine
Lynn Reichert

ADMINISTRATORS PRESENT:

Cammy Morrison, Superintendent

SPECIAL MEETING:

1. Board Action:

BE IT RESOLVED, the Lyme Central School District takes action to approve, by roll call vote, the following resolution being set forth through Jefferson-Lewis-Hamilton-Herkimer-Oneida BOCES in respect to the New York State declared disaster emergency, and the emergency closure of the respective component school districts pursuant to the outbreak of the COVID-19 virus:

WHEREAS, on March 7, 2020, the Governor of the State of New York signed Executive Order 202, wherein the Governor declared a disaster emergency in the State of New York with respect to the outbreak of the COVID-19 virus;

WHEREAS, on March 12, 2020, the Governor of the State of New York signed Executive Order 202.1, whereby the Governor amended Order 201 to include the following as it relates to school districts 180 days of required attendance for state aide purposes as public meetings as follows:

1. Suspension of Education Law 3604(7), to allow the Commissioner of Education to disregard such reduction in the apportionment of public money due to a failure by a school to meet the instructional requirements proscribed within this section due to the properly executed declaration of a local state of emergency as defined within sub-section (i), a school is directed to close by a state or local health official or following a properly executed declaration of a state of emergency as defined within sub-section (i), limited to the extent that those specified schools are unable to make up missed instructional days.
2. Suspension of Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed.

WHEREAS, on March 14, 2020, the Governor of the State of New York signed Executive Order 202.2 whereby the Governor amended Order 201 to require any school district which is closing pursuant to a local state of emergency declared as a result of COVID-19, that such school district shall be required to first consult with the local department of health and to exhaust any available time, including snow days and vacation days, as part of such closure in relation to the 180 days of attendance requirement for purposes of state aid.

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WHEREAS, on March 14, 2020, the Counties of Jefferson and Lewis declared a state of emergency in their respective jurisdiction after consultation with the local County Health Department per the requirements of Governor Cuomo’s Executive Order 201, *et seq*;

WHEREAS, the School District is now directed and hereby is closed pursuant to the declared states of emergency by both the County and the State of New York consistent with Executive Order 201, *et seq.*, and shall remain closed to student from Monday, March 16, 2020, through Sunday, April 19, 2020, with a tentative reopening for the attendance of students scheduled for Monday, April 20, 2020.

FOR UNION FREE/CENTRAL/ACADEMY SCHOOLS

WHEREAS, New York State Education Law §1709(16) states that the Board of Education has the authority as it relates to the payment of employee’s wages and salaries to contract with and employ such persons as qualified teachers and other staff of the District, to determine the number of teachers to be employed in the several departments and at the time of such employment, to make and deliver to each teacher a written contract; and employ such persons as may be necessary to supervise, organize, conduct the District’s business; and to adopt rules and regulations governing the excusing of absences of all teachers and other employees and for the granting of leaves of absence to such employees either with or without pay;

NOW THEREFORE, the Board of Education, upon the recommendation of the Superintendent of Schools, hereby approves and declares as follows:

1. Pursuant to the powers vested in the Board of Education, and in accordance with the declared state of Emergency by both the County and the State of New York, and in accordance with Governor Cuomo’s Executive Order 202, *et seq.*, the Board of Education hereby declares and directs that the during the period of emergency closure from March 16, 2020, through April 20, 2020, all employees of the District will continue to be paid their regular salary and/or contract hours pursuant to such employees regular contract appointments and salary or hourly wage, as the case maybe;
2. **AND FURTHER**, Superintendent of Schools shall determine at the Superintendent’s discretion which employees are essential employees and/or which job functions are essential job functions such that the District may require such employees to report to work as necessary to carry out any critical and necessary functions of the District during the period of emergency closure for the service of the students of the District, subject to the requirements of this resolution;
3. **AND FURTHER**, that during the period of closure, where the Superintendent of Schools finds that the absence of any employee from their jobs and/or duties with the District, including such employees deemed by the Superintendent to be essential employees performing essential job functions, is a direct result of the existing declared emergency due to COVID-19, such employee’s absence shall be considered an excused absence with pay subject to the Superintendent’s determination and judgment;
4. **AND FURTHER**, that the Superintendent of Schools shall have the authority to determine which employees in the District are not essential employees whose physical presence in required in the District to perform job related duties and functions, and to excuse such employees from physical attendance with such excused absence being absence with pay, provided, that such employees are available during their normal work hours on normal work days during this period of closure to consult by telephone or other electronic means and to provide support to the District and the students of the District as directed by the Superintendent;
5. **AND FURTHER**, the Board of Education shall consider any absences with pay during this period of emergency closure to be paid service in the District subject to the final determination any applicable New York State administrative agency and/or the requirements of New York State Law;
6. **AND FURTHER**, the Superintendent of Schools is authorized to consult with any and all of the District’s unions for the implementation of this resolution, including where in the Superintendent’s judgment the Superintendent

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deems it necessary and appropriate to execute any memorandum of agreements concerning the terms of declared emergency as described herein;

Board Members	Vote
Deanna Lothrop, President	Yes
Lynn Reichert, Vice President	Absent
Terry Countryman, Member	Yes
Kathy Gardner, Member	Yes
Jon LaFontaine, Member	Absent
Scott Rickett, Member	Yes
Ray McIntosh, Member	Yes

Motion for approval by Ray McIntosh, seconded by Kathy Gardner, with motion approved 5 - 0.

Motion for Adjournment:

There being no further business or discussion, a motion is requested adjourn the regular meeting.

Motion for approval by Kathy Gardner, seconded by Ray McIntosh, with motion approved 5 - 0. Time adjourned: 5:13 p.m.

Respectfully submitted:

Sherri Wilson - District Clerk

- Supporting documents may be found in supplemental file dated, March 16, 2020
- All minutes are unofficial until approved by the Board of Education