

**Magnolia Educational & Research Foundation dba Magnolia Public Schools  
Board of Directors (the “Magnolia Board”)**

**Resolution #20200723-01**

**CONCERNING MEASURES TO ADDRESS ONGOING IMPACTS OF COVID-19  
DURING SCHOOL RE-OPENING**

WHEREAS, Magnolia Educational & Research Foundation, doing business as Magnolia Public Schools (“**Magnolia**”), manages, operates and directs the operations of Magnolia Science Academy 1 Reseda, Magnolia Science Academy 2 Valley, Magnolia Science Academy 3 Carson, Magnolia Science Academy 4 Venice, Magnolia Science Academy 5 Lobos, Magnolia Science Academy 6 Palms, Magnolia Science Academy 7 Northridge, Magnolia Science Academy 8 Bell, Magnolia Science Academy San Diego, and Magnolia Science Academy Santa Ana (each a “**Magnolia School**” and collectively the “**Magnolia Schools**”) in California; and

WHEREAS, the safety and well-being of all students, employees, parents and stakeholders of the Magnolia Schools is paramount; and

WHEREAS, equitable access to educational programs is essential for the student population that the Magnolia Schools serve; and

WHEREAS, on March 4, 2020 the Governor of the State of California (the “**Governor**”) declared a statewide emergency relating to the COVID-19 pandemic; and

WHEREAS, the Governor has directed state agencies to provide updated and specific guidance to schools; and

WHEREAS, the Governor has issued Executive Orders pertaining to school closures and other COVID-19 mitigation issues; and

WHEREAS, Magnolia has been monitoring advice provided by local, state, and federal authorities including, but not limited to, the California Department of Education (“**CDE**”), Los Angeles County Office of Education (“**LACOE**”), Los Angeles Unified School District (“**LAUSD**”), San Diego Unified School District (“**SDUSD**”), the federal Centers for Disease Control and Prevention (“**CDC**”), Governor’s Office, California Department of Public Health (“**CDPH**”), the Health Officer of the County of San Diego, the Orange County Health Officer, and Los Angeles County Department of Public Health (“**LACDPH**”) (collectively, the “**Relevant Authorities**”); and

WHEREAS, guidance and directives from Relevant Authorities continues to rapidly evolve in response to new scientific knowledge, as well as changes to local infection rates in the communities served by the Magnolia Schools; and

WHEREAS, time will often be of the essence in responding to new guidance and directives issued by Relevant Authorities in order to protect the health of our students, employees and campus visitors, if allowed by Magnolia; and

WHEREAS, the Magnolia Board previously authorized the closure of all of the Magnolia Schools in response to the pandemic and distance learning was provided to students through the end of the 2019-20 academic year; and

WHEREAS, the CDE issued guidance pertaining to school re-openings on June 8, 2020; and

WHEREAS, LACOE recently issued guidance in the form of a reopening checklist for the 2020-21 school year relating to many aspects of school operations; and

WHEREAS, on July 17, 2020 the Governor issued an updated order requiring that schools in the state commence the 2020-21 school year in distance learning unless they are located in a county that has been off the State's Monitoring list for 14, days, and the State of California through the CDPH issued revised re-opening criteria that provides "[s]chools and school districts may reopen for in-person instruction at any time if they are located in a local health jurisdiction (LHJ) that has not been on the county. monitoring list within the prior 14 days. If the LHJ has been on the monitoring list within the last 14 days, the school must conduct distance learning only, until their LHJ has been off the monitoring list for at least 14 days..."; and

WHEREAS, the Los Angeles County Public Health Officer, the Health Officer of the County of San Diego, and the Orange County Health Officer have ongoing authority to take steps as necessary to protect the health of students and the general public in their respective counties and we do not know at this time whether some or all of the Magnolia Schools' campuses will be allowed to re-open, re-open with modifications, or not re-open at all; and

WHEREAS, Magnolia must begin taking steps to plan for re-opening in order to be able to re-open safely and smoothly if and when re-opening is permitted; and

WHEREAS, the Magnolia Board anticipates that guidance from federal, state, and local officials will continue to change in response to the rapidly evolving pandemic and this necessitates a broad delegation of authority to the Magnolia Schools' leadership team to respond in real time both to the pandemic and issues caused by the pandemic; and

WHEREAS, the pandemic has also caused substantial economic disruption to the State of California that will impact the Magnolia Schools' public funding in significant but as yet unknown ways that necessitate the Board delegating more authority to the Chief Executive Officer (the "CEO") to manage the budgets of the Magnolia Schools in the context of reduced and/or delayed state funding; and

WHEREAS, there are numerous legal and organizational impacts to decisions made in response to the COVID-19 virus and strict adherence to provisions in existing school policies

and/or procedures of the Charter School might prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of COVID-19; and

WHEREAS, the prior Resolution #202004-02 adopted by the Magnolia Board relating to the pandemic did not specifically address issues that might arise for the 2020-21 academic year and beyond and the Magnolia Board now wishes this Resolution to supersede the prior Resolution;

NOW THEREFORE BE IT RESOLVED THAT the Board of Directors of Magnolia directs the following:

1. The CEO is authorized to develop and implement a plan for re-opening schools (the “**Plan**”) in Fall 2020 in accordance with guidance and/or directives from the chartering authority, and local, state or federal government officials, including, but not limited to, Relevant Authorities.
2. The Plan shall include, but is not limited to: (a) any changes necessary to comply with public health guidance and directives from Relevant Authorities (e.g., physical distancing requirements, cleaning requirements, screening requirements, hygiene training, protective equipment, quarantine area(s), transportation plans and vehicle infection control, Cal/OSHA requirements, lunch and recess period procedures, nutrition service changes, addressing needs of students and employees with underlying health conditions, etc.); and (b) changes to each school’s educational program (e.g., changes necessary to support physical distancing, instructional schedule, assessment of student needs and progress, interventions, social-emotional learning, technology needs, meeting the needs of special education students and English Learners, distance learning options, etc.) including the before-and-after school programs, the day care programs, the professional development and training of employees, and the engagement and communication with stakeholders relating to the Plan. Communications relating to the pandemic and the Plan will be translated into languages spoken by families at home to the extent practicable.
3. The CEO shall review and update the Emergency Preparedness Plan, School Safety Plan, Continuity of Operations Plan, and Health and Safety Policy for COVID-19 and Injury and Illness Prevention Plan COVID-19 Addendum of the Magnolia Schools as necessary to comply with guidance and directives from Relevant Authorities and other government agencies.
4. The CEO shall have the authority to close one or more of the Magnolia Schools during some or all of the 2020-21 academic year should the chartering authority, or local, state, or federal government officials, including, but not limited to Relevant Authorities, direct or recommend the closure as a result of a resurgence of COVID-19 or some other health emergency.
5. The CEO or designee shall have the additional authority to direct the closure of one or more of the Magnolia Schools or classrooms or facilities for additional periods not covered in Paragraph 4 based on the CEO’s determination that it is necessary to protect

student and/or employee health and safety as a result of a resurgence of COVID-19 or some other health emergency.

6. In order to immediately protect the health and safety of students and/or employees, the CEO may waive any school or organization-wide policy or procedure to implement directives and/or guidance from Relevant Authorities.
7. The CEO shall have the authority to exclude anyone from school campus(es) other than students and employees, including parents and volunteers, in order to minimize risk of COVID-19 exposure from the surrounding community.
8. In order to immediately protect the health and safety of students and employees, the CEO or designee may exclude students or employees from school or school activities as necessary to implement guidance or directives from Relevant Authorities or applicable law.
9. The CEO or designee may hire additional employees or independent contractors as necessary or convenient for purposes of performing tasks recommended by Relevant Authorities or that the CEO deems necessary in their discretion to mitigate the actual or potential impacts of COVID-19.
10. As necessary, the CEO, in consultation with Magnolia legal counsel, is directed to negotiate any necessary changes to or cancelations of other nonemployment contracts in order to mitigate losses that the Magnolia School would otherwise incur, or to provide different levels and types of services needed, as a result of actual or potential impacts of COVID-19.
11. The CEO or designee may direct that some or all parent meetings, conferences, discussions, or other required parent interactions be held telephonically in order to minimize potential exposure of students and employees by parents or other community members.
12. As necessary, the CEO, in consultation with Magnolia legal counsel, is directed to negotiate and implement revisions to employment agreements for employees relating to impacts on the terms and conditions of employment caused by the actual or potential impacts of COVID-19.
13. The CEO is authorized to implement layoffs, furloughs, salary freezes, and salary reductions to the extent permitted under any applicable employment contracts and state law in order to effectuate the provisions of this Resolution and to maintain fiscal solvency notwithstanding cuts and deferrals of funding from the State of California.
14. The CEO, in consultation with Magnolia's granting agencies, if required, may implement revisions to the academic calendar for the 2020-21 academic year, if necessary.

15. The CEO or Chief Financial Officer shall prepare and file all necessary requests and supporting documentation to preserve full apportionment funding.
16. The CEO may continue to approve use of virtual, independent study or other distance learning programs designed to serve students who otherwise might be unserved.
17. The CEO or designee may restrict or cancel the use of school facilities by off-campus groups and may restrict or cancel extra-curricular activities, field trips, sports, or other school activities sponsored by student or parent groups.
18. The CEO shall have the authority to reduce expenditures in any budget category and re-allocate these funds to cover costs associated with re-opening and operating the Magnolia Schools in accordance with guidance and directives of Relevant Authorities and the Plan.
19. The CEO, after consulting the Magnolia Board Chair, shall have the authority to exceed the \$25,000 limit that would ordinarily trigger the requirement to also obtain approval of the Board of Directors under Board fiscal policies in order to pay for expenses related to the implementation of guidance and directives from Relevant Authorities and other government agencies relating to the re-opening or operation of Magnolia Schools and to implement the Plan. However, the cumulative total of such expenses shall not reduce the unrestricted reserves of any Magnolia School to lower than three percent (3%) without prior approval of the Magnolia Board. Additionally, all such expenditures shall be reported to the Board and ratified at the Board's next regularly scheduled meeting. The CEO and Board Chair shall be mindful of the Magnolia Schools' current fiscal condition in authorizing such expenditures.
20. The CEO is authorized to enter into contracts for loans, revenue anticipation notes, and receivable sales to provide cash flow financing to the Magnolia Schools that is necessary to cover deferrals in state apportionment payments to the Magnolia Schools. The CEO shall provide advance notice to the Board of such financing transactions whenever possible and will consult with the Magnolia Board Chair regarding all such financing transactions.
21. The CEO is authorized to seek material revisions to charters of the Magnolia Schools, as necessary, to implement the Plan to reopen schools, other changes that may be necessary to ensure the fiscal stability of Magnolia and the Magnolia Schools, or to maintain the educational excellence of the Magnolia Schools' programs during the pandemic.
22. The CEO shall have the authority to commence, defend, and settle litigation on behalf of Magnolia and the Magnolia Schools that relates to or arises out of the pandemic. This authority shall include, but not be limited to claims and lawsuits relating to employees, students, parents, and volunteers who bring claims due to illness or that arise as a result of the Magnolia Schools implementing the Plan or guidance and directives of Relevant Authorities or other government agencies. The CEO shall notify

the Board of Directors of any lawsuit or claim brought against Magnolia or its Magnolia Schools within thirty (30) days.

23. The CEO is authorized to seek and accept donations from private sources and to apply for and accept funding from public sources including, but not limited to disaster relief funds, to cover the costs of implementing the Plan and/or following the guidance and directives of Relevant Authorities.
24. The CEO shall consult with the Magnolia Schools' insurer and/or legal counsel for any advice as to how to deal with virus-related issues.
25. The CEO is directed to inform families about the Plan and updates to information and directives being received from Relevant Authorities relating to the pandemic as determined in the CEO's reasonable judgment.
26. The CEO shall keep the Magnolia Board informed of the implementation of the provisions of this Resolution. In addition, the CEO shall keep the Magnolia Schools' parents updated on development and implementation of the Plan.
27. In anticipation that the pandemic may continue past the 2020-21 academic year, this Resolution shall remain in effect through June 30, 2022 unless modified or terminated prior to that time by action of the Magnolia Board.
28. The CEO may delegate the powers and obligations set forth in these resolutions to one or more designees to facilitate and carry out the intent and purpose of these Resolutions.

PASSED AND ADOPTED by the Board of Directors of Magnolia Educational & Research Foundation dba Magnolia Public Schools on this 23<sup>rd</sup> day of July, 2020.

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

---

Secretary  
Magnolia Educational & Research Foundation