

**Minutes of Special Meeting
The Board of Education
Gallup McKinley County Schools
September 8, 2020**

A Special meeting of the Board of Education of Gallup McKinley County Schools was held September 8, 2020, beginning at 1:00 PM in the Board Room of the Student Support Center, 640 Boardman, Gallup, NM 87301.

BOARD MEMBERS PRESENT:

Charles Long, President - absent
Christopher Mortensen, Vice President
Michael W. Schaaf, Secretary
Priscilla Manuelito, Member - absent
Kevin Mitchell, Member

GUESTS

Sgt Jeffery Quam
Larry Foster

STAFF MEMBERS PRESENT:

Mike Hyatt, Superintendent
Pauletta White, Assistant Superintendent of Student Services - excused
Jvanna Hanks, Assistant Superintendent of Business Services
Tim Bond, Assistant Superintendent of Support Services
Gerald Horacek, Assistant Superintendent of Curriculum and Instruction
Joan Nez, Recording Secretary

CALL TO ORDER – PLEDGE OF ALLEGIANCE - ROLL CALL

Chris Mortensen acted in the capacity of the president called the Board of Education meeting to order at 1:00 p.m. on Tuesday, September 8, 2020, in the boardroom of the Student Support Center, 640 Boardman, Gallup, New Mexico. (Three board members were present for roll call: Chris Mortensen, Michael Schaaf, and Kevin Mitchell)

APPROVAL OF AGENDA

Michael Schaaf move and Kevin Mitchell second for the agenda be approved removing the presentation of the harm to students when schools are not open for in-person learning per CDC. Upon roll call vote, motion carried unanimously. (Three board members present and voting: Kevin Mitchell-yes, Michael Schaaf-yes, and Chris Mortensen-yes)

PRESENTATION

- A. The harm to students when schools are not open for in-person learning per C.D.C. - Pulled

NEW BUSINESS

- A. Filing of federal appeals to seek denial of certification by USDOE to take impact aid funds –
DISCUSSION / ACTION

Michael Schaaf move and Kevin Mitchell second to approve the filing of federal appeals to seek denial of certification by USDOE to take impact aid funds as presented. Upon roll call vote, motion carried unanimously. (Three board members present and voting: Kevin Mitchell-yes, Michael Schaaf-yes, and Chris Mortensen-yes)

- B. Filing and continuing PPCs against MCFUSE at the PELRB – DISCUSSION / ACTION

Michael Schaaf move and Kevin Mitchell second to approve the filing and continuing PPCs against MCFUSE at the PELRB as presented. Upon roll call vote, motion carried unanimously. (Three board members present and voting: Kevin Mitchell-yes, Michael Schaaf-yes, and Chris Mortensen-yes)

- C. Filing legal action against the PED – DISCUSSION / ACTION

Michael Schaaf move and Kevin Mitchell second to approve the filing legal action against the PED as presented. Upon roll call vote, motion carried unanimously. (Three board members present and voting: Kevin Mitchell-yes, Michael Schaaf-yes, and Chris Mortensen-yes)

EXECUTIVE SESSION - The Board will meet in executive session for discussions and communications with legal counsel regarding the scope of legal authority of the PED with regard to guidance on reentry plans; discussion of potential litigation against PED to enjoin unlawful overreach by PED on the school reentry plans, including staffing of

same; discussion of appeal and federal cause of an action related to certification determination by USDOE to allow State to take impact aid credits against SEG distribution and discussion of prohibited practice complaints and potential complaints under the PEBA related to MCFUSE; and filing litigation against the PED for ultra vires action to illegally micromanage local school district to the detriment of duty of education to students in anticipation of litigation as permitted under Section 10-15-1 (H)(7) of the Open Meetings Act.

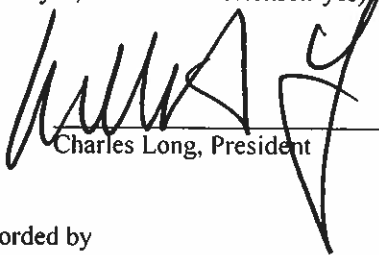
Michael Schaaf made the motion, Kevin Mitchell second to go into executive session for discussions and communications with legal counsel regarding the scope of legal authority of the PED with regard to guidance on reentry plans; discussion of potential litigation against PED to enjoin unlawful overreach by PED on the school reentry plans, including staffing of same; discussion of appeal and federal cause of an action related to certification determination by USDOE to allow State to take impact aid credits against SEG distribution and discussion of prohibited practice complaints and potential complaints under the PEBA related to MCFUSE; and filing litigation against the PED for ultra vires action to illegally micromanage local school district to the detriment of duty of education to students in anticipation of litigation as permitted under Section 10-15-1 (H)(7) of the Open Meetings Act at 1:02 p.m. on Tuesday, September 8, 2020. Upon roll call vote, motion carried unanimously. (Three board members present and voting: Kevin Mitchell-yes, Michael Schaaf-yes, and Chris Mortensen-yes)

Michael Schaaf made the motion, Kevin Mitchell second to reconvene the meeting from the executive session at 1:35 p.m. on Tuesday, September 8, 2020. Upon roll call vote, motion carried unanimously. (Three board members present and voting: Kevin Mitchell-yes, Michael Schaaf-yes, and Chris Mortensen-yes)

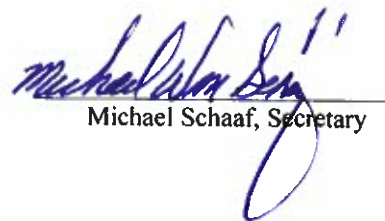
Michael Schaaf stated for the record the board met in executive session for discussions and communications with legal counsel regarding the scope of legal authority of the PED with regard to guidance on reentry plans; discussion of potential litigation against PED to enjoin unlawful overreach by PED on the school reentry plans, including staffing of same; discussion of appeal and federal cause of an action related to certification determination by USDOE to allow State to take impact aid credits against SEG distribution and discussion of prohibited practice complaints and potential complaints under the PEBA related to MCFUSE; and filing litigation against the PED for ultra vires action to illegally micromanage local school district to the detriment of duty of education to students in anticipation of litigation as permitted under Section 10-15-1 (H)(7) of the Open Meetings Act.

ADJOURN

There being no further business Michael Schaaf move and Kevin Mitchell second the meeting be adjourned. Upon roll call vote, motion carried unanimously. (Three board members present and voting: Kevin Mitchell-yes, Michael Schaaf-yes, and Chris Mortensen-yes) Meeting adjourned Tuesday, September 8, 2020, at 1:35 p.m.



Charles Long, President



Michael Schaaf, Secretary

Recorded by
Joan Nez
September 8, 2020