

BRYAN ISD
A RESOLUTION DELEGATING AUTHORITY TO THE SUPERINTENDENT TO
ACT IN PLACE OF THE BOARD OF TRUSTEES DURING AN EMERGENCY
CLOSURE

WHEREAS, the Bryan Independent School District Board of Trustees (Board) recognizes that officials in the State of Texas and the United States Government have declared a disaster and emergency regarding coronavirus/COVID-19 (hereafter “COVID-19”) and its potential spread;

WHEREAS, the territory included in Bryan Independent School District is within the areas declared a disaster and an emergency area;

WHEREAS, on or about March 13, 2020, the President of the United States declared a national emergency and the Governor of the State of Texas declared a statewide disaster regarding COVID-19;

WHEREAS, on or about March 19, 2020, the Governor of Texas issued an Executive Order limiting gatherings to ten (10) or fewer individuals until April 3, 2020;

WHEREAS, on or about March 23, 2020, County Judge Duane Peters issued an Order of local state disaster;

WHEREAS, the Board recognizes that COVID-19 is an unforeseen and unavoidable emergency of urgent public necessity, that the World Health Organization has declared COVID19 a pandemic, and that additional emergency declarations may follow in the coming days and weeks;

WHEREAS, the Board and Administration are following advice and directives from federal, state and local authorities in responding to the COVID-19 Virus;

WHEREAS, the Board 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;

WHEREAS, the District was closed for Spring Break from March 9-13, 2020, and is currently closed from March 16-April 10, 2020, due to the COVID-19 pandemic, and may determine a need exists to implement further suspension of classes in response to the health needs of our families and our community;

WHEREAS, the District’s public purpose is served by promoting conscientious health choices, including individual quarantines as may be necessary when classes resume, and to continue compensation of staff members during such times;

WHEREAS, the District’s public purpose is served by working with students, families, and staff to the extent possible to support continued learning during times of school suspension and/or quarantine;

WHEREAS, the Board 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;

WHEREAS, the pursuant to Governor's Executive Order of March 19, 2020, mandating school closures and prohibiting gatherings of groups of 10 or more, the COVID-19 pandemic is an unforeseen "operational failure" suffered by educational institutions and their physical facilities, as contemplated under Texas Education Code Section 44.031(h);

WHEREAS, only for the duration of the Declaration of Disaster and resulting Executive Orders of the Governor, the board of trustees determines that the delay posed by the methods provided for in Texas Education Code Section 44.031(a) would prevent or substantially impair the provision of classes or other essential school activities;

WHEREAS, to the extent possible, the term of contracts awarded by methods other than those required by Section 44.031(a), due to the COVID-19 emergency shall not extend longer than reasonably necessary to respond to the Declaration of Disaster and comply with Executive Orders of the Governor;

WHEREAS, any contract entered into by the district pursuant to this resolution will be presented to the board of trustees for ratification at a future board meeting;

WHEREAS, the Board supports future decisions the Superintendent may make under the authority of this resolution regarding the continuation of wage payments to all regular employees—contractual and non-contractual, salaried and non-salaried—who suffer a loss in pay due to an emergency closing, as continuation of wage payments as feasible will serve the public purposes of maintaining morale, reducing turnover, and ensuring continuity of District staffing when schools reopen; and

WHEREAS, the Board supports future decisions the Superintendent may make under the authority of this resolution regarding premium pay for nonexempt employees and exempt employees, as provided at DEA (LOCAL), as such expenditures serve the public purposes of maintaining morale, providing equity between idled employees and employees who provide emergency-related services, and recognizing the services of essential staff; and

WHEREAS, the Board 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.

IT IS THEREFORE RESOLVED THAT the Board of Trustees 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.

In furtherance of these public purposes, the Board of Trustees makes the following delegations to the Superintendent and designee(s):

1. The authority to act in the place of the Board under Policy DEA (LOCAL) and thus make all decisions regarding payment of employees during an emergency closure, to implement, suspend, or modify the provisions of Board Policy DEA(LOCAL), and to make determinations regarding the purpose and parameters of any such payments;
2. The authority to alter the Bryan ISD 2019-2020 school calendar by changing and/or adding school/instructional hours and work/school days as necessitated by any emergency closure or related concerns;

3. The authority to act in place of the Board under Policy DEC (Local) regarding employee leave and thus create guidelines and make decisions regarding absences, leave time, leave days, and compensation of any employee who is quarantined as a result of COVID19 and/or who tests positive for COVID-19 and who presents appropriate medical documentation regarding themselves and/or an immediate family member, in compliance with Texas and federal law;
4. To the extent permitted by law, the authority to act in place of the Board under Policy DEC (Local) regarding employee leave as it relates to payment and usage of leave to employees who were on leave or take leave during the emergency for reasons unrelated to COVID-19;
5. The authority act in place of the Board to suspend or modify the timelines for the local grievance process in Board Policies DGBA (Local), FNG (Local), and GF (Local);
6. 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;
7. The authority to declare a 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;
8. The authority to act in place of the Board under Policies CH, COA and CV (Local) regarding procurement and thus procure, negotiate, and execute contracts for goods and services that are necessary to mitigate, prevent, restore, and repair damage caused to District equipment, personal property, and facilities or to protect the safety of students and staff, related to COVID-19 and its potential spread. Such authority being necessary to prevent delays posed by competitive procurement of contracts that will prevent or substantially impair the conduct of classes or other essential school functions and activities;
9. To the extent permitted by law, the authority to act in the place of the Board under Policy EIA (LOCAL) and to modify the provisions of Board Policy EIA (LOCAL), and the authority to modify the local student grading guidelines contained in the Bryan ISD Student Handbook; and
10. In the event other waivers or immediate actions are needed, the Superintendent is authorized to take other action and to submit/apply for other waivers in accordance with guidance and instructions from the national and state authorities and/or agencies.

The above Resolution is passed and adopted this 1st day of April 2020 by the Board of Trustees.

APPROVED:

ATTEST:

Mark McCall
President, Board of Trustees

Felicia Benford
Secretary, Board of Trustees

