

# **Lighthouse Community Public Schools Board of Directors**

## **Resolution #FY21-07-01**

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

WHEREAS, Lighthouse Community Public Schools (“LCPS”) manages, operates and directs the operations of Lighthouse Community Charter School, Lighthouse Community Charter High School, and Lodestar: A Lighthouse Community Charter Public School (“Charter Schools”) in California; and

WHEREAS, the safety and well-being of all students, employees, parents and stakeholders of the Lighthouse Community Public School community is paramount; and

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

WHEREAS, on March 4, 2020 the Governor of the State of California 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, LCPS has been monitoring advice provided by local, state, and federal authorities including, but not limited to, the California Department of Education (“CDE”), Alameda County Office of Education, Centers for Disease Control, Governor’s Office, California Department of Public Health, and Alameda County Department of Public Health (“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 Charter 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; and

WHEREAS, the State of California has now issued guidance allowing public schools to re-open with certain significant modifications and subject to local conditions that will likely require schools to open initially without any instruction occurring at the school sites; and

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

WHEREAS, the Alameda County Public Health Officer has ongoing authority to take steps as necessary to protect the health of Alameda County students and the general public and we do not know at this time whether some or all of the LCPS Charter Schools' campuses will be allowed to re-open, re-open with modifications, or not re-open at all; and

WHEREAS, LCPS must begin taking steps to plan for re-opening in order to be able to re-open safely and smoothly in the event re-opening is permitted; and

WHEREAS, the LCPS 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 LCPS Charter 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 Charter Schools' public funding in significant but as yet unknown ways that necessitate the Board delegating more authority to the Chief Executive Officer to manage the budgets of the Charter 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 Schools might prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of COVID-19;

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

1. The Chief Executive Officer is authorized to develop and implement plans for re-opening schools ("Plan") during the 2020-21 school year 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 (including but not limited to: 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 (including but not limited to: 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 Chief Executive Officer shall review and update the Emergency Preparedness Plan, School Safety Plan, Continuity of Operations Plan and Pandemic Plan of the Charter Schools and LCPS as necessary to comply with guidance and directives from Relevant Authorities and other government agencies.
4. The Chief Executive Officer shall have the authority to close one or more of the Charter Schools' buildings or campuses 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 Chief Executive Officer or designee shall have the additional authority to direct the closure of one or more of the Charter Schools or classrooms or facilities for additional periods not covered in Paragraph 4 based on the Chief Executive Officer'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 Chief Executive Officer may temporarily waive (up to two weeks) any school or organization-wide policy or procedure to implement directives and/or guidance from Relevant Authorities.
7. The Chief Executive Officer 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 Chief Executive Officer 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 Chief Executive Officer 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 Chief Executive Officer deems necessary in their discretion to mitigate the actual or potential impacts of COVID-19 as long as the provisions of paragraph 18 below are met.
10. As necessary, the Chief Executive Officer, in consultation with LCPS legal counsel, is directed to negotiate any necessary changes to or cancelations of other nonemployment contracts in order to mitigate losses that the Charter Schools 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 Chief Executive Officer or designee may direct that some or all parent meetings, conferences, discussions, or other required parent interactions be held telephonically or by video conference in order to minimize potential exposure of students and employees by parents or other community members.

12. As necessary, the Chief Executive Officer, in consultation with Charter Schools' legal counsel, is directed to negotiate and implement revisions to employment agreements for unrepresented employees relating to impacts on the terms and conditions of employment caused by the actual or potential impacts of COVID-19.
13. The Chief Executive Officer, in consultation with Charter Schools' granting agency and in alignment with relevant authorities, if required, may implement revisions to the academic calendar for the 2020-21 academic year, if necessary.
14. The Chief Executive Officer or designee shall prepare and file all necessary requests and supporting documentation to preserve full apportionment funding.
15. The Chief Executive Officer may continue to approve use of distance learning programs designed to serve students who otherwise might be unserved. This shall be done in accordance with applicable state legal requirements.
16. The Chief Executive Officer 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.
17. The Chief Executive Officer shall have the authority to reduce non-compensation expenditures in any budget category and re-allocate funds to cover costs associated with re-opening and operating Charter Schools in accordance with guidance and directives of Relevant Authorities and the Plan.
18. The Chief Executive Officer, after consulting the Board Chair, shall have the authority to exceed the 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 the Charter Schools and to implement the Plan. However, the cumulative total of such expenses shall not reduce the unrestricted reserves of any charter school operated by LCPS to lower than three percent (3%) without prior approval of the Board of Directors, and shall not reduce the 2020-21 Change in Unrestricted Net Assets to less than 3.2% of Operating Expenses. Additionally, all such expenditures shall be reported to the Board and ratified at the Board's next regularly scheduled meeting. The Chief Executive Officer and Board Chair shall be mindful of the Charter School's current fiscal condition in authorizing such expenditures.
19. The Chief Executive Officer is authorized to enter into contracts for loans, revenue anticipation notes, and receivable sales to provide cash flow financing to the Charter Schools that is necessary to cover deferrals in state apportionment payments to the Charter Schools. The Chief Executive Officer shall provide advance notice to the Board of such financing transactions whenever possible and will consult with the LCPS Board Chair and Chair of the Finance committee regarding all such financing transactions.
20. The Chief Executive Officer is authorized to seek material revisions to charters of the Charter Schools, as necessary, to implement the Plan to reopen schools, other changes that may be

necessary to ensure the fiscal stability of LCPS and the Charter Schools, or to maintain the educational excellence of the Charter Schools' programs during the pandemic.

21. The Chief Executive Officer shall have the authority to commence and defend litigation on behalf of LCPS and the Charter 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 Charter Schools implementing the Plan or guidance and directives of Relevant Authorities or other government agencies. The Chief Executive Officer shall notify the Board of Directors of any lawsuit or claim brought against LCPS or its Charter Schools within thirty (30) days.
22. The Chief Executive Officer 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.
23. The Chief Executive Officer shall consult with the Charter Schools' insurer and/or legal counsel for any advice as to how to deal with virus-related issues.
24. The Chief Executive Officer 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 Chief Executive Officer's reasonable judgment.
25. The Chief Executive Officer shall keep the Charter Schools' Board informed of the implementation of the provisions of this Resolution. In addition, the Chief Executive Officer shall keep the Charter Schools' parents updated on development and implementation of the Plan.
26. In anticipation that the pandemic may continue past the 2020-21 academic year, this Resolution shall remain in effect through June 30, 2021 unless modified or terminated prior to that time by action of the LCPS Board of Directors.

PASSED AND ADOPTED by the Board of Directors of Lighthouse Community Public Schools on this 29th day of July, 2020.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Secretary

