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Memo

To Board of Education

From Kyla Johnson-Trammell, Superintendent
Joshua R. Daniels, General Counsel

Board Meeting Date April 22, 2020

Subject Resolution No. 1920-0224 - Affirming Superintendent’s Decision to Close All District Schools for In-Person Instruction through the Remainder of the School Year

Action Approval of Resolution No. 1920-0224 - Affirming Superintendent’s Decision to Close All District Schools for In-Person Instruction through the Remainder of the School Year

Background and Discussion On March 19, 2020, the Board of Education (“Board”) of the Oakland Unified School District (“District”) approved Resolution No. 1920-0218 - Declaring an Emergency Due to the Covid-19 Pandemic and Providing Authorization to the Superintendent and Board President (“Resolution No. 1920-0218”), which (among other things) delegated authority to “the Superintendent or her designee to take any and all actions necessary to ensure the continuation of public education, and the health and safety of the students and staff of OUSD.”

Resolution No. 1920-0218 also “delegate[d] to the Superintendent or her designee, pursuant to Board Policy 2210 and further to [the Board’s] broad authority under Education Code section 35160, the authority to act on behalf of the Governing Board and the District in manners that are consistent with law and Board policies.”

Resolution No. 1920-0218 also “affirm[d] the Superintendent’s decision to temporarily close all OUSD schools and cease in-class instruction starting at 6:00pm on March 13, 2020, through at least April 5, 2020 and authorize[d] her to extend the temporary closure as long as she deems necessary or until the Governing Board otherwise directs.”

On April 4, 2020, the Superintendent announced that District schools would be closed for in-person instruction through the remainder of the school year.

Fiscal Impact

N/A

Attachment

Resolution No.0-0224 - Affirming Superintendent's Decision to Close All District Schools for In-Person Instruction through the Remainder of the School Year

Resolution No. 1920-0218 - Declaring an Emergency Due to the Covid-19 Pandemic and Providing Authorization to the Superintendent and Board President

ABSTAINED: None
RECUSE: None
ABSENT: Student Directors Garibo and Smith-Dahl

CERTIFICATION

We hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at a Regular Meeting of the Governing Board of the Oakland Unified School District held on April 22, 2020.

Legislative File	
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OAKLAND UNIFIED SCHOOL DISTRICT



Jody London
President, Board of Education



Kyla Johnson-Trammell
Superintendent and Secretary, Board of Education

ADOPTED VERSION

OF

RESOLUTION NO. 1920-0218

(As Amended)

**RESOLUTION OF THE
BOARD OF EDUCATION
OAKLAND UNIFIED SCHOOL DISTRICT**

RESOLUTION NO. 1920-0218

**DECLARING AN EMERGENCY DUE TO THE COVID-19 PANDEMIC AND PROVIDING
AUTHORIZATION TO THE SUPERINTENDENT
(As Amended)**

WHEREAS, on March 4, 2020, the Governor of California declared a State of Emergency due to the outbreak and spread of the COVID-19 virus;

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 virus a worldwide Pandemic;

WHEREAS, the Governor of California issued Executive Orders N-25-20 and N-26-20 in response to the COVID-19 pandemic;

WHEREAS, on March 16, 2020, the Health Officer of the County of Alameda, pursuant to California Health and Safety Code sections 101040, 101085, and 120175, issued a “Shelter in Place” Order (“Order”);

WHEREAS, the Order mandates that all individuals currently living in Alameda County “shelter at their place of residence” and prohibits “[a]ll travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Travel and Essential Activities”;

WHEREAS, the Order directs that “[a]ll persons may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses”;

WHEREAS, the Order makes a general exception “[t]o perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations,” and more specific exceptions for “[e]ducational institutions—including public . . . K-12 schools . . .—for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible” and for “[s]chools and other entities that typically provide free food services to students or members of the public . . . on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only . . . [and do] not permit the food to be eaten at the site where it is provided, or at any other gathering site”;

WHEREAS, the Order stated that all entities “in the County, except Essential Businesses . . . , are required to cease all activities at facilities located within the County except Minimum Basic Operations”;

WHEREAS, the Order defines “Minimum Basic Operations” as “[t]he minimum necessary activities to maintain the value of [an entity’s] inventory, ensure security, process payroll and employee benefits, or for related functions,” and “[t]he minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences” so long as employees comply with Social Distancing Requirements as defined in the Order;

WHEREAS, “[t]he intent of this Order is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the maximum extent possible. When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times reasonably possible comply with Social Distancing Requirements”;

WHEREAS, the Order asks “the Sheriff and all chiefs of police in the County [to] ensure compliance with and enforce this Order”;

WHEREAS, the Order became effective on March 17, 2020 and will continue to be in effect through April 7, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Health Officer;

WHEREAS, the Governing Board of the Oakland Unified School District (“OUSD”) and the Superintendent of Schools (“Superintendent”) are committed to ensuring the health and safety of OUSD students, staff, and families;

WHEREAS, the Superintendent decided and announced on March 13, 2020, the temporary closure of all District schools and the cessation of all in-class instruction starting at 6:00pm on March 13, 2020, through at least April 5, 2020, in order to slow the potential spread of the COVID-19 virus into District schools, the Oakland community, and the State of California;

WHEREAS, section 54956.5(a) of the Government Code defines “emergency” to mean “a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both;

WHEREAS, section 1102 of the Public Contract Code defines “emergency” to mean a “sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services,” and section 21060.3 of the Public Resources Code defines “emergency” to mean “a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services”;

WHEREAS, under Public Contract Code Section 20113, in an emergency when any repairs, alterations, work, or improvement is necessary to any facility of public schools to permit the continuance of existing school classes, or to avoid danger to life or property, the Governing Board may, by unanimous vote, with the approval of the county superintendent of schools, make a contract in writing or otherwise on behalf the district for the performance of labor and furnishing

of materials or supplies for the purpose without advertising for or inviting bid, notwithstanding section 20114.

NOW, THEREFORE, BE IT RESOLVED THAT, the Governing Board determines that the circumstances described in the Resolution herein constitute an emergency and shall be limited only to actions necessary for the District to respond to the COVID-19 pandemic; and

BE IT FURTHER RESOLVED, the Governing Board authorizes the Superintendent or her designee to take any and all actions necessary to ensure the continuation of public education, and the health and safety of the students and staff of OUSD; and

BE IT FURTHER RESOLVED, the Governing Board affirms the Superintendent's decision to temporarily close all OUSD schools and cease in-class instruction starting at 6:00pm on March 13, 2020, through at least April 5, 2020 and authorizes her to extend the temporary closure as long as she deems necessary or until the Governing Board otherwise directs; and

BE IT FURTHER RESOLVED, the Governing Board authorizes the Superintendent, in consultation with the Governing Board, to determine and direct the reopening of schools when the emergency conditions ceases to exist and to take all necessary actions to safely reopen schools; and

BE IT FURTHER RESOLVED, by unanimous vote pursuant to section 20113 of the Public Contract Code and subject to approval by the Alameda County Superintendent of Schools, the Governing Board authorizes the Superintendent to enter into contracts without advertising or inviting bids up to \$500,000 per contract, and authorizes the use of day labor or force account for the purpose; and

BE IT FURTHER RESOLVED, the Governing Board delegates to the Superintendent or her designee, pursuant to Board Policy 2210 and further to its broad authority under Education Code section 35160, the authority to act on behalf of the Governing Board and the District in manners that are consistent with law and Board policies; and

BE IT FURTHER RESOLVED, the Governing Board hereby encourages all committees and commissions to hold in abeyance any meetings during the temporary closure of all OUSD schools; and

BE IT FURTHER RESOLVED, if a chair or a majority of a committee or and commission's membership determines a meeting is necessary during the temporary closure of all OUSD schools, the Governing Board hereby directs that such meetings be held in a manner consistent with all applicable federal and state laws, executive orders (including the Governor's Executive Orders N-25-20 and N-26-20, if still applicable), and orders by the Alameda County Public Health Officer (including the Order); and

BE IT FURTHER RESOLVED, this resolution is effective through May 27, 2020 and shall terminate as of that date unless otherwise extended by the Board.

Passed by the following vote:

PREFERENTIAL AYE: None

PREFERENTIAL NOE: None

PREFERENTIAL ABSTENTION: None

PREFERENTIAL RECUSE: None

AYES: Aimee Eng, Jumoke Hinton Hodge, Gary Yee,
Roseann Torres, James Harris, Vice President Shanthi Gonzales
and President Jody London

NOES: None

ABSTAINED: None

RECUSED: None

ABSENT: Mica Smith-Dahl (Student Director),
Denilson Garibo (Student Director)

CERTIFICATION

We hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at a Special Meeting of the Governing Board of the Oakland Unified School District held on March 19, 2020.

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OAKLAND UNIFIED SCHOOL DISTRICT



Jody London
President, Board of Education



Kyla Johnson-Trammell
Superintendent and Secretary, Board of Education