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**RESOLUTION OF THE BOARD OF TRUSTEES OF THE  
SANTA BARBARA UNIFIED SCHOOL DISTRICT  
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

**RESOLUTION NUMBER 20/21-04**

**RESOLUTION DELEGATING AUTHORITY TO TAKE NECESSARY ACTION TO  
PROTECT STUDENTS AND STAFF FROM THE SPREAD OF CORONAVIRUS  
(COVID-19)**

WHEREAS, on March 4, 2020, the Governor of California declared a State of Emergency due to the outbreak and spread of the COVID-19 virus;

WHEREAS, on March 11, 2020, the World Health Organization has declared the COVID-19 virus a world-wide pandemic;

WHEREAS, on March 12, 2020, the Governor of California issued Executive Order N-25-20, directing Californians to cancel large public gatherings and to enforce social distancing;

WHEREAS, on March 17, 2020, the Governor signed SB 89 and SB 117 that were passed to ensure continuity of funding to school districts and other Local Educational Agencies, during periods of school closure due to COVID-19;

WHEREAS, in compliance with the guidance and directives of governmental agencies the Santa Barbara Unified School District ("District") ordered all schools closed in order to curb the potential transmission of COVID-19, beginning March 16, 2020;

WHEREAS, under Article I, Section 28, of the California Constitution, "the right to public safety extends to public and private primary, elementary, junior high, and senior high school[s]... where students and staff have the right to be safe and secure in their persons."

WHEREAS, Education Code Section 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 COVID-19 pandemic.

WHEREAS, the District's Board of Trustees is committed to ensuring the health and safety of its students, staff, and families;

WHEREAS, all public employees are required to serve as disaster service workers subject to such disaster service activities as may be assigned to them by their superiors in accordance with the law under Government Code Section 3100;

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 COVID-19 pandemic.

BE IT FURTHER RESOLVED AND ORDERED that the Superintendent is delegated authority, pursuant to Board Policy 2210 and Education Code Section 35160, to take all appropriate action to respond to the COVID-19 pandemic, including, but not limited to, any action:

- (1) To ensure and protect the welfare, safety, and educational well-being of all students;
- (2) 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;
- (3) To take all actions necessary to effectuate school closure, provide for necessary continuity of services, and to minimize the impact of closure to students, staff, and the District;
- (4) To provide necessary staffing and instruction;
- (5) To modify school and work schedules;
- (6) To declare an emergency pursuant to Government Code Sections 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, subject to negotiations with the applicable union;
- (7) To cancel or modify any activities, programs, and courses, up to and including the temporary closure of any of the District's schools;
- (8) To protect District property;
- (9) To make further declarations of emergency and to take emergency action as permitted by law;
- (10) To grant leaves of absence in accordance with Education Code Sections 44964 and 45199;
- (11) To take or direct such actions that are or may be necessary pursuant to Education Code Section 41422 to protect the District's interests.

BE IT FURTHER RESOLVED AND ORDERED that the Superintendent is to verify to the Board that she has properly and adequately notified the California Superintendent of Instruction of the school closures, as is her obligation under SB 117 (2020), in order to ensure continued funding to the District.

BE IT FURTHER RESOLVED AND ORDERED that this Resolution is intended to comply with Management Bulletin No. 10-09 issued by the California Department of Education, and that the Superintendent is directed to provide to the California Department of Education all necessary information, including “a detailed list of actual program expenses incurred during the period of closure,” for the District to comply with Education Code Section 8271 with respect to the District’s child care and early childhood education programs.

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

BE IT FURTHER RESOLVED AND ORDERED that after the Superintendent takes any action pursuant to this Resolution, she shall notify the full Board of Trustees.

BE IT FURTHER RESOLVED AND ORDERED that because under Education Code Section 35161, the Board of Trustees “retains ultimate responsibility over the performance of those powers or duties so delegated,” any action taken by the Superintendent pursuant to this Resolution is subject to subsequent ratification by the full Board of Trustees.

PASSED AND ADOPTED by the following vote of the Board of Education of the Santa Barbara Unified School District, County of Santa Barbara, State of California on the 21th day of July 2020.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_

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Ms. Hilda Maldonado, Superintendent/Secretary  
of the Santa Barbara Unified School District,  
Governing Board of Education,  
County of Santa Barbara, State of California