

BOARD OF TRUSTEES: ALEDO INDEPENDENT SCHOOL DISTRICT
Resolution No: 04092020-9
A RESOLUTION DELEGATING AUTHORITY TO THE SUPERINTENDENT TO ACT
IN PLACE OF THE BOARD OF TRUSTEES DURING AN EMERGENCY OR
DISASTER DUE TO COVID-19

WHEREAS, the Aledo 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;

WHEREAS, the territory included in the Aledo Independent School District is within the areas declared a disaster and an emergency area;

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;

WHEREAS, on or about March 19, 2020, the Governor of Texas issued an Executive Order limiting gatherings to ten (10) or fewer individuals until April 3, 2020;

WHEREAS, the Board recognizes that COVID-19 is an unforeseen and unavoidable emergency of urgent public necessity, that the World Health Organization has declared COVID19 a pandemic, and that additional emergency declarations may follow in the coming days and weeks;

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

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;

WHEREAS, the District was closed for Spring Break from March 16-20, 2020, and its buildings will remain closed until at least April 6, 2020, due to the COVID-19 pandemic, and may determine a need exists to implement further suspension or modification of classes and/or District operations in response to the health needs of our families and our community;

WHEREAS, campus and district facilities have been closed to gatherings of ten or more due to COVID-19, school operations are on-going, including but not limited to, the delivery of remote instruction, provision of breakfast and lunch to students, and maintenance of facilities and grounds;

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;

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;

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;

WHEREAS, pursuant to the Governor's Executive Order of March 19, 2020, mandating school building closures and prohibiting gatherings of groups of 10 or more, the COVID-19 pandemic is an unforeseen "operational failure" suffered by educational institutions and their physical facilities, as contemplated under Texas Education Code Section 44.031(h);

WHEREAS, only for the duration of the Declaration of Disaster and resulting Executive Orders of the Governor, the board of trustees determines that the delay posed by the methods provided for in Texas Education Code Section 44.031(a) would prevent or substantially impair the provision of classes or other essential school activities;

WHEREAS, to the extent possible, the term of contracts awarded by methods other than those required by Section 44.031(h), due to the COVID-19 emergency, shall not extend longer than reasonably necessary to respond to the Declaration of Disaster and comply with Executive Orders of the Governor;

WHEREAS, any contract entered into by the district pursuant to this resolution will be presented to the board of trustees for ratification at a future board meeting;

WHEREAS, the Board supports the continuation of wage payments to all regular employees—contractual and non-contractual, salaried and non-salaried—who might suffer a loss in pay due to the closure of buildings, as continuation of wage payments, as feasible, will serve the public purposes of maintaining morale, reducing turnover, and ensuring continuity of District staffing when schools reopen;

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.

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, recognizing that at any time during this emergency, establishing a quorum may be difficult or impossible, and in such circumstances only, delegation of

these authorities to the Superintendent would be the only way to make necessary decisions to continue District operations.

IT IS THEREFORE RESOLVED THAT the 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. Pursuant to its authority under law and the rationale set forth in this Resolution, the Board of Trustees hereby declares that all employees shall continue to be paid for their regular duty schedule starting April 6, 2020 through the end of the 2019-2020 academic school year during any required emergency school closure, and further delegates to the Superintendent the authority to implement this determination;
2. The authority to alter the Aledo ISD 2019-2020 instructional school calendar by changing and/or adding school/instructional hours and work/school days as necessitated by any emergency building closure or related concerns;
3. The authority to act in place of the Board under Policy DEC (Local) regarding employee leave, and suspend and modify the provisions of the policy, to make decisions regarding absences, leave time, leave days, and compensation of any employee (other than the Superintendent), as needed;
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 matters related to the emergency closures as part of this Resolution;
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;
6. Where permitted by law, the authority to act in place of the Board under Policies CH, COA and CV (Local) to negotiate, and execute contracts for goods and services that are necessary to mitigate, prevent, restore, and repair damage caused to District equipment, personal property, and facilities or to protect the safety of students and staff, related to COVID-19 and its potential spread. Such authority being necessary to prevent delays that will prevent or substantially impair the conduct of classes or other essential school functions and activities;
7. The authority to make contracts for goods and services needed to replace traditional classroom facilities and instructional equipment with alternative goods and services by methods other than those required by Section 44.031(a), including but not limited to the acquisition of resources necessary to implement remote operations and instruction in compliance with the Governor's Executive Orders; Such authority also extending to contracts for goods and services necessary to maintain the health and

safety of facilities and equipment, including but not limited to, resources necessary for cleaning, disinfection, air quality measures, and testing.

8. The authority to make budgeted or unbudgeted purchases for goods or services, up to \$150,000, such authority being necessary to prevent delays that will prevent or substantially impair the conduct of classes or other essential school functions and activities due to COVID-19; after which the Superintendent will fully report to the Board of Trustees; and,

9. In the event other waivers or immediate actions are needed, 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.

10. Excluding the authority granted in Paragraph 3 related to Policy DEC (Local) regarding employee leave, the above authority is granted only after the Superintendent discusses the necessary authority with the Board President and a good faith effort has been made to convene a quorum of the Board in a meeting that meets the requirements of the Texas Open Meetings Act, Texas Government Code Chapter 551, and the special exceptions thereto issued by the Texas Office of the Attorney General as related to the COVID-19 emergency declaration.

11. This Resolution shall be placed on the agenda of each Board meeting for consideration by the Board until it is rescinded by the Board.

The above Resolution is passed and adopted this 9th day of April 2020 by the Board of Trustees.

APPROVED:

ATTEST:

Hoyt Harris
President, Board of Trustees

Forrest Collins
Secretary, Board of Trustee