

**BEFORE THE BOARD OF TRUSTEES
MODESTO CITY SCHOOLS**

RESOLUTION NO. 20/21-03

OPENING OF SCHOOLS IN COVID-19 ENVIRONMENT

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a statewide emergency arising from Coronavirus (COVID-19);

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 to be a worldwide pandemic;

WHEREAS, on or about March 18, 2020, Modesto City Schools, in response to the COVID-19 crisis, closed its schools;

WHEREAS, on or about July 17, 2020, Governor Gavin Newsom declared;

WHEREAS, article I, section 28, of the California Constitution declares that “all 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”;

WHEREAS, Health and Safety Code section 120175 permits a health officer to take necessary measures to prevent the spread of disease;

WHEREAS, pursuant to Education Code section 43503, a school district may offer distance learning model of instruction for the 2020-2021 school year on a districtwide or schoolwide level as a result of an order or guidance from a state public health officer or a local public health officer;

WHEREAS, on July 14, 2020, Dr. Julie Vaishampayan, the Public Health Officer of the Stanislaus County Health Services Agency, our local public health official, along with Stanislaus County Superintendent of Schools Scott Kuykendall, issued formal school reopening guidance to the public schools of Stanislaus County wherein they state that “Widespread community transmission has forced us to make the difficult decision to delay the return of our children to school classrooms” and Dr. Vaishampayan has made the determination that “Schools should open in August with a Distance Learning Model.”;

WHEREAS, the first day of student instruction in the 2020-2021 school year is August 10, 2020;

WHEREAS, the Governing Board’s primary and overriding concern and duty is to protect the health of our over 29,500 students and 3,700 staff;

WHEREAS, on July 17, 2020, Governor Gavin Newsome issued a directive implementing the California Department of Public Health (“CDPH”) updated guidance directive issued this same day which provides that schools and school districts may reopen for in-person instruction only if they are located in a county that has not been on a county COVID-19 monitoring list within the prior 14 days, and until that time schools in these counties are to remain physically closed and may only provide distance learning until the county has been off the monitoring list for at least 14 days;

WHEREAS, Stanislaus County is currently on this COVID-19 monitoring list ([see https://covid19.ca.gov/roadmap-counties/#track-data](https://covid19.ca.gov/roadmap-counties/#track-data)) ;

NOW, THEREFORE, BE IT RESOLVED that the Board directs the Superintendent or her designee to adopt a reopening plan for the 2020-2021 school year that provides for a Distance Learning educational model.

BE IT FURTHER RESOLVED that the Superintendent or her designee is authorized pursuant to this Resolution to take any action and execute any documents that are necessary to carry out, give effect to, and comply with the terms of this Resolution.

APPROVED, PASSED AND ADOPTED by the Board of Trustees, County of Stanislaus, State of California by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

The below-signed attests that she was present at the meeting of the Board of Trustees on July 27, 2020, and that a majority of the members approved this Resolution.

BY: _____

DATED: July 27, 2020

PRINT NAME: _____

Cindy Marks
President, Board of Trustees
Modesto City Schools