# Agenda Request Form

| Meeting Date | Agenda Item Number |
|---|---|
| April 16, 2020 | B-1 |

## Title

Cancellation of Field Trips Resolution

## Requested Action

School Board Adoption of Cancellation of Field Trips Resolution

## Summary Explanation and Background

At the request of a CCSD travel vendor, the attached Resolution Ratifying the Decision of the Cherokee County School District Superintendent of Schools to Cancel Field Trips due to Novel Coronavirus Disease (COVID-19) Outbreak is presented for adoption.

Upon approval, the resolution will be transmitted to the vendor as CCSD continues to pursue full refunds for its student and parents.

## Priority Area

Organizational and Operational Effectiveness

## Financial Impact

N/A

## Exhibits: (List)

Resolution

## Source of Additional Information

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| Kyla Cromer, School Board Chair | 770.479.1871 |
| Tom Roach, School Board Attorney | 770.479.1406 |

**A RESOLUTION RATIFYING THE DECISION OF THE CHEROKEE COUNTY SCHOOL DISTRICT SUPERINTENDENT OF SCHOOLS TO CANCEL FIELD TRIPS DUE TO NOVEL CORONAVIRUS DISEASE (COVID-19) OUTBREAK: APRIL 16, 2020**

**WHEREAS**, the Cherokee County School District ("District") has contracted with certain travel agencies and providers for the facilitation and provision of field trips for District classes, clubs, and other student and educator groups;

**WHEREAS**, these contracts are awarded through a competitive proposal process in which the vendor must agree to abide by certain conditions;

**WHEREAS**, one of these conditions requires the vendor to refund all monies paid for trips that are cancelled by the Superintendent of Schools ("Superintendent") due to a local or national emergency, a condition added to the request for proposals following the terrorist attacks of September 11, 2001 and the resulting travel conditions;

**WHEREAS**, The Travel Store, Inc. ("Travel Store"), was a successful proposer in the District's Request for Proposals ("RFP") process;

**WHEREAS**, Travel Store has participated in and been awarded contracts under the District's RFP process since at least 2001;

**WHEREAS**, the World Health Organization declared the Novel Coronavirus Disease ("COVID-19" Outbreak) a Public Health Emergency of Global Concern on January 30, 2020;

**WHEREAS**, the Superintendent and his Cabinet had been monitoring the status of the COVID-19 Outbreak since at least January 30, 2020, paying close attention to the situation both in Georgia and in other areas of the United States to which school travel had been planned;

**WHEREAS**, the Superintendent and his Cabinet were aware that several field trips to New York City has been planned for the week of April 1-5 and accordingly were paying special attention to the COVID-19 Outbreak there;

**WHEREAS**, the Governor of New York declared a state of emergency in that state on March 7, 2020 due to an alarming increase in the number of COVID-19 Outbreak cases, especially in New York City;

**WHEREAS**, based on this and other pertinent information, the Superintendent on March 12, 2020 cancelled all field trips for the remainder of the 2019-2020 School Year;

**WHEREAS**, on March 12, 2020, Dr. Nicole Holmes, the District's Chief Academic Officer and the designee of the Superintendent, informed the Travel Store of the Superintendent's decision by letter and requested a refund;

**WHEREAS**, on March 13, 2020, President Donald J. Trump declared a national emergency by issuing a Proclamation on Declaring a National Emergency Concerning the COVID-19 Outbreak;

**WHEREAS**, on March 13, 2020, the Superintendent temporarily closed the District's schools based on the recommendation of various public health and other state officials;

**WHEREAS**, on March 13, 2020, Mayor Bill de Blasio of New York City declared a state of emergency in that city due to the COVID-19 Outbreak;

**WHEREAS**, on March 14, 2020, Georgia Governor Brian P. Kemp declared a Public Health State of Emergency due to the COVID-19 Outbreak by Executive Order No. 03.14.20.01;

**WHEREAS**, on March 16, 2020, the Georgia General Assembly ratified in a special session, as required by law, Governor Kemp's declaration of a Public Health State of Emergency;

**WHEREAS**, also on March 16, 2020, Governor Kemp closed Georgia's public schools from March 18, 2020 until March 31, 2020 to stop the spread of the COVID-19 Outbreak by Executive Order No. 03.16.20.01;

**WHEREAS**, on March 26, 2020, Governor Kemp closed Georgia's public schools through April 24, 2020 to stop the spread of the COVID-19 Outbreak by Executive Order No. 03.26.20.02;

**WHEREAS**, on April 1, 2020, Governor Kemp closed Georgia's public schools for the remainder of the 2019-2020 School Year to stop the spread of the COVID-19 Outbreak by Executive Order No. 04.01.20.01;

**WHEREAS**, the District continued to pursue a refund from the Travel Store;

**WHEREAS**, the School Board Attorney made contact with the Travel Store's attorney to address the status of the refunds;

**WHEREAS**, the Travel Store apparently was working to obtain refunds but was having particular difficulty obtaining a refund from the Times Square Marriott Marquis in New York City;

**WHEREAS**, the Travel Store's attorney suggested that a resolution by the School Board might facilitate a refund by possibly supplying the condition precedent to invoke the *force majeure* clause in the Travel Store's contract with the Times Square Marriott Marquis;

**WHEREAS,** the Governor of New York has continued the declaration of a state of emergency in that state until at least May 7, 2020;

**WHEREAS**, the Travel Store has yet to inform the District or the School Board Attorney of any other particular difficulties in obtaining refunds;

**WHEREAS**, on April 3, 2020, the United States Department of Transportation issued an Enforcement Notice requiring airlines to issue refunds for flights cancelled or significantly delayed due to the COVID-19 Outbreak Public Health Emergency;

**WHEREAS**, the only issue with refunds from the Travel Store, as of the date of this Resolution, is the purported dispute with the Times Square Marriott Marquis;

**WHEREAS**, this purported dispute seems at odds with the Extended Cancellation Policy announced by Marriott International on April 8, 2020;

**WHEREAS**, the School Board is firmly committed to pursuing full refunds for the District's students and their families for field trips that were cancelled due to the COVID-19 Outbreak Public Health Emergency and then closure of school for the remainder of the school year; and,

**WHEREAS**, while the Travel Store's explanation for why no refund has been received is puzzling in light of Marriott International's Extended Cancellation Policy, the School Board is willing to assist in whatever way is required to expedite the refund

**WHEREAS**, the School Board fully supports the Superintendent's decisions to cancel all field trips in the face of an unprecedented public health situation and acknowledges his legal authority to do so;

**THEREFORE, BE IT RESOLVED THAT** the School Board ratifies the Superintendent's March 12, 2020 decision to cancel all field trips for the remainder of the 2019-2020 school year.

**BE IT FURTHER RESOLVED THAT** the School Board Attorney is to promptly transmit a copy of this Resolution to the Travel Store's attorney and to any other travel agency or provider in the expectation that outstanding field trip monies will be refunded to students and parents without any further delay.

**APPROVED BY THE CHEROKEE COUNTY BOARD OF EDUCATION** on this 16th day of April, 2020.

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| Dr. Brian V. Hightower | Kyla Cromer |
| Superintendent | Chair |
| Cherokee County School District | Cherokee County Board of Education |