

CAPISTRANO UNIFIED SCHOOL DISTRICT
San Juan Capistrano, California

EMERGENCY RESOLUTION NO. 1920-46
RESOLUTION DELEGATING AUTHORITY TO TAKE NECESSARY ACTION TO
PROTECT STUDENTS AND STAFF FROM THE SPREAD OF CORONAVIRUS
(COVID-19)

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

WHEREAS, on February 26, 2020, the Orange County Board of Supervisors and the Department of Public Health declared a local and public health emergency; and

WHEREAS, the Orange County Office of Education communicated their support for all school districts to prepare for school closures resulting from the coronavirus (COVID-19) outbreak; and

WHEREAS, on March 12, 2020, Governor Newsom issued an executive order directing Californians to cancel large public gatherings (over 250 people) and to enforce social distancing; 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, Education Code § 35161 permits the Board to delegate to an officer or employee of the District any of the Board’s powers and duties, and the Board desires to delegate to the District Superintendent certain powers and duties to address the Coronavirus (COVID-19) pandemic.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED:

That the Board hereby declares the existence of an ongoing public health emergency within the District arising from the coronavirus (COVID-19) pandemic; and

That the Superintendent is delegated authority to take all appropriate action to respond to the coronavirus (COVID-19) pandemic, including, but not limited to, any action:

- A. To ensure and protect the welfare, safety and educational wellbeing of all students;
- B. To ensure and protect the welfare and safety of persons working for the District which shall include its agents, employees, representatives and all others acting for or on behalf of the District;
- C. To provide necessary staffing and instruction;
- D. To modify school and work schedules;

- E. To declare an emergency pursuant to Government Code § 3100 et seq., and to assign District employees (in their capacity as disaster service workers) to perform such disaster service activities as may be assigned to them;
- F. To cancel or modify any activities, programs, or courses, up to and including the temporary closure of the District;
- G. To protect District property;
- H. To make further declarations of emergency and to take emergency action as permitted by law.

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; and

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 pupils thereof. Therefore, this Resolution shall become effective immediately upon its adoption and shall remain in effect until repealed by formal Board action.

PASSED AND ADOPTED by the following vote of the Board of Trustees of the Capistrano Unified School District, County of Orange, State of California on March 13, 2020.

- AYES: ()
- NOES: ()
- ABSENT: ()
- ABSTAIN: ()

I, Kirsten M. Vital, Secretary of the Capistrano Unified School District Board of Trustees, hereby certify that the above and foregoing Resolution was duly and regularly adopted by the said Board at the meeting thereof on the 13th day of March, 2020, by a roll call vote of said Board.

IN WITNESS THEREOF, I have hereunto set my hand and seal this 13th day of March, 2020.

Jim Reardon
President of the Board of Trustees

Kirsten M. Vital, Superintendent
Secretary of the Board of Trustees