

EMERGENCY RESOLUTION
DELEGATING AUTHORITY TO TAKE NECESSARY ACTION TO PROTECT
STUDENTS AND STAFF FROM THE SPREAD OF CORONAVIRUS (COVID-19)
Resolution # 28 19/20

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a statewide emergency arising from the coronavirus (COVID-19).

WHEREAS, on March 10, 2020, the Santa Clara County Board of Supervisors and the Department of Public Health declared the existence of a local and public health emergency arising from the coronavirus (COVID-19).

WHEREAS, the Santa Clara County Superintendent of Schools in collaboration with the superintendents of the school districts has determined that it is advisable for all public schools within the county to prepare for school closures resulting from the coronavirus (COVID-19) outbreak.

WHEREAS, on March 12, 2020, Governor Newsom issued an executive order directing Californians to cancel large public gatherings and to enforce social distancing.

WHEREAS, ON March 13, 2020, the Santa Clara County Department of Public Health issued guidance effective at 12:00 a.m. on March 14, 2020, prohibiting public or private gatherings of more than 100 people and also banning gatherings of 35 to 100 people except under certain conditions;

WHEREAS, the Santa Clara County Superintendent of Schools with the full support of the Santa Clara Department of Public Health and the Board of Trustees consider it a matter of public interest to develop plans to implement the guidance related to reducing the spread of COVID-19 in our schools to protect our students, their families, our employees and our community;

WHEREAS, Article I, Section 28, of the California Constitution declares that “[a]ll students and staff of public, primary, elementary, junior high, and senior high school . . . have the inalienable right to attend campuses which are safe, secure and peaceful.”

WHEREAS, the Santa Clara County Office of Public Health has reported that multiple persons in Santa Clara County are suspected to have contracted Coronavirus (COVID-19) and the extent to which other members of the Santa Clara County community may have contracted Coronavirus (COVID-19) is unclear.

WHEREAS, Education Code section 35161 permits the Board of Trustees to delegate to the Superintendent broad authority to carry on activities and programs including the expenditure of funds for programs and activities which, in the determination of the Board of Trustees and the Superintendent, are necessary to meet the needs of the District to address the Coronavirus (COVID-19) pandemic and which are not inconsistent with the purposes for which the funds were appropriated.

NOW THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Trustees hereby declares the existence of an ongoing public health emergency within the county and the District arising from the coronavirus (COVID-19) pandemic.

BE IT FURTHER RESOLVED AND ORDERED, the Superintendent is delegated authority to take all appropriate action to respond to the coronavirus (Covid-19) pandemic, including, but not limited to, any action:

- A. To ensure and protect the welfare, safety and educational wellbeing of all students and staff;
- B. To cancel or modify any activities, programs, or courses, up to and including the temporary closure of schools and program sites effective March 16, 2020;
- C. To protect District property;
- D. To make further declarations of emergency and to take emergency action as permitted by law.

BE IT FURTHER RESOLVED AND ORDERED that should any portion of this Resolution be held invalid, the invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provisions or application, and to this end the provisions of this Resolution are declared to be severable.

BE IT FURTHER RESOLVED AND ORDERED that this Resolution is an emergency measure within the mandate and jurisdiction of the Board of Trustees and is necessary for the immediate welfare of the schools and pupils thereof. Therefore, this Resolution shall become effective immediately upon its adoption and shall remain in effect until repealed by formal Board action.

PASSED AND ADOPTED by the following vote of the Board of Trustees of the Alum Rock Union Elementary School District, County of Santa Clara, State of California on March 24, 2020.

Ayes _____ Noes _____ Absent _____ Abstain _____

Board of Trustees:

Ernesto Bejarano, President _____

Corina Herrera-Loera, Vice President _____

Andrés Quintero, Clerk _____

Dolores Marquez-Frausto, Member _____

Linda Chavez, Member _____

I HEREBY CERTIFY that the foregoing resolution was duly and regularly introduced, passed, and adopted by the members of the Board of Trustees of the Alum Rock Union Elementary School District at a public meeting of said Board held on March 24, 2020.

Hilaria Bauer, Ph.D., Superintendent

Date