

**MODESTO CITY SCHOOLS  
GOVERNING BOARD RESOLUTION NO. 20/21-21**

**TEMPORARY AMENDMENT TO BOARD POLICY/ADMINISTRATIVE REGULATION  
RELATED TO EXTRA- AND CO-CURRICULAR ACTIVITY PARTICIPATION  
AND ELIGIBILITY REQUIREMENTS, GRADES 7-12,  
DURING THE 2020-2021 SCHOOL YEAR**

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

**WHEREAS**, on March 13, 2020, President Donald Trump declared a national emergency arising from the coronavirus (COVID-19);

**WHEREAS**, on March 15, 2020, Scott Kuykendall, the Stanislaus County Superintendent of Schools, issued a written directive advising all school districts to prepare for school closures resulting from the coronavirus (COVID-19) outbreak;

**WHEREAS**, on or about March 18, 2020, the Board adopted Emergency Resolution #19/20-17 delegating authority to take necessary action to protect students and staff from the spread of the coronavirus (COVID-19);

**WHEREAS**, effective March 19, 2020, all District school sites and the District offices were closed to maintain social distancing in an effort to minimize the spread of the coronavirus (COVID-19);

**WHEREAS**, on March 19, 2020, the District commenced providing instruction to students via distance learning, which is defined as instruction in which the student and teacher are in different locations;

**WHEREAS**, on July 13, 2020, Superintendent Sara Noguchi announced that District school sites would remain closed for the beginning of the 2020-2021 school year and would continue to offer online distance learning instruction;

**WHEREAS**, on July 17, 2020, Governor Newsom announced his pandemic plan for learning and safe schools for the 2020-2021 school year. As specified in the pandemic plan, “schools located in counties that are on the Monitoring List must not physically open for in-person instruction until their county has come off the Monitoring List for 14 consecutive days. Schools in counties that have not been on the Monitoring List for the prior 14 days may begin in-person instruction, following public health guidelines;”

**WHEREAS**, on August 21, 2020, Superintendent Sara Noguchi announced that Stanislaus County is on the state’s COVID watch list, and the District would not reopen at that time;

**WHEREAS**, Article IX, section 14, of the California Constitution declares that “[t]he Legislature may authorize the governing boards of all school districts to initiate and carry on any programs, activities, or to otherwise act in any manner which is not in conflict with the laws and purposes for which school districts are established;”

**WHEREAS**, Education Code sections 35160 and 35160.1 endow school districts and their governing boards with broad authority and wide discretion in initiating and carrying on programs and activities and otherwise creating unique solutions to meet their diverse needs;

**WHEREAS**, pursuant to the broad grant of authority under Education Code section 49067, the Board has adopted Board Policy (“BP”) 5132 and Board Policy (“BP”) 5133 and Administrative Regulation (“AR”) 5133 to establish the District’s Student Conduct Code 7-12 and Athletic Code of Conduct 7-12;

**WHEREAS**, pursuant to Board Bylaw (“BB”) 9000 and BB 9310, the Board may adopt, evaluate, and update policies, bylaws, and administrative regulations consistent with the law and the District’s visions and goals;

**WHEREAS**, in accordance with its broad grant of constitutional and statutory authority, and as provided under BB 9000 and BB 9310, the Board is authorized to revise or suspend the current co- and extra-curricular participation and eligibility requirements as provided by BP 5132 and BP/AR 5133 and to implement alternative co- and extra-curricular activity participation and eligibility protocols during the COVID-19 pandemic;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the Board hereby declares that the District will support student engagement in co- and extra-curricular activities as defined in the Student Conduct Code 7-12, by permitting students with less than a 2.0 grade point average and/or more than one “F” and/or more than one “U” citizenship grade to participate in extra-curricular activities, as well as athletics (9-12); spirit leaders/cheerleaders (9-12); and student government (7-12); up to, but not including performances or competitions;

**BE IT FURTHER RESOLVED AND ORDERED** that the Superintendent will temporarily modify the Districts’ student-athlete participation clearance protocol due to the challenges of families to secure pre-participation sports physicals; students unable to secure or pass a pre-participation sports physical may remain on the team and participate in all non-physical team activities (i.e., no athletic conditioning, no physical activity, no competitions, etc.) so that students not cleared to participate physically may still engage in virtual and in-person meetings, team-related academic supports, and attend practices;

**BE IT FURTHER RESOLVED AND ORDERED** that upon approval of the Board, students may earn the academic grade for co-curricular activities provided the student has been regularly engaged and has met all other participation expectations;

**BE IT FURTHER RESOLVED AND ORDERED** that the Board waives the second reading of the above-referenced Board Policies and Administrative Regulations, so as to make the revisions effective immediately upon approval of this Resolution; and

**BE IT FURTHER RESOLVED AND ORDERED** that the Superintendent shall have the authority to take any action in furtherance of the authority delegated herein, including but not limited to, notifying employees, students, and the community of the revised extra- and co-curricular activity participation and eligibility requirements and to initiate the procedures consistent with the intent of this Resolution; and

**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 with the invalid provisions or application, and to this end the provisions of this Resolution are declared to be severable.

**THE FOREGOING RESOLUTION** was introduced at a regular meeting of the Board of Education held on the 9<sup>th</sup> day of February, 2021, by Governing Board Member \_\_\_\_\_, who made the motion, which motion being duly seconded by \_\_\_\_\_, was, upon roll call, carried into Resolution passed by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

I, Dr. Sara Noguchi, Clerk of the Governing Board of Modesto City Schools of Stanislaus County, California, certify that the foregoing is a full, true, and correct copy of a resolution adopted by the said Board at a regular meeting held on February 9, 2021.

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Dr. Sara Noguchi, Secretary  
Board of Education  
Modesto City Schools

DATE: \_\_\_\_\_