

**RESOLUTION OF THE BOARD OF TRUSTEES OF  
NEW CANEY INDEPENDENT SCHOOL DISTRICT  
COVID-19 VIRUS FOR 2020-2021 SCHOOL YEAR**

WHEREAS, the New Caney Independent School District ("NCISD" or the "District") Board of Trustees recognizes that COVID-19 is an unforeseen and unavoidable emergency of urgent public necessity, that the World Health Organization has declared COVID-19 a pandemic, that the President of the United States has declared a national emergency regarding the spread of COVID- 19, Texas Governor Abbott has declared a state of emergency, Montgomery County has declared an emergency, and that additional emergency declarations may follow in the coming days and weeks; and

WHEREAS, the New Caney Independent School District Board of Trustees has a substantial public interest in protecting the health and safety of its students, staff, and community and therefore desires to ensure that the school district and community are prepared to the fullest extent possible to protect the health and safety of students, staff, and community in light of COVID-19;and,

WHEREAS, the Board of Trustees of New Caney Independent School District seeks to retain its employees, reduce turnover, increase morale, help employees focus on work-related matters while at work, and facilitate the return to duty of employees if schools are closed and believes that an additional public purpose exists in doing so; and,

WHEREAS, the Board of Trustees of New Caney Independent School District believes the public / purposes described above are fulfilled by efficiently and effectively making certain delegations, as described more fully herein, to the Superintendent to address this ever-changing emergency situation in the best interest of the health, safety, and well-being of its students, staff, community, and the citizenship at-large; and

IT IS THEREFORE:

RESOLVED THAT the Board of Trustees of New Caney Independent School District finds a substantial public purpose exists in protecting the health and safety of its students, staff, and community and therefore in ensuring that the school district and community are prepared to the fullest extent possible to protect the health and safety of students, staff, and community in light of COVID-19; and,

FURTHER RESOLVED THAT the Board of Trustees of New Caney Independent School District finds a public purpose also exists in retaining its employees, reducing turnover, increasing morale, helping employees focus on work-related matters while at work or teleworking, and facilitating the physical return to duty of employees if schools are closed; and,

FURTHER RESOLVED THAT in furtherance of the public purposes so stated in this Resolution, the Board of Trustees of New Caney Independent School District makes the following delegations to the Superintendent and/or his designee in order to efficiently and effectively prepare the school district in response to the declarations of emergency continuing throughout the United States, the State of Texas, and Montgomery County or that may be made in the upcoming year, and independently in

preparation for the potential declarations of emergencies by other local, state, and/or national and international officials:

- (1) The authority to compensate NCISD employees for workdays missed when NCISD was closed or has altered operations due to the COVID-19 pandemic at their regular hourly or daily rate of pay, according to the regular duty schedule the employee would have otherwise worked if not for the closure/altered operations, or other schedule(s), as determined by the Superintendent. Daily Substitutes and independent contractors are not eligible for the emergency pay outlined herein;
- (2) The further authority to act in the place of the Board of Trustees under Board Policy DEA (Local) and thus make all decisions regarding payment of the employees during an emergency closure and/or altered operations, to implement the provisions of Board Policy DEA (Local), and to make determinations regarding the purpose any such expenditures
- (3) The further authority to make decisions regarding the compensation, if any, of exempt and non-exempt employees who may be required to report to work or work remotely during an emergency closure and to implement those decisions;
- (4) The authority to implement or modify an educational program for students served by the District during the closure;
- (5) The authority to postpone, suspend, or cancel regular Board meetings and to call special, called meetings during the closure in the interest of health and safety in consultation with the Board President;
- (6) The authority to alter the NCISD 2020-2021 calendar by changing and/or adding school/instructional hours and work/school days as necessitated by an emergency closure or related concerns; including but not limited to both the length of the school day and/or year;
- (7) The authority to provide a technology allowance(s) to NCISD employees to assist employees with working remotely, in an amount to be determined in the Superintendent's discretion;
- (8) The authority to create guidelines and make determinations regarding absences, leave time, leave days, and compensation of any employee who is quarantined as a result of COVID-19 and/or tests positive for COVID-19 and who presents appropriate medical documentation regarding themselves and/or an immediate family member, in the sole discretion of the Superintendent or his designee, in compliance with Texas and Federal law;
- (9) The authority to declare as catastrophe and take all actions as appropriate in accordance with Texas Government Code Section 552.233 regarding temporary

suspension of the Texas Public Information Act; and

- (10) The authority to suspend and/or abate all timelines pursuant to Board Policies GF, FNG, and DGBA given the remote work conditions and so that District personnel can focus on serving student until such time as the District resumes normal operations; and
- (11) The authority to seek any necessary waivers from the Texas Education Agency without further action of the Board of Trustees regarding missed instructional days, low attendance, or any matters related to the emergency closures as part of this Resolution; and
- (12) The authority delegated to the Superintendent and/or his designee the authority to modify the student handbook/code of conduct or employee handbook in order to comply with state, county, and city mandates including but not limited to the wearing of face coverings or other protective gear and procedures surrounding those requirements.

FURTHER RESOLVED THAT (1) due to the unique, ongoing nature of COVID-19, the need to continue the operations of the District, and recognizing that employees will continue to receive their regular hourly or daily rate of pay during the closure/period of altered operations, the Board of Trustees hereby waives the provisions of Board Policy DEA (Local) mandating additional emergency pay to non-exempt and exempt employees who were/are required to work during the District's closure.; (2) grants authority to the Superintendent to require non-exempt and exempt employees to report to work or work remotely during the Department's closure due to COVID-19; and (3) grants authority to the Superintendent to determine essential personnel workdays, hours, if any, for all employees during the closure.

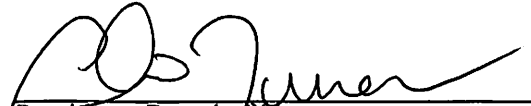
FURTHER RESOLVED THAT (1) the emergency of COVID-19 and its potential spread constitutes an unforeseen emergency/matter of urgent public necessity; (2) the delays posed by competitive procurement of contracts necessary to restore, replace, and/or repair equipment, personal property, and/or school facilities will prevent or substantially impair the conduct of classes or other essential school activities; and (3) the Superintendent and his designee(s) are authorized to procure, negotiate, and execute contracts for goods and services that are necessary to mitigate, prevent, restore, and repair damage caused to NCISD equipment, personal property, and facilities or to protect the safety of NCISD students and staff; and (4) the Superintendent shall inform the Board of Trustees of all emergency purchases made hereunder at the next regular Board meeting following such purchases; the Superintendent's emergency authority as contemplated in this Resolution shall expire when the State of Emergency resulting from the COVID-19 pandemic is declared over or until March 31, 2021, which ever comes sooner.

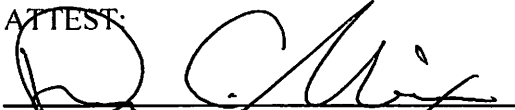
**CERTIFICATE FOR RESOLUTION**

I hereby certify that the forgoing resolution was presented to the Board of Trustees of the New Caney Independent School District during a regular meeting December 14, 2020, a quorum of the Board of Trustees being then present, it was then duly moved and seconded that the resolution be adopted, and such resolution was then adopted according to the following vote:

Ayes: 7  
Nays: 0  
Abstentions: 0

To certify which, witness my hand and the official seal of the District this 14th day of December, 2020.

  
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President, Board of Trustees  
New Caney Independent School District

ATTEST:  
  
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Vice President, Board of Trustees  
New Caney Independent School  
District