



John Lee Evans  
President

Richard Barrera  
Vice President

Kevin Beiser  
Trustee

Michael McQuary  
Trustee

Sharon Whitehurst-Payne  
Trustee

March 10, 2020

## **NOTICE AND CALL OF EMERGENCY MEETING**

TO: The above members of the Board of Education of the San Diego Unified School District and those San Diego radio stations, television stations, digital media, and newspapers of general circulation that have requested in writing notice of meetings of said board.

Notice is hereby given that an Emergency Meeting of the Board of Education of the San Diego Unified School District will be held on March 10, 2020 at 5:00 pm in the Eugene Brucker Education Center Auditorium.

### **The agenda for the emergency meeting is:**

1. Declaration that an emergency situation exists warranting an emergency meeting of the Board of Education
2. Consideration of Resolution Granting Emergency Powers to the Superintendent

### **RECOMMENDATION:**

1. Authorize the Superintendent and/or his designee to take any and all actions necessary to ensure the continuation of public education, and the health and safety of the students and staff at the District Sites, including, but not limited to: the relocation of students and staff, provision of daily student transportation, provision of alternative educational program options, provision of leave of absence to employees with pay due to quarantine or recently returning from level 3 countries or sick from COVID-19 or illnesses with similar symptoms (e.g., cough, fever, shortness of breath), or co-habitants of any individuals without any impact to their benefit time, directing staff to serve as disaster service workers, and/or make alterations, repairs or improvements to school property.

2. Adopt a Resolution, attached hereto, declaring emergency conditions exist throughout the District schools and offices (collectively known as "District Sites") as a result of the threat of COVID-19 virus.

3. Authorize, by unanimous vote, under the provisions of section 20113 of the California Public Contract:

- a. The Superintendent and/or her designee(s) to enter into any and all contracts necessary, without advertising or inviting bids, and for any dollar amount necessary to respond to the emergency conditions at the District Sites, including, but not limited to: the relocation of students and staff; continued instruction of students; maintenance of food supplies, instructional materials, operational support supplies, equipment in support of virtual learning, daily student transportation; and provision of additional personnel such as nurses; and
- b. The flexibility with use of M & O Staff, notwithstanding section 20114, to enable and support the District Sites

**BACKGROUND:**

In December 2019 an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19) was identified and has impacted more than 75 countries including the United States. As of March 4, 2020, there are 129 confirmed cases of COVID-19 in the United States, including 53 in California. Officials expect the number of cases in California, the United States, and worldwide to increase. As of March 4, 2020, Governor Gavin Newsom declared a State of Emergency to enable State and Local agencies to more effectively

Adjourn

APPROVED:

LEGALITY AND FORM APPROVED:

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Marty Stultz  
Board Action Officer

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Andra M. Greene  
General Counsel

BOARD OF EDUCATION  
SAN DIEGO UNIFIED SCHOOL DISTRICT  
SAN DIEGO, CALIFORNIA

In the Matter of Intent to Declare )  
Emergency Conditions Exist at )  
San Diego Unified School and )  
Offices (District) )

RESOLUTION

**WHEREAS**, on March 4, 2020, the Governor of California declared a State of Emergency due to the outbreak and spread of a novel coronavirus (COVID-19); and

**WHEREAS**, as of March 9, 2020, San Diego County public health officials announced its first presumptive positive case of COVID-19, and officials expect the number of cases to increase; and

**WHEREAS**, strict compliance with various statutes and regulations could prevent, hinder or delay appropriate actions on the part of the District to prevent and mitigate the effects of COVID-19; and

**WHEREAS**, it is imperative for the District to prepare for and implement measures to respond to the potential spread of COVID-19; and

**WHEREAS**, it is imperative that the Superintendent have the tools to ensure the health and safety of students, staff, and families on our campuses and to ensure student learning continues if student education needs to be conducted from alternate locations or virtual learning environments; and

**WHEREAS**, it is imperative that District employees be allowed to take a leave of absence due to being quarantined or staying home after recently returning from Level 3 countries or sick from Coronavirus or illnesses with similar symptoms (e.g., cough, fever, shortness of breath) without suffering pay loss; and

**WHEREAS**, the protection of the health and safety and preservation of the lives and property of the people of the State from the effects of natural emergencies such as COVID-19 which may result in conditions of disaster or in extreme peril to life, property, and resources is of paramount State importance requiring the responsible efforts of public and private agencies and individual citizens, and all public employees required to serve as disaster service workers subject to such disaster service activities as may be assigned to them by their superiors or by law under Government Code 3100; and

**WHEREAS**, Section 1102 of the Public Contract Code defines "emergency" to mean a "sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services," and section 21060.3 of the Public Resources Code and California Environmental Quality Act Guidelines 14 CCR section 15269(c) defines "emergency" to mean "a sudden,

unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services.

**WHEREAS**, under California Public Contract Code Section 20113, in an emergency when any repairs, alterations, work, or improvement is necessary to any facility of public schools to permit the continuance of existing school classes, or to avoid danger to life or property, the board may, by unanimous vote, with the approval of the county superintendent of schools, do the following: make a contract in writing or otherwise on behalf the district for the performance of labor and furnishing of materials or supplies for the purpose without advertising for or inviting bid; and, notwithstanding section 20114; and

**NOW, THEREFORE BE IT RESOLVED**, the Board of Education hereby affirms its commitment of the San Diego Unified School District:

1. Determines that the circumstances described in the Resolution herein constitute an emergency condition; for purposes of, but not limited, to Section 20113 of the Public Contract Code; and
2. Authorize the Superintendent and/or her designee to take any and all actions necessary to ensure the continuation of public education, and the health and safety of the students and staff at the District Sites, including, but not limited to: the relocation of students and staff, continued daily student transportation, provision of alternative educational program options, provision of leave of absence to employees with pay due to quarantine or recently returning from level 3 countries or sick from COVID-19 or illnesses with similar symptoms (cough, fever, shortness of breath) or co- habitants of any individuals without any impact to their benefit time pursuant to Education Code sections 44964 and 45199, directing staff to serve as disaster service workers pursuant to Government Code 3100, and/or make alterations, repairs or improvements to school property.

**PASSED AND ADOPTED** by the Governing Board of the San Diego Unified School District, San Diego, California at a public meeting thereof duly called and held this 10th day of March 2020.

**AYES:** Barrera, Beiser, Evans, McQuary, Whitehurst-Payne

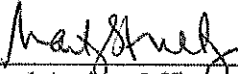
**NAYS:** None

**ABSENT:** None


**ABSTAIN:** None

3/10/2020

I, Marty Stultz, Board Action Officer, Board of Education, San Diego Unified School District, do hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by said Board at regularly called and conducted meeting thereof held on the day and by the vote above stated, which resolution is on file with the minutes of said meeting.

  
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Board Action Officer, Board of Education  
San Diego Unified School District

APPROVED AS TO FORM AND LEGALITY

  
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ANDRA M. GREENE, General Counsel  
San Diego Unified School District