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Board of Directors Resolution #FY20-001

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

WHEREAS, Yu Ming Charter School (“Yu Ming”) manages, operates and directs the operations of Yu Ming Charter School (“Charter School”) in California; and

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

WHEREAS, equitable access to educational programs is essential for the student population that our Charter School serves; 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, Yu Ming 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 Yu Ming Board previously authorized the closure of the Charter School in response to the pandemic and distance learning was provided to students through the end of the 2019-20 academic year; and

WHEREAS, the State of California has now issued guidance allowing public schools to re-open in time for the fall semester with certain significant modifications and subject to local conditions; and

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

WHEREAS, the Alameda County Office of Education has issued guidance in the form of a school reopening plan for the 2020-21 school year relating to many aspects of school operations; 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 the Charter School’s campuses will be allowed to re-open, re-open with modifications, or not re-open at all; and

WHEREAS, Yu Ming 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, as well as make plans should re-opening be entirely distance learning; and

WHEREAS, the Yu Ming 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 Charter School’s 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 School’s public funding in significant but as yet unknown ways that necessitate the Board delegating more authority to the Head of School to manage the budget of the Charter School 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

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

1. The Head of School is authorized to develop and implement a plan for re-opening schools (“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, 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 Head of School shall review and update the Emergency Preparedness Plan, School Safety Plan, Continuity of Operations Plan and Pandemic Plan of the Charter School and Yu Ming as necessary to comply with guidance and directives from Relevant Authorities and other government agencies.
4. The Head of School shall have the authority to close the Charter School and/or move to entirely distance learning 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 Head of School or designee shall have the additional authority to direct the closure of the Charter School or classrooms or facilities for additional periods not covered in Paragraph 4 based on the Head of School’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 Head of School may waive any school or organization-wide policy or procedure to implement directives and/or guidance from Relevant Authorities.
7. The Head of School 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 Head of School 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 Head of School 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 Head of School deems necessary in their discretion to mitigate the actual or potential impacts of COVID-19.
10. As necessary, the Head of School, in consultation with the Charter School’s legal counsel, is directed to negotiate any necessary changes to or cancelations of other nonemployment contracts in order to mitigate losses that the Charter 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 Head of School 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 Head of School, in consultation with the Charter School’s 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 Head of School is authorized to implement layoffs, furloughs, salary freezes, and salary reductions to the extent permitted under 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 Head of School, in consultation with the Charter School’s granting agency, if required, may implement revisions to the academic calendar for the 2020-21 academic year, if necessary.
15. The Head of School with ExED shall prepare and file all necessary requests and supporting documentation to preserve full apportionment funding.
16. The Head of School may continue to approve use of virtual, independent study or other distance learning programs.
17. The Head of School 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 Head of School 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 Charter School in accordance with guidance and directives of Relevant Authorities and the Plan.
19. The Head of School, after consulting the Board Chair, shall have the authority to exceed the $10,000 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 the Charter School and to implement the Plan. However, the cumulative total of such expenses shall not reduce the unrestricted reserves of the Charter School to lower than ten percent (10%) without prior approval of the Board of Directors. Additionally, all such expenditures shall be reported to the Board and ratified at the Board’s next regularly scheduled meeting. The Head of School and Board Chair shall be mindful of the Charter School’s current fiscal condition in authorizing such expenditures.
20. The Head of School is authorized to enter into contracts for loans, revenue anticipation notes, and receivable sales to provide cash flow financing to the Charter School that is necessary to cover deferrals in state apportionment payments to the Charter School. The Head of School shall provide advance notice to the Board of such financing transactions whenever possible and will consult with the Yu Ming Board Chair regarding all such financing transactions.
21. The Head of School is authorized to seek material revisions to the charter of the Charter School, as necessary, to implement the Plan to reopen schools or pivot to distance learning, other changes that may be necessary to ensure the fiscal stability of Yu Ming and the Charter School, or to maintain the educational excellence of the Charter School’s programs during the pandemic.
22. The Head of School shall have the authority to commence, defend, and settle litigation on behalf of Yu Ming and the Charter School 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 School implementing the Plan or guidance and directives of Relevant Authorities or other government agencies. The Head of School shall notify the Board of Directors of any lawsuit or claim brought against Yu Ming or the Charter School within thirty (30) days.
23. The Head of School 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 Head of School shall consult with the Charter School’s insurer and/or legal counsel for any advice as to how to deal with virus-related issues.
25. The Head of School 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 Head of School’s reasonable judgment.
26. The Head of School shall keep the Board informed of their implementation of the provisions of this Resolution. In addition, the Head of School shall keep the Charter School’s 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 Yu Ming Board of Directors.

PASSED AND ADOPTED by the Board of Directors of Yu Ming Charter School on this 29th day of August, 2020.

AYES:

NOES:

ABSTAIN:

ABSENT:

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Secretary

Yu Ming Charter School