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Enactment Date	6/24/2020 er



Memo

To Board of Education

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

Board Meeting Date June 24, 2020

Subject Resolution No. 1920-0262 - Providing Authorization to the Superintendent in Light of the Covid-19 Pandemic

Action Approve Resolution No. 1920-0262 - Providing Authorization to the Superintendent in Light of the Covid-19 Pandemic.

Background On March 4, 2020, the Governor of California declared a State of Emergency due to the outbreak and spread of the COVID-19 virus. On March 11, 2020, the World Health Organization declared the COVID-19 virus a worldwide Pandemic. Subsequently, the Governor of California has issued numerous Executive Orders, the California Department of Education has issues guidance, and the Health Officer of the County of Alameda has issued multiple Shelter-in-Place orders (“SIP orders”).

On March 19, 2020, the Governing Board approved Resolution No. 1920-0218 - Declaring an Emergency Due to the Covid-19 Pandemic and Providing Authorization to the Superintendent of Schools, which authorized 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,
- To extend the temporary schools closure as long as she deemed necessary or until the Governing Board otherwise directed,
- 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, in consultation with the Governing Board, and
- To act on behalf of the Governing Board and the District in manners that are consistent with law and Board policies, in

furtherance of the Board's broad authority under Education Code section 35160.

That resolution expired on May 27, 2020.

The first day of 2020-21 school year is scheduled for August 10, 2020. However, it is still unclear whether the necessary conditions will be met to reopen one or more District schools for the regular 2020-21 school year or, if such conditions are met, what restrictions will be in place with respect to how schools may reopen. Moreover, it is likely that one or more SIP orders will be in effect for the 2020-21 fiscal year even if District schools are permitted to reopen.

Discussion

It is important for the District to be able to respond immediately and effectively to the ever-changing nature of the COVID-19 pandemic, Executive Orders, state guidance, SIP orders, and conditions within the District in order to keep District students and staff safe. This includes reaching agreements with bargaining units.

Fiscal Impact

Unknown at this time as all decisions, and their financial impacts, are depending on the COVID-19 pandemic, Executive Orders, state guidance, SIP orders, and conditions within the District.

Attachment

Resolution No. 1920-0262 - Providing Authorization to the Superintendent in Light of the Covid-19 Pandemic

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

RESOLUTION NO. 1920-0262

**PROVIDING AUTHORIZATION TO THE SUPERINTENDENT
IN LIGHT OF THE COVID-19 PANDEMIC**

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 has issued numerous Executive Orders and the California Department of Education has issued guidance in response to the COVID-19 pandemic;

WHEREAS, the Health Officer of the County of Alameda, pursuant to California Health and Safety Code sections 101040, 101085, and 120175, has issued multiple Shelter-in-Place orders (“SIP orders”) in response to the COVID-19 pandemic;

WHEREAS, the Governing Board of the Oakland Unified School District (“OUSD”) approved Resolution No. 1920-0218 - Declaring an Emergency Due to the Covid-19 Pandemic and Providing Authorization to the Superintendent of Schools, which authorized 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;
- To extend the temporary schools closure as long as she deemed necessary or until the Governing Board otherwise directed;
- 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, in consultation with the Governing Board; and
- To act on behalf of the Governing Board and the District in manners consistent with law and Board policies, in furtherance of the Board’s broad authority under Education Code section 35160.

WHEREAS, Resolution No. 1920-0218 - Declaring an Emergency Due to the Covid-19 Pandemic and Providing Authorization to the Superintendent of Schools, by its terms, expired on May 27, 2020;

WHEREAS, the Superintendent has provided regular updates to the Board and the public at every regular Board meeting since March 19, 2020;

WHEREAS, the first day of 2020-21 school year is scheduled for August 10, 2020;

WHEREAS, it is still unclear whether the necessary conditions will be met to reopen one or more District schools for the regular 2020-21 school year or, if such conditions are met, what restrictions will be in place with respect to how schools may reopen;

WHEREAS, it is likely that one or more SIP orders will be in effect for the 2020-21 fiscal year even if District schools are permitted to reopen;

WHEREAS, the District must be able to respond immediately and effectively to the ever-changing nature of the COVID-19 pandemic, Executive Orders, state guidance, SIP orders, and conditions within the District in order to keep District students and staff safe; and

WHEREAS, the District's need to respond immediately and effectively includes reaching agreements with bargaining units to mitigate learning loss for students, accelerate academic achievement, and respond to the impacts of COVID-19 and subsequent SIP orders on employee working conditions.

NOW, THEREFORE, BE IT RESOLVED THAT, the Governing Board authorizes the Superintendent or designee (i) 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 (ii) to determine and direct the reopening—and, if necessary, subsequent closing—of schools in light of the COVID-19 pandemic, Executive Orders, state guidance, SIP orders, and conditions within the District.

BE IT FURTHER RESOLVED, this delegation of authority, as it applies to contract approval, is limited to contracts up to \$500,000 in value;

BE IT FURTHER RESOLVED, this delegation of authority still requires ratification by the Board of all actions that would normally require Board approval;

BE IT FURTHER RESOLVED, this delegation of authority also requires the Superintendent to continue to provide regular updates to the Board and the public regarding the District's response to COVID-19, particularly its approach to reopening—and, if necessary, subsequent closing—of schools due to the COVID-19 pandemic, Executive Orders, state guidance, SIP orders, and conditions within the District;

BE IT FURTHER RESOLVED, this Resolution is retroactively effective as of May 27, 2020 and shall be in effect so long as one or more SIP orders are in place unless otherwise terminated by the Board;

BE IT FURTHER RESOLVED, this Resolution shall apply and shall be interpreted to apply only to actions related to the COVID-19 pandemic.

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,
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 June 24, 2020.

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By:	er

OAKLAND UNIFIED SCHOOL DISTRICT



Jody London
President, Board of Education



Kyla Johnson-Trammell
Superintendent and Secretary, Board of Education