WEST DES MOINES COMMUNITY SCHOOLS
Innovative Spirit. Inspiring Success.

Resolution – Pandemic Response and Emergency Suspension of Policy

WHEREAS, Iowa Code Ch. 279.8 authorizes local school boards to govern their respective districts, including adopting policies for their own governance; and

WHEREAS the Board may, by formal action suspend or rescind board policy as deemed necessary, appropriate or in the best interests of the District; and

WHEREAS, on March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared a national state of emergency and on March 15, 2020 Iowa Governor Kim Reynolds recommended closure of all public and private K-12 schools in Iowa until April 13, 2020 to contain the spread of COVID-19; and

WHEREAS, on March 17, 2020, Iowa Governor Kim Reynolds declared a State of Public Health Disaster Emergency under the authority granted through Iowa Constitution, Art. IV, §§ 1, 8 and Iowa Code §§ 29C.6(1), 135.140(6), and 135.144 and directed implementation of the Iowa Department of Homeland Security and Emergency Management's Iowa Emergency Response Plan in response to the novel coronavirus (COVID-19); and

WHEREAS, most hourly non-exempt employees will be unable to report to work due to the District's closure and certified contract employees may be asked to work at remote locations to help provide continuity in educational services; and

WHEREAS, it fulfills a public purpose to continue to pay District hourly and classified non-exempt employees during this closure to prevent or contain the spread of COVID-19, to promote morale and to help retain current employees following the closure; and

WHEREAS, on March 17, 2020 the Iowa Legislature passed and the Governor signed SF 2408 granting waiver of the instructional time requirements in Iowa Code Ch. 279.10 for all public school districts closing before April 12, 2020 in order to prevent or contain the spread of COVID-19; and granting Governor Reynolds the ability to waive instructional time requirements for any public school district which closes on or after April 12, 2020 to prevent or contain the spread of COVID-19; and

WHEREAS, on April 17, 2020 Iowa Governor Kim Reynolds recommended extended closure of all public and private K-12 schools in Iowa though the 2019-2020 school year to contain the spread of COVID-19; and

WHEREAS, on April 17, 2020 Governor Reynolds and the Iowa Department of Education further recommended a waiver of instructional time requirements for the remainder of the 2019-2020 school year for school districts continuing to provide continuous learning through approved options; school districts will be required to submit to the Department of Education a Return to Learn Plan by July 1, 2020 describing ways the district intends to address disruptions to learning; and

WHEREAS, the Iowa Department of Education issued COVID-19 Guidance: Provision of Continuous Learning. This guidance allows school districts to provide either voluntary educational enrichment opportunities to students or required educational services. Voluntary educational enrichment opportunities provided to students where participation by students is not required and will not be graded other than voluntary completion of concurrent enrollment courses and credit recovery. Required educational services include educational services provided to students who are required to participate. Student work may be graded and credit may be awarded. Equity must be provided for and AEA services resume, to the extent possible, for required educational services. Competencies attained through either voluntary or required educational services may be considered if done on a voluntary basis they may only be considered after school returns to session.

NOW, THEREFORE BE IT RESOLVED, that the West Des Moines Community School Board hereby suspends provisions of its board policies and/or whole policies, as identified by the District Superintendent or designee, if such suspension is necessary to implement written guidance from state or federal agencies relating to containing COVID-19 for the duration identified by the Governor of the State of Iowa, or as otherwise determined by the Board.

BE IT FURTHER RESOLVED that the District Superintendent will consult with and report to the Board as feasible and appropriate regarding the emergency closure and efforts to implement written guidance from health and government agencies.

BE IT FURTHER RESOLVED that the District Superintendent is authorized to close any school facility without further action by the Board of Directors through the end of the 2019-2020 academic year. Such closure shall continue during the emergency created by the COVID-19 pandemic until such time as the Superintendent, in consultation with appropriate health and government authorities, deems it in the best interests of the District and its students to open schools.

BE IT FURTHER RESOLVED that the District Superintendent shall follow all Iowa Department of Education guidance requiring the submission of a Return to Learn Plan for the District by July 1, 2020;

BE IT FURTHER RESOLVED that the District Superintendent is authorized, based upon the needs of the District and guidance from health and government agencies, to direct staff assignments during District closures, including but not limited to essential employees who must report to work, employees who may be reassigned, and employees whose services are not needed.

BE IT FURTHER RESOLVED that access to public school grounds and public school buildings of the District may be limited as directed by the Superintendent during District closures.

BE IT FURTHER RESOLVED that certified, exempt employees will remain employed during the school closure and until the number of days expressed in the contract have been fulfilled, unless otherwise approved by the Board. Days that contracted employees do not report for duty either onsite if deemed an essential employee; or from a remote location for all other employees due to closure, do not constitute a fulfilled contract day except to the extent those days are forgiven by the District.

BE IT FURTHER RESOLVED that in light of this District-wide emergency closure, the Board authorizes the Superintendent to place hourly and classified non-exempt employees on paid administrative leave and to continue to pay them until the number of days expressed in the contract have been fulfilled during the period of school closure. The District will identify non-exempt Nutrition employees to be considered emergency essential employees and these employees will work on site to continue identified essential functions. The District understands that roles identified as emergency may change over the course of time. These emergency employees will be paid at a rate of one and one-half times their current wages for those hours worked as an emergency employee during the period of the COVID-19 school closure.

BE IT FURTHER RESOLVED that the District has elected to provide voluntary educational enrichment opportunities to students in the district during this period of school closures

BE IT FURTHER RESOLVED that in the interest of public health and/or to comply with federal or state health department recommendations or guidance, the Board encourages the public to attend or listen to its open public meetings via video conference, and/or the internet and the Board may also limit public comment to written comments.

BE IT FURTHER RESOLVED that the board reserves the right to adjust board meeting dates, times, and locations during the district-wide emergency closure in a manner consistent with the Open Meetings law, and notes that any or all board members may attend board meetings electronically as permitted by law.

BE IT FURTHER RESOLVED that execution of this Resolution is conclusive evidence of the Board's approval of this action and of the authority granted herein. The Board warrants that it has, and at the time of this action had, full power and lawful authority to adopt this instrument. This resolution will remain in full force and effect until it is rescinded or amended by subsequent action of the Board.

Adopted and approved this 27th day of April, 2020.

By: _____
Board President or Designee

Attest: _____
Board Secretary