

June 24, 2020

**ADOPT BOARD RULE 2-4.2 - EMERGENCY AUTHORITY IN THE EVENT  
OF A DECLARED STATE OF EMERGENCY ON AN-INTERIM FINAL BASIS**

**THE GENERAL COUNSEL RECOMMENDS:**

That the Board of Education adopt new "Board Rule 2-4.2 - Emergency Authority in the event of a Declared State of Emergency" on an ~~interim~~ final basis to enable the Board to continue to conduct essential business and to have the flexibility to respond to public emergencies consistent with the federal, state and local guidance, including but not limited to the national and state emergencies that have been declared with respect to the COVID-19 pandemic. Board Rule 2-4.2 was adopted on an interim basis at the March 25, 2020 Board Meeting and was subject to public comment from April 27, 2020 to May 26, 2020 (Board Report 20-0325-RU1).

**ADOPT NEW BOARD RULE 2-4.2 ON AN-INTERIM FINAL BASIS:**

**Sec. 2-4.2 Emergency Authority in the event of a Declared State of Emergency.**

a) The Board President must adopt emergency guidelines for the conduct of Board business and meetings, including the manner of public participation at Board meetings, to permit the Board to conduct business when a national, state or local emergency is declared and the Board cannot convene a meeting in the usual manner and comply with federal, state or local emergency orders and guidelines, and/or ensure the safety of the public and staff. During any meeting convened under the emergency guidelines adopted under this subsection (a), the Board may modify, replace, or revoke any emergency guideline adopted by the Board President under this Rule if the proposed Board action satisfies the following:

- 1) the Board action permits the Board to conduct business in a manner that ensures public and staff safety; and
- 2) the Board action complies with all federal, state, and local requirements and guidance under the state of emergency.

b) If a national, state or local emergency is declared requiring immediate action by the District, the Board President may suspend any Board Rule, Policy, and Guidelines and adopt emergency guidelines to take measures consistent with local, state, and federal orders, guidelines, laws, and ordinances adopted or enacted to address and mitigate the emergency. The Board President may not use the emergency power under this subsection (b) to suspend Board Rules, Policies, or Guidelines regarding the conduct of Board business. The Board President may not use the emergency power under this subsection (b) if the Board may convene a Special Meeting under Board Rule 2-2 in a manner consistent that protects the public health and safety and is otherwise consistent with the law. During any meeting convened after the adoption of the emergency guidelines under this subsection (b), the Board may modify, replace, or revoke any emergency guideline adopted by the Board President under this subsection (b) if the proposed Board action satisfies the following:

- 1) the Board action ensures the safety of students, the public, and District staff; and

- 2) the Board action complies with all federal, state, and local requirements and guidance under the state of emergency.
- c) Any Board Rules, Policies, and Guidelines that conflict with an emergency guideline adopted under these subsections (a) or (b) are suspended while the emergency guideline is in effect.
  - d) The powers under this Rule expire at the earliest of the following:
    - 1) the expiration or termination of national, state, or local emergency declaration;
    - 2) when the Board is able to conduct business in the usual manner and comply with local, state, and federal orders, guidelines, laws, and ordinances adopted or enacted to address and mitigate the existing emergency.
  - e) This Rule shall have retroactive application to March 17, 2020. All actions taken by the Board President pursuant to this Rule on or after March 17, 2020, to March 25, 2020, are expressly ratified and approved.

**Respectfully Submitted:**

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*Joseph Moriarty*  
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**Joseph T. Moriarty**  
**General Counsel**