

PATHWAYS CHARTER SCHOOL  
BOARD OF DIRECTORS MEETING  
April 8th, 2020 – Call to Order: 5:30 PM  
Special Meeting Board PACKET

**NOTE:** Governor Newsom's Executive Order modified the provisions of the Brown Act during this health emergency to allow all board members to telecommute. The public may also request a meeting invitation.

This meeting will be broadcast via Zoom. Persons interested in attending this meeting remotely should contact Sara Jordan at sara.jordan@pathwayscharter.org for an invitation. Pathways Charter School Board of Directors meetings are open to the public, except for certain subjects that are addressed in closed executive session in accordance with the Brown Act. If any member of the public wishes to attend and requires special accommodations due to conditions outlined in the Americans with Disabilities Act, please contact the School Director at least 24 hours prior to the meeting.

#### **Board Goals**

**Goal #1:** The Board will work collaboratively with the Executive Director to review and revise, as needed, Board policies and operational procedures.

**Goal #2:** The Board will work with the Executive Director and Charter Impact Services to develop and monitor a fiscally sound budget for the school year.

**Goal #3:** The Board will support the administration and teachers in working to promote academic accountability among all students enrolled in Pathways Charter School.

**Goal #4:** The Board will promote a positive culture through effective communication in order to build strong relationships between and among all levels of the school community.

**Goal #5:** The Board will continue to develop and encourage a culture of professional learning at all levels of the school community.

#### **1.0 Call to Order**

#### **2.0 Roll Call**

#### **3.0 Approval of the Agenda**

#### **4.0 Comments From The Audience**

*Visitors are allowed to address the Board for up to three (3) minutes on items not on the agenda for a total of 20 minutes per topic. With Board consent, the President may increase or decrease the time allowed for public comment. The Board does not respond or take action on these comments.*

#### **5.0 Reports and Correspondence**

##### **5.1 Executive Director's Report**

#### **6.0 Consent Items**

*Consent items are routine, non-controversial agenda items that will be approved or rejected as a whole, without extensive discussion or debate.*

6.1 Approval of Minutes from special meeting on 3.19.20

## **7.0 Information, Correspondence, Discussion, Action**

7.1 Covid19 response and update

## **8.0 Action Items**

**8.1** Approval of Board Resolution 2020-02 regarding consideration of fiscal impacts of changing school attendance status to closed for the remainder of the 20219-20 school year.

**8.2** Approval of Families First Coronavirus Response Act Policy

## **9.0 Closed Session**

Personnel: Discipline/Dismissal/Release

## **10.0 Report From Closed Session**

## **11.0 Adjournment**

## 5.0 Reports

Director's Report, Sara Jordan

April, 2019

### Oral report to be given on the following topics:

- Staff
  - Remote working
  - Morale
  - Trainings
  - Online classes and meetings
- Testing:
  - CAASPP and ELPAC suspended
  - Renaissance will be held remotely
- Audit:
  - Still in process electronically, so far so good
  - IS documentation passed all tests.
- Fiscal:
  - Early projections about spring fiscal impacts (funding rate cut? deferrals)?
  - PCS applying for CARE program
  - Projections about state funding for 2020-21
  - Finance meeting on April 9th
  - Draft budget for board on 4/15

## 6.0 Consent Items

### 6.1 Minutes from Special Meeting on March 19th 2020

PATHWAYS CHARTER SCHOOL  
BOARD OF DIRECTORS MEETING  
**March 19th, 2020 – Special Meeting, 5:30PM**  
**Minutes: Michele Blaisdell**

**NOTE:** Governor Newsom's Executive Order modified the provisions of the Brown Act during this health emergency to allow all board members to telecommute. The public may also request a meeting invitation.

This meeting will be broadcast via WebEx from Rohnert Park. Persons interested in attending this meeting remotely should contact Sara Jordan at sara.jordan@pathwayscharter.org for a WebEx invitation.

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#### **1.0 Call to Order**

Ken calls the meeting to **order 5:35PM**

Roll call: Ken M, Kon C, Roscoe, Michele, Michael, Jill, Naomi, Ken, Sara, Chery, AnnMarie Carolyn

## **2.0 Roll Call**

## **3.0 Approval of the Agenda**

Approve agenda:

Move: Kon

2nd: Ken

Ayes: Ken, Kon, Michael

## **4.0 Comments From The Audience**

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NONE

## **5.0 Reports and Correspondence**

### **5.1 Executive Director's Report**

Staff are amazing with this quick move to online instruction.

Held in-service on Monday 3/16 vs originally scheduled Friday 3/20

In-service online with regional staff meetings in their locations (plus a few online from home).

IS audit scheduled for Tuesday 3/24 still on, but has been moved to online. All staff helped to pull requested files together, scanned, emailed.

Promises of vague executive order from Governor re funding for schools but nothing clear now.

## **6.0 Consent Items**

*Consent items are routine, non-controversial agenda items that will be approved or rejected as a whole, without extensive discussion or debate.*

6.1 none

## **7.0 Information, Correspondence, Discussion, Action**

### **7.1 Covid19 response and update**

See Resolution and Commentary in Board Packet:

Complicated moving sea of information re school closures, funding, etc., department of ed having a hard time staying in front of statements and orders from Governor and President.

Waivers to Brown Act meeting requirements. Some suggestions/orders have been then acted on by state legislators. Unclear what online or distance instruction authorizations will mean for services, including sped services. Not all schools are as well-positioned as we are to shift

services online, both re students and staff obligations. For example, some schools consider not offering any distance learning for gen ed students so not then obligated to provide the same comprehensive service to sped students. Unclear adjustments re pay and sick leave for staff.

All PCS counties are on shelter-in-place orders until April 7, for now.

However, schools are still considered essential services, and we need to define what that means for us. Sara continues to develop with admin and other staff.

Sara will be attending an online webinar with YM&C specifically targeted at non-classroom-based schools like PCS.

Gov. Newsom predicting long-term school closures, so need to consider impact, esp. re high school students, credits, graduation. Probable that graduation will be cancelled so considering distance alternatives.

Working on immediate needs first and will then address longer-term needs as they arrive.

Roscoe asks for unusual services to staff (food, cleaning). Sara responds that school staff are considered disaster relief workers and may be assigned to do duties that may fall outside of their usual work practices as deemed necessary by the school. For now, big cleaning is expected to take place by outside janitorial staff; however, salaried staff are required to perform additional duties as needed. Right now, additional tasks are being handled by admin and some classified. Even if staff members are on site together, it's very few and maintaining social distance.

Ken re food access: how many students need food? Sara: we have students who are eligible but very few have taken it. We do have students with food insecurity and we want to be able to offer and provide. Economic impacts may affect our future enrollment if people need to move. And it's incumbent upon us to do what we can for our students and community.

## **8.0 Action Items**

### **8.1 Approval of Board Resolution 2020-01 Concerning Measures to Address the Organizational and Educational Impacts of the Covid-19 Virus and associated Admin Regs on Staff Work Practices Under Emergency Declarations**

Sara recommends that the Board adopt the model resolution offered by legal to have flexibility re addressing changing needs. Practices and regulations will need to keep shifting, and adopting settled policies will be cumbersome and not allow ED to respond quickly.

Offer more frequent updates to Board or more frequent Board meetings to keep in the loop.

Sara asks that the Board define "close school" in the resolution template offered by legal.

Comments by board members in agreement to following Sara's recommendations re to separate and pass resolution: Roscoen, Ken, Michael, Kon.

Carolyn was muted or disconnected but returned.

Discussion re

1) define "closure" as meaning "no instruction provided" (vs move to online only)

3) "waive policy or procedure" gives broad discretion re policies (but not re financial)

4 and 5) ed code

6) probably won't apply so much to us since most of the staff can replicate duties online. Ken asks re equitable staff requirements e.g., re cleaning. Tasks would most likely fall to staff with

those usual duties, like returning after summer closure. Can't anticipate what else might be required. All staff HAVE been asked to replicate a version of their usual learning center classes online.

Ken comments (and Sara concurs) we are in a much better situation to serve students online than traditional site-based. Since we've faced fire closures and now pandemic in the same year. We need to consider what this means re our services long-term.

9) this could happen for PCS staff because all are "unrepresented" (but not really a change for us given our at-will contracts

10) same re contractors (like Barry)

12) re ADA funding

13) we already are IS but this mentions virtual as well

21) authority to exceed \$10K cap re spending that requires board approval. (Of course, Sara can't control reduction in funds by state but she can't make new expenditures that put us below 3% reserve.)

Separate Board Resolution 1 re COVID-19 from Admin Regulations

### **Ken moves approve resolution**

**Roscoe 2nds**

**Ayes: Ken, Kon, Rose, Carolyn, Mike**

Reviewed Admin Regs

Considered at most recent regular Board meeting but Sara would like to update after legal update on Friday 3/20

Most unusual element is probably working with classified staff work from home waiver which they've signed. So far all staff are clearly communicating with supervisors and continuing to work. They also have an extensive list of online training to tackle if unable to address work specific tasks during hours on the clock.

Chart with task-related onsite presence somewhat obsolete because we had to move into shelter-in-place practices immediately.

**8.2 Approval of change the 2019-20 School Calendar: Change non-instructional day/staff inservice from March 20th to March 16th, 2020.**

Approval of change to 2019-20 calendar to address change in inservice/non-attendance day:

**Roscoe moves to approve**

**Mike 2nds**

**Ayes Ken, Kon, rosco, Carolyn, Michael**

### **9.0 Adjournment**

Ken calls adjournment at 6:27PM

## PATHWAYS CHARTER SCHOOL BOARD

### **TOPIC/AGENDA ITEM: 7.1 Covid19 response and update**

#### ISSUES INVOLVED/FISCAL IMPLICATIONS (IF ANY):

The Board will monitor the health and safety of students and staff.

#### EXECUTIVE DIRECTOR'S RECOMMENDATION:

The Covid-19 crisis presents significant challenges and daily bombardment of new guidelines and information. The Director will highlight the key updates from the past two weeks:

- Shelter in place orders extended until sometime between April 30th and May 3rd (varies by county)
- New County order lists schools as essential:

*13p. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained*

- CDE and Governor announced that “school is out, but classes are in (online)” through the end of the school year.
- Pathways teachers have set up online class meetings in Zoom or Google Hangout Meets through the week of May 29th.
- Teachers continue to hold meetings virtually with IS students.
- Special Education services continue virtually.
- We are holding regular staff meetings and trainings online
- Family Distribution days will phase out by April 17th.
- After April 17th only limited site access for essential tasks.
- All sites will have deep clean completed before re-opening.
- Hopefully staff can return to sites in June.
- Director is in regular communication with local community agencies
- Pathways has updated our academic expectations to hold harmless students and ensure high school students have at least the grade they had at the spring progress report window.
- Graduation events will be moved to virtual formats.

## PATHWAYS CHARTER SCHOOL BOARD

**TOPIC/AGENDA ITEM: 8.1 Approval of Board Resolution 2020-02 regarding consideration of fiscal impacts of changing school attendance status to closed for the remainder of the 20219-20 school year.**

### ISSUES INVOLVED/FISCAL IMPLICATIONS (IF ANY):

The Board will monitor the health and safety of students and staff as well as the fiscal solvency of the school.

### EXECUTIVE DIRECTOR'S RECOMMENDATION:

As you have learned from my recent emails, the Board needs to decide if Pathways should move to the status of "closed for attendance accounting purposes. This decision has no impact on educational delivery or expectations of staff, it is simply an accounting designation which determines our state attendance funding model.

This "closed" status is an exception to the traditional funding formula which Governor Newsom promised schools due to the Coronavirus crisis. This "funding guarantee" is further outlined in the provisions of SB 117. To be "closed" is an official status and means that we will no longer record and collect attendance, but instead will receive our apportionment based on ADA from 7/1/19-2/29/20. We have calculated our ADA through month 8 (2/29) and it is 392 which is approximately 2 ADA higher than our budget. Because of this, I believe it is in the school's best interest to "close" and lock in this funding rate. I have conferred with admin, Matthew at Harmony and Jim at Charter Impact and we all agree. This definition of closed is really a technical definition related to how we receive our funding from the state and **does not change how we work with staff or students or how we direct staff for the remainder of the year**. The "closure" also allows us to access other benefits available to schools in SB 117 including waiver of state testing, extended IEP timelines etc.

Our biggest concern about "closing" is that it could send the wrong message to families and detour enrollment or the wrong message to staff about their work expectations. Admin is carefully using the word closure to relate to learning centers and talking about "moving and staying" online this spring. We will continue to offer online classes,

meetings and IEP services. We will continue to pay staff who are ready and able to work in full. Therefore we are trying to avoid talking about “closing” because it is misleading.

**I am requesting that the Board adopt this resolution to change our status to closed in the resolution which follows.**

| <b>Pro</b>   |
|--|
| <ul style="list-style-type: none"><li>● Stabilize funding at 392+ which is above projected 390.</li><li>● Guidelines for IS compliance paperwork are lighter for LP5 and LP6</li><li>● State testing waiver definitely applies to closed schools.</li><li>● Allows us to access extended IEP timelines</li><li>● More flexibility in how we define “educational opportunities” if we needed to decrease service due to staffing shortage with staff on leave etc.</li><li>● ALL traditional schools and most charters have moved to this model</li></ul> |
| <b>Con</b>   |
| <ul style="list-style-type: none"><li>● Potentially confusing to families. However the wording of “closing” is now being used more broadly in the media.</li><li>● Potentially confusing message to staff about work expectations as staff will still be paid.</li><li>● Needs board approval</li></ul>  |

## Pathways Charter School Board of Directors Resolution #2019-2020- 02

WHEREAS, Pathways Charter School Board of Directors operates learning centers in Sonoma, Marin, Napa and Solano counties (collectively “Pathways Charter School”);

WHEREAS, the safety and well-being of all students, staff, parents and stakeholders of the schools operated by Pathways Charter School is paramount; and

WHEREAS, in December 2019, an outbreak of respiratory illness due to a coronavirus now known as COVID-19 was first identified in Wuhan City, China and has since spread to more than 75 countries, including the United States; and

WHEREAS, on March 4, 2020 the Governor of the State of California declared an emergency statewide relating to COVID-19 and has directed state agencies to provide updated and specific guidance to schools; and

WHEREAS, SB 117 authorized by Governor Newsom and the State legislature allows schools the option of changing their status to closed in order to use attendance accounting through the last full school month ending prior to 2/29/2002 in order to stabilize school budgets,

WHEREAS, Pathways Charter School has been monitoring advice provided by the California Department of Education (“CDE”), the CDC, and the State and County health departments; and

WHEREAS, there are **numerous legal and organizational impacts** to decisions made in response to the COVID-19 virus and strict adherence to provisions in existing school policies and/or procedures of the Pathways Charter School might prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of COVID-19;

***NOW THEREFORE BE IT RESOLVED THAT THE Board of Directors of Pathways Charter School directs the following:***

***That the Director of Pathways Charter complete the necessary forms and procedures to officially change the status of Pathways Charter School to closed, for the purposes of attendance accounting and funding.***

## PATHWAYS CHARTER SCHOOL BOARD

**TOPIC/AGENDA ITEM:** 8.2 Approval of Families First Coronavirus Response Act Policy

### ISSUES INVOLVED/FISCAL IMPLICATIONS (IF ANY):

The Board will monitor the health and safety of students and staff and approves new policies.

### EXECUTIVE DIRECTOR'S RECOMMENDATION:

This is a model policy prepared by legal which outlines the requirements of the federal law Families First Coronavirus Act. The Director requests that the Board adopt this policy.

## **Pathways Charter School**

### **Families First Coronavirus Response Act Policy**

This policy shall describe the School's compliance with the Families First Coronavirus Response Act (FFCRA), which requires the School to offer emergency paid sick leave to all employees and emergency Family and Medical Leave Act ("FMLA") leave to eligible employees during the ongoing public health emergency caused by the coronavirus ("COVID-19").

#### **Emergency Paid Sick Leave**

All full-time employees shall receive eighty (80) hours of emergency paid sick leave. Part-time employees shall receive paid sick leave equal to the number of hours the employee works, on average, over a two (2) week period. For part-time employees with varying schedules, the employee shall receive paid sick leave equal to their average hours worked over the six (6) months before the leave, or if the employee has worked less than six (6) months, the average hours they would normally be scheduled to work over a two (2) week period. All employee shall have full access to emergency paid sick leave immediately and there is no wait time to use it.

#### Emergency Qualifying Purposes

Emergency paid sick leave may be used by employees for the following qualifying purposes provided the employee is unable to work or telework:

- 1) The employee is subject to a quarantine or isolation order related to COVID-19;
- 2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
- 3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- 4) The employee is caring for an individual who is subject to an order of quarantine or isolation or who has been advised to self-quarantine;
- 5) The employee is caring for a son or daughter due to the closure of their son or daughter's school or child care provider; and
- 6) The employee is experiencing any substantially similar condition specified by the Secretary of Health and Human Services.

#### Calculation of Pay

Employees shall be paid up to 100% of their regular pay when leave is for the qualifying purposes enumerated in (1)-(3) above, capped at \$511 per day, for a maximum of \$5,110 per employee. Alternately, employees shall be paid up to two-thirds (2/3) of their regular pay for use of leave for the qualifying purposes enumerated in (4)-(6) above, capped at \$200 per day, for a maximum of \$2,000 per employee. Employees may contact the School for specific information regarding the pay rates applicable during their leave.

### Limitations

Employees must use emergency paid sick leave in full day increments. Employees have the choice of using emergency paid sick leave or another accrued leave, such as paid sick leave previously provided by the School, when such leave is used for a qualifying purpose.

Emergency paid sick leave does not carry over from year to year and does not pay out of the end of employment. Any unused emergency paid sick leave automatically expires on December 31, 2020 and no further emergency paid sick leave shall be provided or may be used.

If an employee is absent longer than three (3) days due to illness or self-quarantine directed by a health care provider, medical evidence of their illness/ quarantine order and/or medical certification of their fitness to return to work satisfactory to the School may be required. The School will not tolerate abuse or misuse of the emergency sick leave policy. If the School suspects abuse of emergency paid sick leave, the School may require a medical certification from an employee verifying the employee's absence.

Once an employee has exhausted all accrued leaves, the employee may continue on an unpaid leave depending upon the facts and circumstances of the need for leave. Employee requests for unpaid medical or family leave must be approved in advance by the School.

### Anti-retaliation

No employee shall be retaliated against for the use of emergency paid sick leave in compliance with this policy.

### **Emergency Family and Medical Leave Act Pay**

Employees who have been employed by the School for at least thirty (30) days shall be eligible for up to twelve (12) weeks of emergency FMLA leave when such leave is taken for a qualifying purpose. Leave under this section is available to both part-time and full-time employees.

### Emergency Qualifying Purposes

Emergency FMLA leave is available to employees who are unable to work or telework due to a need to care for their minor son or daughter if:

- 1) The child's school or place of care has been closed; or
- 2) The childcare provider is unavailable due to a public health emergency.

### Pay During Leave

The first two (2) weeks (10 working days) of emergency FMLA leave are unpaid. Employees may elect to use their accrued unused leave during this time, including any emergency paid sick leave, California paid sick leave, or vacation leave, if applicable.

After the initial two (2) weeks, employees may receive paid leave for up to ten (10) weeks when such leave is taken for an emergency qualifying purpose. Pay shall be provided at two-thirds (2/3) of the employee's regular rate of pay, based on the number of hours the employee would otherwise normally be scheduled to work, up to \$200 per day, for a maximum of \$10,000 per employee. Pay for employees with variable hourly schedules is calculated based upon the average number of hours the employee was scheduled per day over the six (6) months prior to the leave. If the employee has worked for less than six (6) months, their pay is based upon the average number of hours they would normally be scheduled to work.

#### Limitations

Emergency FMLA leave may be used intermittently but in no smaller than one (1) full day increments. Employees may request leave by contacting a supervisor and providing documentation of the need for leave if possible.

This policy does not provide additional FMLA leave, and any leave used under this section is deducted from the employee's FMLA leave bank. Employees who have used FMLA leave during the prior twelve (12) months shall have such time deducted from their balance of emergency FMLA leave. Emergency FMLA leave automatically expires on December 31, 2020. This policy incorporates by reference the School's Kin Care and Medical Leave policy to the extent such policy is not inconsistent with the requirements outlined herein. Employees should review the School's Kin Care and Medical Leave policy for more information on FMLA leave.

#### Reinstatement

Employees will be returned to their same or a substantially similar job position when they return from emergency FMLA leave, subject to the "Limitations on Reinstatement" described in the School's Kin Care and Medical Leave Policy.

#### Anti-retaliation

No employee shall be retaliated against for the use of emergency FMLA in compliance with this policy.