

**SECOND RESOLUTION OF THE BOARD OF TRUSTEES OF  
THE NEW CANEY INDEPENDENT SCHOOL DISTRICT  
COVID-19 Virus**

WHEREAS, the New Caney Independent School District Board of Trustees recognizes that officials in the United States, State of Texas, the City of New Caney, and Montgomery County have declared an emergency regarding the potential spread of coronavirus/COVID-19 (hereafter "COVID-19") and that the territory included in New Caney Independent School District is within the areas where an emergency has been declared; and,

WHEREAS, the New Caney Independent School District Board of Trustees recognizes that the Governor of the State of Texas has declared a public health disaster; and,

WHEREAS, the New Caney Independent School District Board of Trustees recognizes that COVID-19 continues to be an unforeseen and unavoidable emergency of urgent public necessity, that the World Health Organization has declared COVID-19 a pandemic, and that additional emergency declarations may continue to follow in the coming days and weeks; and,

WHEREAS, the New Caney Independent School District Board of Trustees recognizes that this COVID-19 pandemic is an ever-changing and fluid situation requiring plans and altered operations significantly different from any situation ever experienced by the District; and

WHEREAS, the COVID-19 situation and resulting disaster and emergency declarations have caused a significant disruption to normal operations in the District which is unprecedented and not adequately addressed or contemplated in District Policies; 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 continue to be 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 the New Caney Independent School District recognizes that there is a substantial public purpose in providing to its students an educational program through distance/virtual learning and other services to the extent possible, including but not limited to food services; and,

WHEREAS, the Board of Trustees of the New Caney Independent School District recognizes while District campuses and/or facilities may remain closed, in whole or part, the District must continue to serve students, that certain operations must continue, and that the Board must take certain actions and make certain delegations to continue such operations; and,

WHEREAS, the Board of Trustees of the New Caney Independent School District recognizes that while District campuses and/or facilities may remain closed, and while the District may be suspending on-site District operations, the District must continue to operate through altered operations in order to serve students; and,

WHEREAS, the Board of Trustees of the New Caney Independent School District recognizes that to continue to serve students, District employees are expected to perform work at the direction of their supervisors and District leaders albeit in environments that may look different from normal operations; and,

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

WHEREAS, the Board of Trustees of the New Caney Independent School District believes the public purposes described above are fulfilled by efficiently and effectively making additional 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;

IT IS THEREFORE:

RESOLVED THAT the Board of Trustees of the 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 continue to be 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 the 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, compensating employees for working in certain conditions, and facilitating the return to duty of employees if schools are closed and/or if the District is operating under altered operations; and,

FURTHER RESOLVED THAT the Board of Trustees of the New Caney Independent School District finds that there is a substantial public purpose in providing to its students an educational program through distance/virtual learning and other services to the extent possible, including but not limited to food services; and,

FURTHER RESOLVED THAT the Board of Trustees of the New Caney Independent School District finds that while District campuses and/or facilities may remain closed, in whole or part, the District must continue to serve students and certain operations must continue and that the Board must take certain actions and make certain delegations to continue such operations; and,

FURTHER RESOLVED THAT the Board of Trustees of the New Caney Independent School District finds that while District campuses and/or facilities may remain closed, and while the District may be suspending on-site District operations, the District must continue to operate through altered operations in order to serve students; and,

FURTHER RESOLVED THAT the Board of Trustees of the New Caney Independent School District finds a public purpose exists in altering normal operations so that District campuses and/or facilities may remain closed, in whole or part, but that students shall be continue to be served and thus employees may be required to perform work at the direction of their supervisors and District administrative leaders; and

FURTHER RESOLVED THAT the Board of Trustees of the New Caney Independent School District ends, effectively immediately upon the passage of this Resolution, the period of emergency closure as defined in Board Policy DEA (Local), and, instead determines that while District buildings and facilities remain closed, the District shall operate through altered operations in order to continue to serve students and that such altered operations shall not constitute an emergency closure as defined in Board Policy DEA (Local); and

FURTHER RESOLVED THAT the Board of Trustees of the New Caney Independent School District finds that all employees who were eligible to receive their compensation under the emergency closure previously declared through the March 16, 2020 Resolution of the Board and subsequent actions of the Superintendent shall continue to receive their compensation at their normal rate of pay for their normal schedule but that emergency closure pay ends effective with the passage of this Resolution except as may be determined by the Superintendent as set forth below; and

FURTHER RESOLVED THAT in furtherance of the public purposes so stated in this Resolution, the Board of Trustees of the New Caney Independent School District makes the following supplemental delegations to the Superintendent in order to efficiently and effectively continue to prepare the school district and continue to serve students in response to the declarations of emergency announced by the City of New Caney and Montgomery County, the Governor's declaration of a public health disaster, as well as in preparation for the potential additional declarations of emergencies by other local, state, and/or national and international officials:

- (1) The authority to determine and implement plans, as necessary and as may change, of altered operations so that all or some District campuses and facilities may remain closed, but the District may continue to provide services to students by requiring employees to work at the direction of their supervisors and/or District administrative leaders;
- (2) The authority to determine work schedules, compensation, and remote/telework or in-person work assignments for employees during the time of altered operations;
- (3) The authority to increase compensation, in whole or part, during the time of altered operations to employees whom the Superintendent determines may, due to the conditions of their assignments, warrant additional compensation;
- (4) The authority to continue to develop and implement a program of distance/virtual learning for students during any time of emergency closure and/or altered operations;

- (5) The authority to waive, suspend, and/or alter and revise and implement any and all District Board Policies relating to grading and class rank during this time of altered operations;
- (6) The authority, in accordance with any state decisions, to determine when the District shall resume normal operations;
- (7) The authority, if necessary, to determine that a subsequent emergency closure or closures as defined by Board Policy DEA (Local) may be necessary and to implement such emergency closures; and
- (8) The authority to revise and adapt Board Policy GKD (Local) and corresponding regulations without further Board approval during the time of altered operations as the Superintendent may determine necessary or appropriate to allow rental or use of District property and facilities.

FURTHER RESOLVED THAT the Board of Trustees of the New Caney Independent School District temporarily waives any requirement or allowance of public comment/citizen inquiry at Board meetings as provided for by Board Policy BED (Local) until such time that the District resumes normal operations; and

FURTHER RESOLVED THAT the Board of Trustees of the New Caney Independent School District, in accordance with the direction of the Texas Commissioner of Education, waives applicable sections of Texas Education Code Sections 21.351, 21.352, 21.354, 21.2541, and applicable rules in Title 19 TAC Chapter 150 in a plan as may be developed and implemented by the Superintendent; and

FURTHER RESOLVED THAT the Board of Trustees of the New Caney Independent School District waives Board Policies DN, DNA, and DNB to the extent determined necessary by the Superintendent and authorizes the Superintendent to develop and implement a plan for appraisals of teachers, campus administrators, and all other personnel for the 2019-2020 school year; and

FURTHER RESOLVED THAT the Board of Trustees of the New Caney Independent School District delegates final hiring authority to the Superintendent for both contractual and non-contractual staff through August 15, 2020. The Superintendent shall report all contractual hires in the normal manner in which they were previously reported; and

FURTHER RESOLVED THAT the Board of Trustees of the New Caney Independent School District suspends and abates all timelines in Board Policies DGBA, FNG, and GF given the remote working conditions and so that District personnel can focus on serving students until such time as the District resumes normal operations; and

FURTHER RESOLVED THAT the Board of Trustees of the New Caney Independent School District finds that during this time of altered operations, District administrative offices are considered closed and its physical offices are considered closed for purposes of a public health and epidemic response; and

FURTHER RESOLVED THAT the Board of Trustees of the New Caney Independent School District finds that in furtherance of the public purpose of continuing to serve students, during this time of altered operations, for purposes of Texas Education Code 11.1513(d) related to posting of vacancies only, a day that the District is offering to virtual instruction to students is considered a school day; and

FURTHER RESOLVED THAT the Board of Trustees of the New Caney Independent School District finds that despite the closure and time of altered operations, at the time of this Resolution, the 2019-2020 last instructional day for students and last duty day for employees remains unchanged but that the Board of Trustees recognizes that the fluid and changing circumstances may require later changes and delegates such authority to the Superintendent; and


FURTHER RESOLVED THAT the Board of Trustees Resolution of March 16, 2020 remains in effect except as may be modified or supplanted by this Resolution.

### CERTIFICATE FOR RESOLUTION

I hereby certify that the foregoing resolution was presented to the Board of Trustees of the New Caney Independent School District during a special called meeting April 20, 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 20th day of April, 2020. This Resolution may be signed electronically and in counterparts.

  
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President, Board of Trustees

ATTEST:  
  
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Secretary, Board of Trustees