

Resolution of the Board Regarding Delegation to Superintendent for Waivers

WHEREAS, the U.S. Government has declared a national emergency and the State of Texas has declared a statewide disaster regarding the ongoing COVID-19 pandemic;

WHEREAS, on March 19, 2020, the Texas Governor issued Executive Order No. GA-08 relating to COVID-19 preparedness and mitigation and through this action and in accordance with Guidelines from the President ordered the temporary closure of all Texas school districts;

WHEREAS, Texas Education Code 11.151 gives the Board of Trustees the exclusive power and duty to govern and oversee the management of the public schools of the District;

WHEREAS, Texas Education Code 7.056 permits a District to apply to the Commissioner of Education for a waiver of a requirement, restriction, or prohibition imposed by the Education Code or rule of the State Board of Education or Commissioner;

WHEREAS, TEA has indicated that it will accept a waiver request made pursuant to Texas Education Code 7.056 by a Superintendent, if the Board of Trustees has delegated general operational authority or waiver-specific authority to the Superintendent;

WHEREAS, TEA recommends that if the Board delegates authority to the Superintendent to request waivers from the Commissioner, that the Board ratify the waiver request at a future Board meeting to ensure compliance with Texas Education Code Chapter 11 and Section 7.056;

WHEREAS, the Board finds there is a need for the District to maintain efficient, effective, and consistent District operations during the period of the disaster declaration under these circumstances, which may include the need to request available waivers under state and federal law;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Ector County Independent School District makes the following delegation to the Superintendent:

- The authority to pursue any necessary and available waivers from TEA without future action of the Board; and
- In the event other waivers are needed, the Superintendent is authorized to submit other waiver requests in accordance with guidance from national, state, or local authorities or agencies.

The Board shall ratify any waiver requests made by the Superintendent under this authority at a future Board meeting.

The authority granted by this resolution shall apply until the District resumes full operations at the direction of the Superintendent or the Board takes further action.

Adopted this _____ day of _____, 2020 by the Board of Trustees.

Delma Abalos, President

Steve Brown, Secretary