

OGDENSBURG CITY SCHOOL DISTRICT
OGDENSBURG, NEW YORK

SUBJECT: Resolution to Approve Board Resolution COVID-19

DATE: April 20, 2020

REASON FOR BOARD CONSIDERATION:

The Board of Education must by resolution, adopt the attached resolution regarding the COVID-19 pandemic and school district operation.

FACTS AND ANALYSIS:

On March 16, 2020, the Governor of New York State signed Executive Order 202.4, wherein the Governor directed every school in New York State to close no later than Wednesday, March 18, 2020 for a period of two weeks, ending April 1, 2020, with reassessment by the State at the end of this period as to whether the state-wide closure shall be extended. On March 27, 2020, the Governor extended the period of closure through April 29, 2020 and then on April 16, 2020 the Governor extended the period of closure through May 15, 2020. Furthermore, the Governor directed that the 180-day instructional requirement shall be suspended during such closure, whereby the Governor amended Order 202.4 as included on the attached resolution.

RECOMMENDED ACTION:

Moved by _____ and supported by _____ that, having the recommendation of the Superintendent of Schools, the Board of Education of the Ogdensburg City School District does hereby approve the attached resolution re: Approving Resolution Regarding COVID-19 as it Relates to School Districts, this 20th day of April 2020.

APPROVED FOR PRESENTATION TO THE BOARD:



Superintendent

KK/alf
Attachment

BOARD RESOLUTION

WHEREAS, on March 7, 2020, the Governor of the State of New York signed Executive Order 202, wherein the Governor declared a disaster emergency in the State of New York with respect to the outbreak of the COVID-19 virus;

WHEREAS, on March 12, 2020, the Governor of the State of New York signed Executive Order 202.1, whereby the Governor amended Order 201 to include the following as it relates to school districts 180 days of required attendance for state aide purposes as public meetings as follows:

1. Suspension of Education Law 3604(7), to allow the Commissioner of Education to disregard such reduction in the apportionment of public money due to a failure by a school to meet the instructional requirements proscribed within this section due to the properly executed declaration of a local state of emergency as defined within sub-section (i), a school is directed to close by a state or local health official or following a properly executed declaration of a state of emergency as defined within sub-section (i), limited to the extent that those specified schools are unable to make up missed instructional days.
2. Suspension of Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed.

WHEREAS, on March 14, 2020, the Governor of the State of New York signed Executive Order 202.2 whereby the Governor amended Order 201 to require any school district which is closing pursuant to a local state of emergency declared as a result of COVID-19, that such school district shall be required to first consult with the local department of health and to exhaust any available time, including snow days and vacation days, as part of such closure in relation to the 180 days of attendance requirement for purposes of state aid.

WHEREAS, on March 16, 2020, the Governor of New York State signed Executive Order 202.4, wherein the Governor directed every school in New York State to close no later than Wednesday, March 18, 2020 for a period of two weeks, ending April 1, 2020, with reassessment by the State at the end of this period as to whether the state-wide closure shall be extended. On March 27, 2020, the Governor extended the period of closure through April 29, 2020. On April 16, 2020 the Governor extended the period of closure through May 15, 2020. Furthermore, the Governor directed that the 180 day instructional requirement shall be suspended during such closure. The Governor further directed that school districts shall develop a plan for alternative instructional options, distribution and availability of meals, and child care, with an emphasis on serving children of parents in the health care profession or first responders who are critical to the response effort. Such plans shall be submitted to the State Education Department and may be amended or modified by the State Education Department, in consultation with the Department of Health and Office of Children and Family Services at any time.

WHEREAS, New York State Education Law §1709(16) states that the Board of Education has the authority as it relates to the payment of employee's wages and salaries to contract with and employ such persons as qualified teachers and other staff of the District, to determine the number of teachers to be employed in the several departments and at the time of such employment, to make and deliver to each teacher a written contract; and employ such persons as may be necessary to supervise, organize, conduct the District's business; and to adopt rules and regulations governing the excusing of absences of all teachers and other employees and for the granting of leaves of absence to such employees either with or without pay;

NOW THEREFORE, the Board of Education, upon the recommendation of the Superintendent of Schools, hereby approves and declares as follows:

1. Pursuant to the powers vested in the Board of Education, and in accordance with the declared state of Emergency, and in accordance with Governor Cuomo's Executive Order 202, *et seq.*, the Board of Education hereby declares and directs that during the period of emergency closure from March 14, 2020, through April 29, 2020, and April 30, 2020 through May 15, 2020 all employees of the District will continue to be paid their regular salary and/or contract hours and regular benefits pursuant to such employees regular contract appointments and salary or hourly wage, as the case may be;
2. **AND FURTHER**, Depending on the length of closure, the Superintendent may extend the length of payment to reflect an extended closure.
3. **AND FURTHER**, Superintendent of Schools shall determine at the Superintendent's discretion which employees are essential employees and/or which job functions are essential job functions such that the District may require such employees to report to work as necessary to carry out any essential functions of the District during the period of emergency closure for the service of the students of the District, subject to the requirements of this resolution;
4. **AND FURTHER**, that during the period of closure, where the Superintendent of Schools, in his/her sole and absolute discretion, finds that the absence of any employee from their jobs and/or duties with the District, including such employees deemed by the Superintendent to be essential employees performing essential job functions, is a direct result of the existing declared emergency due to COVID-19, to the extent allowed by law, such employee's absence shall be considered an excused absence with regular pay and benefits. ;
5. **AND FURTHER**, that the Superintendent of Schools shall have the authority to determine which employees in the District are not essential employees, which employees' physical presence is not required in the District to perform job related duties and functions, and to excuse such employees from physical attendance, provided, that such employees continue to provide services to the extent possible under the modified building operations, are available during their normal work hours on normal work days during this period of closure and to provide support to the District and the students of the District as directed by the Superintendent;
6. **AND FURTHER**, the Board of Education shall consider any absences with pay during this period of emergency closure to be in the paid service of the District subject to the

final determination any applicable New York State administrative agency and/or the requirements of New York State Law;

7. **AND FURTHER**, the Superintendent of Schools is authorized to consult with any and all of the District's unions for the implementation of this resolution, including where in the Superintendent's judgment the Superintendent deems it necessary and appropriate to execute any memorandum of agreements concerning the direction and application of the District's work force resulting from or related to the declared emergency as described herein;

The question of the adoption of the foregoing Resolution was duly put to a vote, which resulted as follows:

AYES: _____ NAYS: _____ ABSTENTIONS: _____

The Resolution was thereupon declared adopted.