

**BEFORE THE BOARD OF TRUSTEES OF THE
NORTH COUNTY JOINT UNION SCHOOL DISTRICT**

**EMERGENCY RESOLUTION
RESOLUTION DELEGATING AUTHORITY TO TAKE NECESSARY ACTION TO
PROTECT STUDENTS AND STAFF FROM THE SPREAD OF CORONAVIRUS
(COVID-19)**

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

WHEREAS, on March 12, 2020, Governor Newsom issued an executive order directing Californians to cancel large public gatherings (over 250 people) and to enforce social distancing.

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

WHEREAS, on March 13, 2020, Krystal Lomanto, the San Benito 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 March 13, 2020, North County Joint Union School District (“District”) notified staff, parents, students, and the community that effective Monday, March 16, school will be closed for one week, through Friday, March 20, 2020 to slow the spread of the Coronavirus; and

WHEREAS, on March 13, 2020, Governor Newsom issued an executive order addressing LEAs and school closures; and

WHEREAS, on March 17, 2020, District Board of Trustees (“Board”) approved extension of the school closure through, April 3, 2020; and

WHEREAS, on March 19, 2020, Governor Newsom issued an executive order directing Californians to stay at home or at their place of residence to protect the public health of Californians and to establish consistency across the state in order to mitigate the impact of COVID-19; and

WHEREAS, on March 31, 2020, California State Superintendent of Public Instruction, Tony Thurmond, announced schools may not reopen this school year and districts should put all efforts into strengthening the deliverance of education through distance learning; and

WHEREAS, on April 1, 2020, Governor Newsom announced as a safety measure and to stop the spread of the Coronavirus, schools will be physically closed for the remainder of the 2019-20 academic school year and Distance Learning Instruction will be provided; and

WHEREAS, on April 1, 2020, the San Benito County Office of Education communicated new information and out of an abundance of caution the San Benito County Office of Education and District Superintendents are taking a safety-first approach and are recommending extending the school facility closures through the end of the school year; and

WHEREAS, on April 16, 2020, the Superintendent informed the District Board of the closure of school through June 4, 2020. The 2019-20 school year is not over, and we will continue to utilize distance learning to provide educational continuity; and

WHEREAS, on June 25, 2020, North County Joint Union School District presented two (2) instructional models including a blended hybrid option and an independent study / homeschool option (ROAR) for safely reopening school in the fall, to the Board and the community; and

WHEREAS, on July 7, 2020, San Benito County was placed on the state's monitoring list due to increasing positive COVID-19 cases; and

WHEREAS, on July 13, 2020, Governor Newsom ordered the closure of designated indoor business operations until further notice; and

WHEREAS, on July 15, 2020, districts across the state began announcing their intent to resume distance learning for the 2020-21 school year; and

WHEREAS, on July 15, 2020, State Superintendent Thurmond commended school districts for keeping student, staff, and teacher health and safety as the foremost priority and encouraged districts to continue to design plans for in-person instruction this fall but urged educators to prepare for the possibility of resuming distance learning based on current health and safety concerns; and

WHEREAS, on July 17, 2020 Governor Newsom announced the metrics schools must meet to open in-person instruction, as well as metrics to remain open include the following:

- Schools and school districts can reopen only when their county has been off the monitoring list for 14 days.
- When at least five percent of the total number of teachers/students/staff are cases within a 14-day period; OR when the Local Health Officer determines school closure is warranted for other reasons, including local factors and public health investigation.
- Criteria for Closing a District: "A superintendent should close a school district if 25 percent or more of schools in a district have closed due to COVID-19 within 14 days, in consultation with the local public health department."

As San Benito County has been placed on the California County Monitoring list and remains on the list as of today, July 28, 2020.

WHEREAS, on July 28, 2020, the District approves utilizing distance learning to provide educational continuity and revisiting this instructional model as local COVID-19 metrics fluctuate. The 2020-21 school year will commence on August 13, 2020; and

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, 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 certain powers and duties to address the Coronavirus (COVID-19) pandemic.

NOW, THEREFORE, BE IT RESOLVED:

NOW THEREFORE, BE IT RESOLVED AND ORDERED that the Board hereby declares the existence of an ongoing public health emergency within the District arising from the coronavirus (COVID-19) pandemic.

BE IT FURTHER RESOLVED AND ORDERED the Superintendent is delegated authority to take all appropriate action to respond to the coronavirus (Covid-19) pandemic, including, but not limited to, any action:

- A. To ensure and protect the welfare, safety and educational wellbeing of all students;
- B. To ensure and protect the welfare and safety of persons working for the District which shall include its agents, employees, representatives and all others acting for or on behalf of the District;
- C. To provide necessary staffing and instruction;
- D. To modify school and work schedules;
- E. To declare an emergency pursuant to Government Code § 3100 et seq., and to assign District employees (in their capacity as disaster service workers) to perform such disaster service activities as may be assigned to them;
- F. To cancel or modify any activities, programs, or courses, up to and including the temporary closure of the District.
- G. To protect District property.
- H. To make further declarations of emergency and to take emergency action as permitted by law.

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 pupils thereof. Therefore, this Resolution shall become effective immediately upon its adoption and shall remain in effect until repealed by formal Board action.

PASSED AND ADOPTED by the following vote of the Board of Education of the North County Joint Union School District, County of San Benito, State of California on July 28, 2020.

AYES: 5

NOES: 0

ABSENT: 0



Ted Zanella
President, Board of Trustees
North County Joint Union School District