

Resolution for the Suspension of District Policy to Align with Emergency COVID-19 Legislation and Statutory/Rule Waivers

Whereas, Arkansas Governor Asa Hutchinson issued Executive Order 20-03 and subsequent orders declaring a state of emergency in accordance with A.C.A. § 12-75-101 et seq. in recognition of the COVID-19 pandemic; and

Whereas, Governor Hutchinson authorized through Executive Order 20-06 for the Arkansas Department of Education, the Arkansas State Board of Education, and other State executive departments to provide for waivers of State laws and rules that were interfering with the response to the state of emergency; and

Whereas, the Arkansas Department of Health and the Centers for Disease Control and Prevention have released new directives and guidelines regarding the COVID-19 pandemic, which are being updated and modified based on new information and changes in the state of emergency; and

Whereas, Congress has enacted changes in federal law and federal education financing, which include discretionary statutory waivers from the U.S. Department of Education, the U.S. Department of Agriculture, and other departments of the Federal government affecting education, as well as the exercise of administrative regulation waivers and discretion by the departments of the federal government; and

Whereas, Congress continues to consider additional changes in federal law and federal education financing; and

Whereas, the fluidity of the Federal law and regulatory environment and the State law and rule environment requires flexibility in the operations and policies of the District to comply with changes in Federal and State law; changes in the applicable Federal regulations and State rules; and the ability to pursue best practices in local delivery of instruction and related District services to the students, employees, and patrons; and

Whereas, the new laws or changes and modifications to existing laws, regulations, and rules are intended to be temporary; and

Whereas, flexibility, resourcefulness, innovation, and best practices are necessary for the response, implementation, and recovery from the State of Emergency;

THEREFORE BE IT RESOLVED:

1. The district will implement the federal Emergency Family and Medical Leave Expansion Act (EFMLA) and the Emergency Paid Sick Leave Act (EPSL), as enacted in the Families First Coronavirus Response Act, for all eligible employees.

2. All board policies and administrative procedures may be suspended, in whole or in part, to the extent that any policy or procedure of the District conflicts with new State and Federal laws enacted relating to the COVID-19 pandemic or the waiver, suspension, or amendment of an existing State or Federal law; Federal regulation; or State rule made by the federal government, Governor Hutchinson, or a state agency in relation to the COVID-19 pandemic.
3. The Board requires the superintendent to provide the Board with regular updates regarding changes made pursuant to this resolution.
4. This resolution will continue until Governor Hutchinson or the Arkansas General Assembly declares an end to the state of emergency or the Board revokes the resolution in whole or in part.

Date Adopted: 6-22-2020

President's Signature: Brian Hermsworth

Vice-President's Signature: Jatavia Rich

Board Secretary's Signature: Hee Blackwell