

DEMOCRACY PREP TEXAS
AMENDED BOARD RESOLUTION
OF EMERGENCY DECLARATION
COVID-19 RESPONSE
August 5, 2020

WAIVER OF PROCUREMENT POLICIES &
AUTHORIZATION FOR COVID-19 RELATED PROCUREMENT AND 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/SYNCHRONOUS AND
ASYNCHRONOUS LEARNING
APPROVAL OF ATTENDANCE ACCOUNTING POLICIES & PROCEDURES
AND OTHER AUTHORIZATIONS AND STATE WAIVERS

WHEREAS, the global COVID-19 Virus pandemic is continuing to spread throughout the State of Texas, nation and communities served by the charter schools and will have significant impact for the fiscal year and 2020-21 school year such that emergency action and authorizations continue to be necessary and in the best interest of students and the school;

WHEREAS, the Texas Education Agency will be providing guidance to charter schools to continue funding for distance learning, virtual education, potentially on-site instruction and other continuity of instruction options for students and maintains appropriate records of these efforts including on-site, distance, synchronous and asynchronous education options for the 2020-21 school year;

WHEREAS, it is the desire of the Board that the Administration be prepared and authorized to act swiftly and decisively in response to anticipated increases in reported infections, governmental guidance and edicts and to take other appropriate and immediate actions to protect the health, safety and welfare of the students and staff of Democracy Prep Texas at Democracy Prep at the Stewart Campus.

WHEREAS, the Board of Directors of Democracy Prep Texas has a substantial public interest to protect the health and safety of its students, staff, their families and community;

WHEREAS, the school's community, including school personnel, students and their families, have been and are likely to continue to be substantially impacted by the COVID-19 Virus for the duration of the summer and 2020-21 school year;

WHEREAS, the Board and Administration are following advice and directives from federal, state and local authorities in responding to the continuing COVID-19 Virus pandemic and emergency;

WHEREAS, through circumstances completely beyond their control, school employees may be forced to miss work-days due to the closure of school facilities and operations;

WHEREAS, the Board finds that a public purpose exists for excusing absences of employees who are under medically appropriate quarantine or other medically directed or advises absence related to the emergency pursuant to federal and state law;

WHEREAS, there is a public purpose served and a benefit to the school to continue to pay salaries, wages and health benefits during school-wide closures to the extent the Administration determines necessary, to demonstrate support of its employees, enhance morale and support retention of critical and necessary employees so they can resume work with minimal impact on students once school reopens/work resumes;

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of Democracy Prep Texas at a lawfully called meeting of the Board, held in compliance with the Texas Open Meetings Act, formally declares that:

1. COVID-19 continues to negatively impact the students, families, employees and communities of the school and constitutes an unavoidable emergency.
2. **Need for Immediate Action.** Immediate action is necessary to be able to continue to minimize the COVID-19 impact to students, staff, families and the community. Therefore, the instructional campuses and other school facilities operated by Democracy Prep Texas shall be subject to physical closure as determined by Democracy Prep Public Schools and the Executive Director or as determined by order of the Governor of Texas or local authorities, in accordance with state law.
 - a. As authorized by TEA, the administration shall provide for instructional continuity for its students including but not limited to options for distance learning and/or virtual learning, on-site learning, synchronous and asynchronous learning, and follow TEA Guidance for same, including appropriate attestations and record keeping. Further, the Board directs and authorizes the Executive Director or designee to develop attendance accounting policies and procedures to meet state requirements and guidelines for TEA authorized instructional options.
 - b. The Executive Director 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 **but to do so in compliance with guidelines and requirements promulgated by the U.S. Department of Agriculture, Texas Department of Agriculture and in compliance with CDC, State and Local social distancing orders and guidance.**

- c. The Executive Director may open or re-open school facilities as-needed to facilitate school business and instructional continuity for students and following local and state guidelines.
- 3. Use of School Equipment and Facilities:** In response to this emergency, the Executive Director is authorized to make school equipment and 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, as determined by the Executive Director, including staffing such services with school personnel and use of school equipment. **The Executive Director is authorized to make school equipment and facilities available for use by other local government, public schools, public charities, and faith-based organizations when and where necessary to provide critical support to the community. The Executive Director is authorized to make school facilities available for use by the local public health authority, county health system, hospital districts, university hospital systems or other hospitals and to enter into facility use agreements/cooperative agreements under Govt. Code chapter 791 or other applicable law to enable such use of school facilities. The Board also finds that the use of school facilities and equipment is necessary in the conduct of public schools pursuant to Education Code 45.105(c) and in the best interest of students in that it will aid in stabilizing the community and support for employees, students and their families.**
- 4. Procurement Waiver:** The delays posed by **purchasing policy and regulatory procurement process** and the need to likely procure services and support to respond to COVID-19 to ensure the safety of all students and staff and to maintain and safeguard property and equipment will prevent or substantially impair student safety and or other essential school activities; therefore, the Board is suspending its normal purchasing policies and authorizing the Executive Director or designee to make emergency procurements reasonably necessary to respond to COVID-19 issues. This action is in accordance with Education Code 44.031(h) and other applicable law and policy. The Board further authorizes and approves such procurements as determined necessary by the Executive Director or designee. **However, to the degree necessary to nonetheless comply with the federal procurement standards established under the Code of Federal Regulations, Title 2, Part 200, Subpart D, the Executive Director or designee must nevertheless first determine that the present emergency circumstances warrant an exception to competitive procurement requirements and, if such a determination is made, adequately document the justification for using noncompetitive procurements. In utilizing the procurement by noncompetitive proposals method, the Executive Director or designee must still comply with other procurement requirements, ensure that costs are reasonable and ensure that the work performed under the noncompetitively procured contracts is specifically related to the present emergency circumstances.**

5. **Waiver for Instructional Days:** The Executive Director is authorized to apply for current and future missed instructional day waivers and low attendance day waivers, as may be necessary and approved by the Texas Education Agency.
6. **Absence Waivers:** The Executive Director or designee is authorized to excuse absences for any employee who is under a medically appropriate quarantine.
7. **Pay During Closures:** The Board authorizes the Executive Director to determine where the school may continue to pay salaries and benefits, subject to any requirements or guidance from the State, to employees who are impacted by a federal, state or local health agency ordered school-wide closure of the employee's assigned campus or duty-station. 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 Executive Director or designee to make compensation decisions and adjustments to impacted employees as deemed appropriate to fulfill the purposes of this Resolution. It is the Board's intent that employees are redeployed and reassigned to conduct work supporting this emergency and that compensation is for that work performed; however, if a complete closure and work-stoppage is ordered that this paragraph is also in effect.
8. **TEA Attestations, Waivers and Submissions:** The Executive Director and Board Chair are authorized to execute and file the 2019-2020 COVID-19 Missed School Day Waiver Attestation Statement as required. Additionally, the Executive Director and Board Chair are authorized to execute and file the Attestation of Off-Campus Programs Approved for Purposes of Average Daily Attendance (TEC §48.007) with TEA as required. Additionally, the Executive Director and Board Chair are authorized to submit any waivers, notices, elections or attestation relating to synchronous or asynchronous education options following TEA guidelines.
9. **Instructional Continuity:** In addition to or in lieu of closure, the Executive Director 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 including synchronous and asynchronous instructional options and traditional on-site instruction options. The Executive Director 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 Executive Director is authorized to make procurements necessary to fulfill the purposes of this resolution and to meet the needs and best interest of students. The Executive Director shall inform TEA of these plans as directed by TEA. The Executive Director shall adopt policies and procedures for attendance accounting and record keeping and report same to TEA as required, and shall ensure appropriate attendance records are taken and maintained to meet TEA requirements.

10. In the event other waivers or immediate action is needed, the Executive Director is authorized, in consultation with the Board's Chair, to take other action and to submit/apply for other waivers in accordance with guidance and instructions from the State of Texas. The Board will consider ratifications of such action where determined necessary.
11. The Executive Director shall report to the Board at the meeting following any action taken pursuant to this Resolution.

PASSED AND APPROVED BY THE MAJORITY OF MEMBERS OF THE BOARD OF DIRECTORS OF Democracy Prep Texas ON THIS 5TH DAY OF August, 2020. This amends and supersedes the Board's earlier resolution(s) passed on March 25, 2020.

MEMBERS VOTING IN FAVOR OF THE RESOLUTION:

The undersigned, being the Secretary of the Corporation, hereby certifies that the foregoing represents a true copy of a Resolution of the Directors of the Corporation, duly held on August 5, 2020, which Resolution is in full force and effect and has not been revoked or amended.

Secretary

__/__/2020

