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.