

Resolution

Judson Independent School District Board of Trustees

EMERGENCY DECLARATION AND ACTIONS RELATED TO COVID-19

WHEREAS, the Board of Trustees of the Judson Independent School District is authorized by Texas Education Code Section 45.105 to expend District funds necessary for the conduct and maintenance of the public schools as determined by the Board; and

WHEREAS, the Board has a substantial public and education interest in protecting the health and safety of its students, staff, their families and community;

WHEREAS, the District's community, including its school personnel, students and their families, have been and are likely to continue to be substantially impacted by the COVID-19 virus for the duration of the summer and 2020-21 school year;

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

WHEREAS, through circumstances completely beyond their control, certain categories of District employees may be forced to miss work-days due to the closure of school facilities and operations;

WHEREAS, there is a public purpose served and a benefit to continue to pay salaries, wages and health benefits during District and/or campus-wide closures, budget permitting, to demonstrate support of its employees, enhance morale and support retention of employees so they can resume work with minimal impact on students once school reopens/work resumes, to include the provision of distance-learning and continued meal provision for students;

WHEREAS, the Texas Education Agency has authorized school districts to continue to receive funding provided that schools provide in-person instruction at campuses five days a week, with the option to offer distance learning, virtual education and other continuity of instruction option for students and parents who choose distance learning, and maintain appropriate records of these efforts including on-site, distance, synchronous and asynchronous education options for the 2020-21 school year;

WHEREAS, it is the desire of the Board that the Superintendent and his administration be prepared to act swiftly and decisively in response to anticipated increases in reported infections, government guidance and edicts and to take other appropriate and immediate actions to protect the health, safety and welfare of the students, staff and community of the Judson Independent School District, without the possible delay of needing to wait a Board meeting, while at the same time directing the Superintendent to keep the Board informed of necessary actions.

NOW, THEREFORE, BE IT RESOLVED that we, the Board of Trustees, at a lawfully called meeting held under the Texas Open Meeting Act, formally declares that:

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1. **Declaration of Public Health Emergency.** COVID-19 continues to be a public health emergency and continues to impact Judson ISD students, families, staff and community.

2. **Need for Immediate Action.** Immediate action is and/or may be necessary to continue to minimize the COVID-19 impact to students, staff, families and the community while still providing a quality education to Judson ISD students. Therefore, the Superintendent shall hereby have the authority to institute individual campus or District-wide closures as may be necessary in response to the COVID-19 pandemic. The Superintendent shall also comply with any orders regarding school closures or operations issued by the Governor of Texas or local authorities, in accordance with state law.
 - a. As authorized by TEA, the administration shall provide for instructional continuity for its students including options for in-person and distance learning, to include synchronous and asynchronous learning, and follow TEA Guidance for same, including appropriate attestations and record keeping. Further, the Board directs and authorizes the Superintendent or designee to develop and implement attendance accounting procedures to meet state requirements and guidelines for the authorized instructional options.
 - b. The Superintendent may restructure and reassign/redeploy faculty and staff as necessary to accomplish this purpose and continue services to students, including the provision of food services to students in non-traditional manners but to do so in compliance with guidelines and requirements promulgated by the U.S. Department of Agriculture, Texas Department of Agriculture and in compliance with CDC, State and Local social distancing orders and guidance.
 - c. The Superintendent may adjust the operation of school facilities as-needed to facilitate school business and instructional continuity for students and following local and state guidelines.
3. **Procurement Waiver:** The delays posed by the District's purchasing policy and regulatory procurement process and the need to likely procure services and support to respond to COVID-19 to ensure the safety of all students and staff and to maintain and safeguard property and equipment will prevent or substantially impair student safety and or other essential school activities; therefore, the Board is suspending its normal purchasing policies and authorizing the Superintendent or designee to make emergency procurements reasonably necessary to respond to COVID-19 issues. This action is in accordance with Education Code 44.031(h) and other applicable law and policy. However, to the degree necessary to comply with the federal procurement standards established under the Code of Federal Regulations, Title 2, Part 200, Subpart D, the Superintendent or designee must nevertheless first determine that the present emergency circumstances warrant an exception to competitive procurement requirements and, if such a determination is made, adequately document the justification for using noncompetitive procurements. In utilizing the procurement by noncompetitive proposals method, the Superintendent or designee must still comply with other procurement requirements, ensure that costs are reasonable and ensure that the work performed under the noncompetitively procured contracts is specifically related to the present emergency circumstances.
4. **Waiver for Instructional Days:** The Superintendent is authorized to apply for missed instructional day waivers and/or low attendance day waivers throughout the 2020-21 school year, as may be necessary and approved by the Texas Education Agency.
5. **Pay During Closures:** The Board determines that the school may continue pay salaries and benefits, subject to any requirements or guidance from the State, to employees who are impacted by a federal, state or local health agency ordered District-wide closure of the employee's assigned campus or duty-station. The Board finds that a public purpose and benefit to the District and its students exists to compensate employees for workdays missed

due to the closure of their assigned campus or department as a result of COVID-19, and that this is necessary in the conduct of the public schools pursuant to Education Code § 45.105(c). The Board authorizes the Superintendent or designee to make compensation decisions and adjustments to impacted employees as deemed appropriate to fulfill the purposes of this Resolution. It is the Board's intent that employees are redeployed and reassigned to conduct work supporting this emergency, as the Superintendent determines, and that compensation is for that work performed; however, if a complete closure and work-stoppage is ordered that this paragraph is also in effect.

6. **TEA Attestations:** The Superintendent and Board President are authorized to execute and file the 2019-2020 COVID-19 Missed School Day Waiver Attestation Statement. Further, the Superintendent and Board President are authorized to execute and file the Attestation of Off-Campus Programs Approved for Purposes of Average Daily Attendance (TEC §48.007) with TEA.
7. **Instructional Continuity:** In addition to or in lieu of closure, the Superintendent is authorized to develop and implement education continuity plans following state guidelines to allow students to be educated through low-tech, workbooks/worksheets/packets, online learning, tele- and video-learning, and other virtual or distance learning/low-tech programs including synchronous and asynchronous instructional options and traditional on-site options. The Superintendent is authorized and fully supported by the Board in reassigning staff to aid in development and implementation of education continuity plans to benefit and serve students. The Superintendent is authorized to make procurements necessary to fulfill the purposes of this resolution and to meet the needs and best interest of students. The Superintendent shall inform the Board and/or TEA of these plans as directed by TEA. The Superintendent shall develop and implement procedures for attendance accounting and record keeping and report the information to TEA as required and shall ensure appropriate attendance records are taken and maintained to meet TEA requirements.
8. **School Calendars.** The Superintendent is authorized to make adjustments to the 2020-21 school calendar as may be needed to ensure instructional needs are met, and continuity maintained, due to COVID-19. This includes calendar adjustments to ensure students meet state requirements for instructional minutes through the 2020-21 school year. The Superintendent shall notify the Board of any such adjustments.
9. **Student Code of Conduct.** The Superintendent or designee is authorized to implement and enforce the Student Code of Conduct for students participating in distance learning to the fullest extent practicable.
10. In the event other waivers or immediate action is needed, the Superintendent is authorized, with notification to the Board, to take other action and to submit/apply for other waivers in accordance with guidance and instructions from the State of Texas.

Adopted this ____ day of August, 2020 by a _____ vote of the JISD the Board of Trustees.

President, Board of Trustees

Secretary, Board of Trustees