

# **WEST HARDIN COUNTY CONSOLIDATED INDEPENDENT SCHOOL DISTRICT RESOLUTION**

## **A RESOLUTION DELEGATING AUTHORITY TO THE SUPERINTENDENT TO ACT IN PLACE OF THE BOARD OF TRUSTEES DURING AN EMERGENCY CLOSURE FOR CORONAVIRUS (COVID-19)**

**WHEREAS**, the West Hardin County Consolidated Independent School District Board of Trustees (“Board”) recognizes that officials in the State of Texas and the United States Government have declared a disaster and emergency regarding coronavirus/COVID-19 (hereafter “COVID-19”) and its potential spread; and

**WHEREAS**, the territory included in West Hardin County Consolidated Independent School District is within the areas declared a disaster and an emergency area; and

**WHEREAS**, on or about March 13, 2020, the President of the United States declared a national emergency and the Governor of the State of Texas declared a statewide disaster regarding COVID-19; and

**WHEREAS**, on or about March 16, 2020, Hardin County declared a state of emergency regarding COVID-19; and

**WHEREAS**, the Board recognizes that COVID-19 is an unforeseen and unavoidable emergency of urgent public necessity, that the World Health Organization has declared COVID-19 a pandemic, and that additional emergency declarations may follow in the coming days and weeks; and

**WHEREAS**, the Board and Administration are following advice and directives from federal, state and local authorities in responding to the COVID-19 Virus; and

**WHEREAS**, the Board has a substantial public interest in protecting the health and safety of its students, staff, and community and therefore desires to ensure that the school district and community are prepared to the fullest extent possible to protect the health and safety of students, staff, and community in light of COVID-19; and

**WHEREAS**, the District closed on March 16, 2020, and will remain closed until at least May 4, 2020, (with classes suspended but delivering remote instruction as of March 23, 2020), consistent with Executive Order of the Governor, and that the state, federal, or local authorities (including but not limited to decisions of the West Hardin County Consolidated Independent School District’s Board of Trustees and/or Superintendent) may determine a need exists to implement further suspension of classes in response to the health needs of our families and our community; and

**WHEREAS**, the District’s public purpose is served by promoting conscientious health choices, including individual quarantines as may be necessary when classes resume, and to continue compensation of staff members during such times; and

**WHEREAS**, the District’s public purpose is served by working with students, families, and staff to the extent possible to support continued learning during times of school suspension and/or quarantine; and

**WHEREAS**, the Board seeks to retain its employees, reduce turnover, increase morale, help employees focus on work-related matters while at work, and facilitate the return to duty of

employees if schools are closed and believes that an additional public purpose exists in doing so; and

**WHEREAS**, the Board supports future decisions the Superintendent may make under the authority of this resolution regarding the continuation of wage payments to all regular employees, contractual and non-contractual, salaried and non-salaried, including long-term substitutes (as determined by the Superintendent), who would otherwise suffer a loss in pay due to an emergency closing, as continuation of wage payments in an amount equal to each employee's regular rate of pay, as feasible, will serve the public purposes of maintaining morale, reducing turnover, and ensuring continuity of District staffing when schools reopen; and

**WHEREAS**, the Board believes the public purposes described above are fulfilled by efficiently and effectively making certain delegations, as described more fully herein, to the Superintendent to address this ever-changing emergency situation in the best interest of the health, safety, and well-being of its students, staff, community, and the citizenship at-large.

**IT IS THEREFORE RESOLVED THAT** the West Hardin County Consolidated ISD Board of Trustees finds a substantial public purpose exists in protecting the health and safety of its students, staff, and community and therefore in ensuring that the school district and community are prepared to the fullest extent possible to protect the health and safety of students, staff, and community in light of COVID-19.

In furtherance of these public purposes, the Board of Trustees makes the following delegations to the Superintendent and designee(s):

1. The authority to act in the place of the Board under Policy DEA (LOCAL) and thus make all decisions regarding payment of employees during an emergency closure, to interpret and implement the provisions of Board Policy DEA(LOCAL), and to make determinations regarding the purpose and parameters of any such payment; and
2. The authority to alter the West Hardin CCISD 2019-2020 school calendar by changing and/or adding school/instructional hours and work/school days as necessitated by any emergency closure or related concerns; and
3. The authority to act in place of the Board under Policy DEC (Local) regarding employee leave and thus create guidelines and make decisions regarding absences, leave time, leave days, and compensation of any employee who is quarantined (by the District and/or health officials) due to travel or other exposure concerns related to COVID-19 and/or who tests positive for COVID-19 and who presents appropriate medical documentation regarding themselves and/or an immediate family member, in compliance with Texas and federal law; and
4. The authority to seek any necessary waivers from the Texas Education Agency without further action of the Board of Trustees regarding missed instructional days, low attendance, or any related matter due to the emergency closures as part of this Resolution; and
5. The authority to declare a catastrophe and take all actions as appropriate in accordance with Texas Government Code, Section 552.233, regarding temporary suspension of the Texas Public Information Act; and

6. The Board further authorizes the Superintendent, in his discretion, to provide any and all assistance related to the COVID-19 virus to other state agencies or local governments that provide a governmental function or service pursuant to the Interlocal Cooperation Act (Texas Government Code Chapter 791). This may include but is not limited to: use of the District's facilities for testing potentially infected individuals, housing patients, distributing vaccines, and/or use of school vehicles/buses for transportation to emergency sites. The Superintendent may execute any such Interlocal agreement upon the approval of any such Interlocal agreement by legal counsel; and,
7. In the event other waivers or immediate actions are needed, such as a waiver for the TTESS appraisal process, the Superintendent is authorized to take other action and to submit/apply for other waivers in accordance with guidance and instructions from the national and state authorities and/or agencies; and
8. The Superintendent shall timely report to the Board all actions taken under the authority of this resolution, as soon as reasonably practicable; and
9. This Resolution shall take effect immediately upon its passage and until otherwise revoked by Board action.

This Resolution was adopted by the vote of the majority of members of the Board of Trustees of West Hardin County Consolidated Independent School District present and voting at an open meeting of the Board on the 9th day of April, 2020, at which a quorum was present. This document may be executed in multiple counterparts.

**APPROVED:**

**ATTEST:**

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President, Board of Trustees

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Secretary, Board of Trustees