

RESOLUTION NO. 21-01

RESOLUTION OF THE PASO ROBLES JOINT UNIFIED SCHOOL DISTRICT RESOLUTION TO REOPEN SCHOOLS, APPROVE THE DISTRICT'S REOPENING PLAN, AND DELEGATE EMERGENCY AUTHORITY DURING THE CORONAVIRUS/COVID-19 PANDEMIC

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a statewide emergency arising from the COVID-19 Pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared a national State of Emergency due to the outbreak and spread of COVID-19; and

WHEREAS, on March 13, 2020, Governor Gavin Newsom issued Executive Order N26-20. The Order provides that, if schools close to address COVID-19, the District will continue to receive state funding to support the District's programs and services specified in the Executive Order, including, but not limited to, providing distance learning or independent study to impacted students and to pay District employees; and

WHEREAS, on March 19, 2020, in response to the rapid spread of COVID-19 throughout California, Governor Gavin Newsom issued a statewide stay-at-home order to preserve the public health and safety; and

WHEREAS, both the California and United States remain in a current state of emergency resulting from the spread of COVID-19; and

WHEREAS, Article I, Section 28 of the California Constitution declares that "[a]ll students and staff of public, primary, elementary, junior high, and senior high school ... have the inalienable right to attend campuses which are safe, secure and peaceful;" and

WHEREAS, California Education Code section 35161 permits the Board to delegate to an officer or employee of the District any of the Board's powers and duties, and the Board desires to delegate to the District Superintendent/designees certain powers and duties to address changing needs related to reopening schools after the emergency closure and during the COVID-19 Pandemic state of emergency; and

WHEREAS, District schools physically closed as part of a significant effort to limit the spread of COVID-19 and the District began a distance learning program to ensure that students would be able to continue their education during this crisis; and

WHEREAS, the District recognizes that schools are fundamental to child and adolescent development and well-being and provide students with academic instruction, social and emotional skills, reliable nutrition, physical and mental health therapy, and opportunities for physical activity, among other benefits. These benefits are described by the American Academy of Pediatrics and are widely accepted and recognized; and

WHEREAS, the Board of Trustees recognizes that the nature of the COVID-19 crisis is ever-changing and that immediate responses to issues is of paramount importance to ensuring the safety and well-being of students, their families and District employees; and

WHEREAS, the District Administration has developed and presented to the Board a reopening plan that will guide the District's efforts to physically reopen schools in a constantly changing environment with an

emphasis on student and employee safety, while endeavoring to provide a high quality educational program with multiple educational models; and

WHEREAS, the District sought employee, public, and expert input in developing this plan, including engaging with its certificated and classified labor partners; and

WHEREAS, the District took into consideration local, State and Federal laws, State and local public health guidance, California Department of Education guidance, new and developing laws and regulations, among other relevant information; and

WHEREAS, the Board of Trustees remains committed to a safe learning environment for students and staff and high instructional outcomes for our students; and

WHEREAS, it is imperative that the Superintendent/designee have the tools to ensure the health and safety of students, staff, and families and to ensure student learning continues as health conditions and health risks change; and

WHEREAS, Board Policy 3516.5 authorizes the Superintendent to close a school site, change the regular school day schedule, or take any necessary action when emergencies warrant. Board Policies 0450 and 3516 also provide the Superintendent with direction on the creation of the District's comprehensive safety plan and the District's emergencies and disaster preparedness plan, which provide reasonable steps to prevent and/or mitigate the impact of an emergency on District students, staff, and schools. Board Policy 2210 authorizes the Superintendent to take immediate action that is necessary to avoid any risk to the safety or security of students, staff, or district property and act on behalf of the District in a manner that is consistent with law and other relevant Board Policies; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Trustees hereby declares that the COVID-19 Pandemic emergency is continuing and ongoing.

BE IT FURTHER RESOLVED AND ORDERED that the Board of Trustees is committed to ensuring that any decisions related to physically reopening schools shall be based upon the best available science and data related to COVID-19.

BE IT FURTHER RESOLVED AND ORDERED that the Board of Trustees is committed to continuing working collaboratively with our labor partners throughout this challenging time.

BE IT FURTHER RESOLVED AND ORDERED that the Board of Trustees expects that District administration will continue to review guidance from State and local public health officials, monitor the spread of COVID-19 and its impact on our schools and District operations, coordinate with the County Public Health Director, and take all reasonable steps needed to follow state and local public health directives.

BE IT FURTHER RESOLVED AND ORDERED that the Board of Trustees hereby adopts and approves the District's reopening plan and authorizes the implementation of that plan as presented.

BE IT FURTHER RESOLVED AND ORDERED that the Board of Trustees hereby delegates to the Superintendent authority to take all necessary and appropriate action to respond to the COVID-19 Pandemic emergency, including but not limited to, any action:

A. To ensure and protect the welfare, safety and educational well-being of all students and employees;

B. To use any instructional model or combination of models contained in the District's reopening plan as needed and as conditions change;

C. To close, cancel, or modify activities, programs, or courses on a case-by-case basis including, by classroom, grade level, area of a school site, by school site or program, or on a district wide basis;

D. To reopen classes/schools/programs after closure in a manner consistent with public health directives and the District's Reopening Plan; and

E. To protect District property.

BE IT FURTHER RESOLVED AND ORDERED that the Superintendent is expected to provide regular updates to the Board and consult with the Board on key decisions. Resolution 21-01 Resolution to Reopen Schools, Approve the District's Reopening Plan, and Delegate Emergency Authority During the Coronavirus-COVID-19 Pandemic 07-23-20 July 23, 2020

BE IT FURTHER RESOLVED AND ORDERED that all or any portion of this Resolution or the District's reopening plan may be altered or deleted by formal board action, if necessary.

BE IT FURTHER RESOLVED AND ORDERED that should any portion of this Resolution be held invalid, the invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provisions or application, and to this end the provisions of this Resolution are declared to be severable.

BE IT FURTHER RESOLVED AND ORDERED that this Resolution is an emergency measure within the mandate and jurisdiction of the Board and is necessary for the immediate welfare of the schools and its students. Therefore, this Resolution shall become effective immediately upon its adoption and shall remain in effect until repealed by formal Board action.

IN WITNESS WHEREOF, this resolution was approved and adopted by the Governing Board of the Paso Robles Joint Unified School District this 23rd day of July, 2020. Vote: _____

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVE:

By: _____

Stephanie Ulibarri, Board President

ATTEST:

I, **Chris Arend**, Clerk of the Board of Trustees of the Paso Robles Joint Unified School District, HEREBY CERTIFY that the foregoing Resolution was duly introduced, passed and adopted by the Board of Trustees today, June 4, 2020.

Chris Arend, Board Clerk