

**RESOLUTION TO DELEGATE EMERGENCY AUTHORITY DURING THE
CORONAVIRUS/COVID-19 PANDEMIC**

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a statewide emergency arising from the COVID-19 Pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared a national State of Emergency due to the outbreak and spread of COVID-19; and

WHEREAS, both the California and United States remain in a current state of emergency resulting from the spread of COVID-19; and

WHEREAS, Article I, Section 28 of the California Constitution declares that “[a]ll students and staff of public, primary, elementary, junior high, and senior high school ... have the inalienable right to attend campuses which are safe, secure and peaceful;” and

WHEREAS, California Education Code section 35161 permits the Board to delegate to an officer or employee of the District/LEA any of the Board’s powers and duties, and the Board desires to delegate to the Chief Executive Officer/designees certain powers and duties to address changing needs related to reopening schools after the emergency closure and during the COVID-19 Pandemic state of emergency; and

WHEREAS, Making Waves Academy recognizes that schools are fundamental to child and adolescent development and well-being and provide students with academic instruction, social and emotional skills, reliable nutrition, physical and mental health therapy, and opportunities for physical activity, among other benefits. These benefits are described by the American Academy of Pediatrics and are widely accepted and recognized; and

WHEREAS, the Board of Directors recognizes that the nature of the COVID-19 crisis is ever-changing and that immediate responses to issues is of paramount importance to ensuring the safety and well-being of students, their families and MWA employees; and

WHEREAS, it is imperative that the Chief Executive Officer/designee have the tools to ensure the health and safety of students, staff, and families and to ensure student learning continues as health conditions and health risks change; and

WHEREAS, the Board of Directors authorizes the Chief Executive Officer to close the school, change the regular school day schedule, or take any necessary action when COVID-19 Pandemic-related emergencies warrant. The school’s safety plans provide the Chief Executive Officer with direction and reasonable steps to prevent and/or mitigate the impact of an emergency on MWA students and staff. The Board of Directors authorizes the Chief Executive Officer to take immediate action that is necessary to avoid any risk to the safety or security of students, staff, or district property and act on behalf of the Board of Directors in a manner that is consistent with law and other relevant Board Policies; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Directors expects that MWA administration will continue to review guidance from State and local public health officials, monitor the spread of COVID-19 and its impact on our school operations, coordinate with the County Public Health Director, and take all reasonable steps needed to follow state and local public health directives.

BE IT FURTHER RESOLVED AND ORDERED that the Board of Directors hereby delegates to the Chief Executive Officer authority to take all necessary and appropriate action to respond to the COVID-19 Pandemic emergency or other emergency situations, including but not limited to, any action:

- A. To ensure and protect the welfare, safety and educational well-being of all students and employees;
- B. To use any instructional model or combination of models, as permissible by state and federal law, as needed and as conditions change;
- C. To close, cancel, or modify activities, programs, or courses on a case-by-case basis including, by classroom, grade level, or school-wide basis;
- D. To reopen classes/schools/programs after closure in a manner consistent with public health directives and the School's Reopening Plan; and
- E. To protect School property.

BE IT FURTHER RESOLVED AND ORDERED that the Chief Executive Officer is expected to provide regular updates to the Board and consult with the Board on key decisions.

BE IT FURTHER RESOLVED AND ORDERED that all or any portion of this Resolution or the School's reopening plan, following a closure, may be altered or deleted by formal board action, if necessary.

BE IT FURTHER RESOLVED AND ORDERED that should any portion of this Resolution be held invalid, the invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provisions or application, and to this end the provisions of this Resolution are declared to be severable.

BE IT FURTHER RESOLVED AND ORDERED that this Resolution is an emergency measure within the mandate and jurisdiction of the Board and is necessary for the immediate welfare of the schools and its students. Therefore, this Resolution shall become effective immediately upon its adoption and shall remain in effect until repealed by formal Board action.

IN WITNESS WHEREOF, this resolution was approved and adopted by the Governing Board of Making Waves Academy this September 9th, 2021.

AYES: ____ NOES: ____ ABSENT: ____

I, Alicia Malet Klein, Board President of the Board of Directors of Making Waves Academy, do hereby certify that the foregoing is a full and correct copy of a Resolution adopted by the Board at a duly called and conducted meeting held on September 9th, 2021.

Passed on _____ by a vote of _____.

Alicia Malet Klein, Board President