

**Yellowstone College Prep**  
**BOARD RESOLUTION OF EMERGENCY DECLARATION**  
**COVID-19 RESPONSE**

**WAIVER OF PROCUREMENT POLICIES FOR COVID-19 RELATED WORK**  
**WAIVER FOR MISSED INSTRUCTIONAL DAYS/LOW ATTENDANCE**  
**APPROVAL OF PAY DURING CLOSURE/QUARANTINE**  
**AUTHORIZATION OF TEA ATTESTATIONS**  
**APPROVAL OF CLOSURES**  
**APPROVAL OF DISTANCE INSTRUCTIONAL LEARNING**  
**AND OTHER AUTHORIZATIONS AND STATE WAIVERS**

**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 Yellowstone College Prep (“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 work-days due to likely closure of school facilities and operations;

**WHEREAS**, there is a public purpose served and a benefit to Yellowstone College Prep to continue employee pay during any extended school-wide closures, namely, to demonstrate support of the School’s employees, 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, expeditiously to emergency;

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

**WHEREAS**, in lieu of a complete or sustained closure of School, providing distance learning and virtual learning to students, and following TEA Guidance for same, is in the best interest of students and, so that the Superintendent may 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 the Board of Directors, at a lawfully called meeting of the Board, held in compliance with the Texas Open Meetings Act, formally declares that:

1. **Declaration of Public Health Emergency.** COVID-19 constitutes an unforeseen and unavoidable public health emergency.
2. **Need for Immediate Action.** Immediate action is necessary to be able to minimize the COVID-19 impact to students, staff, families and the community. Therefore, the instructional campuses and other school facilities operated by Yellowstone College Prep shall be closed from March 13, 2020 to at least until April 10, 2020 or a later date as determined by the Superintendent in accordance with Paragraph 13 of this Resolution.
  - a. In lieu of a complete or sustained closure, the administration shall provide for instructional continuity for its students including but not limited to options for distance learning and/or virtual learning and follow TEA Guidance for same.
  - b. The Superintendent may restructure and reassign/redeploy faculty and staff as necessary to accomplish this purpose and 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 as-needed based 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, 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 75 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 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 determine 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 of the employee's assigned campus or duty-station or closure determined by the Superintendent. The Board delegates to the Superintendent the authority to implement this, and to make determinations on first use of 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 conduct of the public schools pursuant to Education Code § 45.105(c). 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 in Europe 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/employee 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 Attestations:** 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 (TEC §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 (or Vice Chair 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. **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 (or Vice Chair 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 AN APPROVED BY THE MAJORITY OF MEMEBERS OF THE BOARD OF DIRECTORS OF YELLOWSTONE COLLEGE PREP ON THIS 24TH DAY OF MARCH, 2020**

Members voting in favor of the Resolution:

Lionel Jellins, Chair

John Peavy, Secretary

Valerie Williams

David Lumpkins

Janice Character

Arthur Byran, II