

RICHARD MILBURN ACADEMY/TEXAS, INC.
BOARD COVID-19 EMERGENCY DECLARATION RESOLUTION NO. 1

- 1. WAIVER OF PROCUREMENT POLICIES FOR COVID-19 RELATED WORK**
- 2. WAIVER FOR MISSED INSTRUCTIONAL DAYS/LOW ATTENDANCE**
- 3. APPROVAL OF PAY DURING CLOSURE/QUARANTINE**
- 4. AUTHORIZATION OF TEA ATTESTATIONS**
- 5. APPROVAL OF CLOSURES**
- 6. APPROVAL OF DISTANCE INSTRUCTIONAL LEARNING**
- 7. SUSPENSION OF TEXAS PUBLIC INFORMATION ACT**
- 8. OTHER AUTHORIZATIONS AND STATE WAIVERS**

On the 24th day of March 24, 2020, the Board of Directors of Richard Milburn Academy/Texas, Inc., at a lawfully called meeting of the Board held in compliance with the Texas Open Meetings Act, adopted by vote the following findings and Resolution of COVID-19 Emergency Declaration:

WHEREAS, the Federal Government and Governor of Texas have declared a public health emergency and state of disaster in all counties of Texas in response to the imminent threat of COVID-19 pandemic;

WHEREAS, the Board of Directors of Richard Milburn Academy/Texas, Inc. ("School") has a substantial public interest in protecting the health and safety of its students, staff and community;

WHEREAS, the School's community, including its personnel and students and their families, have been or are likely to be substantially impacted by the COVID-19 Virus and there are or may soon be confirmed cases of COVID-19 in the School's approved geographic boundary;

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

WHEREAS, through circumstances completely beyond their control, School employees may be forced to miss an undetermined number of workdays due to likely closure of school facilities and operations;

WHEREAS, the Board acknowledges that during an emergency closing, many School employees may be instructed not to report to work, while other employees may be called upon to provide emergency-related essential services;

WHEREAS, there is a public purpose served and a benefit to Richard Milburn Academy/Texas, Inc. to continue employee pay during any extended schoolwide closures, namely, to demonstrate support of the School's employees, to enhance morale and to support

retention of employees so they can resume work with minimal impact on students once school reopens/work resumes;

WHEREAS, a public purpose exists for excusing absences of employees who are under medically-directed quarantine on advice of their doctor or local health authorities, or who are otherwise directed by the School to not return to work;

WHEREAS, in order to conduct School operations while protecting the health, safety and welfare of students and staff, it is prudent to suspend the application of procurement policies to enable the Superintendent to respond efficiently and expediently to emergencies;

WHEREAS, in response to this emergency, there may be a need to allow community use of school facilities;

WHEREAS, the Board finds the COVID-19 pandemic to be a catastrophe that interferes with the school's ability to comply with the requirements of the Texas Public Information Act, Texas Government Code Chapter 552 (the "Act"); and

WHEREAS, the Board finds it to be in the best interest of its students and the community, and that a public purpose exists, to suspend the requirements of the Act pursuant to Texas Government Code § 552.233 (1)(c);

WHEREAS, in lieu of a complete or sustained closure of School, it is in the best interest of students to provide distance learning and virtual learning to students following TEA Guidance for same; and

WHEREAS, in order to provide distance learning and virtual learning to students, it is necessary that the Superintendent be able to restructure and reassign/redeploy faculty and staff as necessary to accomplish these purposes and continue services to students, including providing food services to students in non-traditional manners.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. **Declaration of Public Health Emergency.** COVID-19 constitutes an unforeseen and unavoidable public health emergency under Chapter 81 of the Texas Health and Safety Code.
2. **Need for Immediate Action.** Immediate action is necessary to be able to minimize the impact of COVID-19 to students, staff, families and the community. Therefore, the instructional campuses and other school facilities operated by Richard Milburn Academy/Texas, Inc. shall be closed at least until April 6, 2020 or a later date as determined by federal, state or local authorities, or by the Superintendent in accordance with Paragraph 13 of this Resolution.

- a. In lieu of a complete or sustained closure, the administration shall follow TEA guidance and provide for instructional continuity for its students, including but not limited to options for distance learning and/or virtual learning.
 - b. The Superintendent may restructure and reassign/redeploy faculty and staff as necessary to accomplish instructional continuity to students and to continue services to students, including the provision of food services to students in non-traditional manners.
 - c. The Superintendent may open or re-open school facilities on an as-needed basis to facilitate school business and instructional continuity for students.
3. **Procurement Waiver:** The delays and public health risks posed by the applicable procurement laws and corresponding Board policies coupled with the need to procure services and support to respond to COVID-19 to ensure safety of all students, staff, property and equipment will prevent or substantially impair student safety and or other essential school activities. Therefore, the Board declares an emergency under Section 44.031(h) of the Education Code and other applicable law, and the Board hereby is suspending its normal purchasing policies and authorizing the Superintendent or designee to make emergency procurements reasonably necessary to respond to COVID-19 issues. This waiver of procurement policies is expressly limited to responding to COVID-19 matters and expires automatically 30-days after its authorization.
4. **Waiver for Instructional Days:** The Superintendent is authorized to apply for missed instructional day waivers. Low attendance day waivers are also to be submitted for future dates, as may be necessary and approved by the Texas Education Agency.
5. **Absence Waivers:** The Superintendent or designee is authorized to excuse absences for any employee who is under a medically-directed quarantine for up to fourteen consecutive days.
6. **Employee Pay During Closures:** The Board authorizes and grants the discretion to the Superintendent to continue pay and benefits, subject to any requirements or guidance from the State, to employees who are impacted by a federal, state or local agency-ordered school closure, or closure as determined by the Superintendent, of the employee's assigned campus or duty-station. The Board delegates to the Superintendent the authority to implement this, and to make determinations on using available paid time off and other leave balances, before expending additional funds for absences during a facility closure. The Board finds that a public purpose and benefit to the school and its students exists to compensate employees for work days missed due to the closure of their assigned school facilities as a result of COVID-19, and that this is necessary in the management and operation of the public schools pursuant to Education Code § 45.105. The Board authorizes the Superintendent or designee to make compensation decisions

and adjustments to impacted employees as deemed appropriate to fulfill the purposes of this Resolution.

7. **Mandatory Quarantine of Employees and Students.** The Superintendent shall direct and prohibit employees and students who have traveled within the past seven days to Level 3 designated countries or states, including any country currently on the United States travel ban list, or who otherwise had direct contact with persons known to the employee/student or their family that have traveled to the same locations in the same time period, from attending school for a quarantine period. Such quarantine period from attending school or school-related activities/events shall extend at least 14-days with the date the student returned home as day-zero and the next day as day-one. The same quarantine restrictions shall also apply to any family member of said persons living in the same household. The Superintendent may extend or amend requirements based on guidance from state and local health officials.
8. **Pay During Quarantine.** for the same reason supporting pay during closures, any employee under required quarantine may continue to receive pay and benefits as determined by the Superintendent, subject to administration's determination regarding accrued state/local leave days and their use.
9. **TEA Attestation.** The Superintendent and Board President are authorized to execute and file the 2019-2020 COVID-10 Missed School Day Waiver Attestation Statement. Further, the Superintendent and Board President are authorized to execute and file the Attestation of Off-Campus Programs Approved for Purposes of Average Daily Attendance (Education Code §48.007) with TEA.
10. **Instructional Continuity.** In addition to or in lieu of closure, The Superintendent is authorized to develop and implement education continuity plans following state guidelines to allow students to be educated through low-tech, workbooks/worksheets/packets, online learning, tele-and video-learning, and other virtual or distance learning/low-tech programs. The Superintendent is authorized and fully supported by the Board in reassigning staff to aid in development and implementation of education continuity plans to benefit and serve students. The Superintendent is authorized to make procurements necessary to fulfill the purposes of this resolution and to meet the needs and best interest of students.
11. **Use of School Facilities.** In response to this emergency, the Superintendent is authorized to make school facilities available for use to provide child care and other support services to first responders, health care workers, other critical infrastructure workers and other personnel determined by the Superintendent, including staffing such services with school personnel and use of school equipment.

12. **Authorization to School Superintendent For Additional Waivers, Attestations or Reports.** In the event other waivers or immediate action is needed, the Superintendent is authorized, in consultation with the Board's Chair/President (or Vice Chair/Vice President in absence of Chair), to take other action and to submit/apply for other waivers, attestations or reports in accordance with guidance and instructions from the State of Texas. Unless already permitted under the charter school contract with the State of Texas, the Superintendent is not authorized to take any action that is specifically reserved for the governing board of the charter holder under 19 TAC §100.1033 (b)(14)(C).
13. **Suspension of Texas Public Information Act Requirements.** COVID-19 is a global pandemic which is considered a catastrophe that interferes with the School's ability to comply with the requirements of the Texas Public Information Act, Texas Government Code Chapter 552, and the requirements of the Act are suspended under Texas Government Code § 552.233 until such time as the School reopens with more than a skeleton crew, at which time the School will resume processing Public Information Act responses within the timelines of the Act. The Superintendent or designee is authorized to submit notice to the Attorney General and to post appropriate notice on the RMA website.
14. **Authorization to School Superintendent to Extend School Closure.** As necessary to minimize the COVID-19 impact to students, staff, families and the community or as ordered by federal, state or local public health officials, the Superintendent in consultation with the Board's Chair/President (or Vice Chair/Vice President in absence of Chair), is authorized to continue campus closures for extended periods of time as determined to be in the best interest of health and safety.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF RICHARD MILBURN ACADEMY/TEXAS, INC. ON THIS 26TH DAY OF MARCH, 2020.

Betsy Hall Bender

Betsy Hall Bender, President

ATTEST:

Mike Peebles

Mike Peebles, Secretary