

Resolution to Grant Emergency Powers and Suspend Policies in Order to Address COVID-19 Issues

Whereas on March 10, 2020, Governor Jared Polis declared a state of emergency and issued Executive Order D 2020 003 on March 11, 2020 as a safeguard against the further spread of COVID-19; and

Whereas on March 18, 2020, Governor Jared Polis issued Executive Order D 2020 007 suspending in-person learning in public and private schools across the state from March 23 to April 17; and

Whereas on March 25, 2020, Governor Jared Polis issued Executive Order D 2020 017 ordering Coloradans to stay at home, subject to limited exceptions for qualified critical business, and on March 27, 2020, the Colorado Department of Public Health and Environment issued an updated, accompanying Public Health Order 20-24 Implementing Stay at Home Requirements clarifying that “critical business” includes K-12 public and private schools for the purpose of providing meals, housing, facilitating or providing materials for distance learning, and providing other essential services to students, provided that social distancing requirements are observed; and

Whereas under Colo. Const. art. 9, § 15, the local Board of Education has control of instruction in its public schools; and

Whereas under C.R.S. § 22-32-110 the local Board of Education has the authority to employ a Superintendent to administer the affairs and the programs of the district, pursuant to a contract; and

Whereas the Board of Education finds that the current state of emergency requires that the Superintendent be granted greater flexibility to respond quickly and appropriately to the evolving crisis; and

Whereas under Board Policy BG [or other applicable local board policy], the operation of any section or sections of Board policies not established by law or contract may be suspended temporarily by a majority vote of Board members present at a Board meeting held in compliance with law and Board policy;

NOW THEREFORE, BE IT RESOLVED that the [name of LEA] Board of Education grants to the Superintendent the following temporary powers to address the COVID-19 emergency:

1. Authority to temporarily waive such Board policies or provisions of Board policies as the Superintendent shall deem necessary to comply with guidance from appropriate health or governmental authorities or necessary for other effective response.
2. Authority to take any lawful actions necessary to ensure the continuation of public education, to provide for the health and safety of students and employees, or to respond to

direction from appropriate health and government authorities. Such actions may include, but are not limited to:

- adjustments to the curriculum and the provision of alternative educational program options;
 - adjusting graduation requirements for the Class of 2020;
 - adjustments to employee work schedules and assignments;
 - modifications to the school calendar;
 - adjustments to the delivery of school-provided meals;
 - limitations on access to property owned or controlled by the Board of Education;
 - applying to any governmental body for financial or other aid as may be available; and
 - applying to any governmental body for waiver of regulations or requirements, compliance with which is affected by the COVID-19 emergency.
3. Authority to enter into contracts without board approval for any dollar amount necessary for the purchase of materials, equipment, supplies, or services for sanitation, cleaning, technology, or other needs directly related to the COVID-19 emergency situation, provided such action is consistent with all applicable State and Federal laws.

NOW, BE IT FURTHER RESOLVED that the Superintendent is directed to keep the Board of Education informed of any actions taken under this emergency authority as soon as is practicable in light of the circumstances.

NOW, BE IT FURTHER RESOLVED that the temporary powers authorized by this Resolution are in effect for the duration identified in Governor’s Order of March 18, 2020, and any subsequent extension of that order, unless otherwise rescinded or extended by the Board upon a two-thirds majority vote.

NOW, BE IT FURTHER RESOLVED that execution of this Resolution is conclusive evidence of the Board’s approval of this action and of the authority granted herein.

Adopted and approved this ____ day of _____, 2020.

President, on behalf of

Date

the Board of Education