

February 23, 2022

**RESOLUTION RATIFYING THE DISTRICT'S RESPONSE TO THE CORONAVIRUS DISEASE 2019 (COVID-19)**

**WHEREAS**, since early 2020, the United States, Illinois and Chicago have faced a pandemic that has caused extraordinary sickness and loss of life, infecting over 546,000 Chicagoans, and taking the lives of more than 7,200 residents of the City;

**WHEREAS**, as Chicago residents continues to respond to the public health disaster caused by Coronavirus Disease 2019 (COVID-19), a novel severe acute respiratory illness that spreads rapidly through respiratory transmissions, the burden on residents has been unprecedented;

**WHEREAS**, protecting the health and safety of CPS students and staff and their family and community is the top priority of the Board of Education of the City of Chicago ("Board");

**WHEREAS**, the Board has broad authority pursuant to the school code (105 ILCS 5/34-18 and 105 ILCS 5/34-19) to provide for its schools maintenance and operations;

**WHEREAS**, the Board adopted resolutions regarding COVID-19 in March 2020 (20-0325-RS1) and last in July 2021 (21-0728-RS1). These resolutions gave authority to District management to develop emergency operation plans in collaboration with local health authorities;

**WHEREAS**, on July 9, 2021, the Centers for Disease Control and Prevention (CDC) updated its guidance for COVID-19 prevention in K-12 Schools;

**WHEREAS**, the CDC guidance prioritizes the safe return to in-person learning for fall of 2021, promotes vaccination as the leading public health prevention strategy, and recommends various prevention and mitigation strategies to keep schools safe, such as: wearing a mask, screening testing, ventilation, proper handwashing, respiratory etiquette and cleaning and disinfection;

**WHEREAS**, the Board is following and will continue to follow the scientific guidance of local, state, and federal health officials, including the CDC and the Chicago Department of Public Health ("CDPH") to protect the health of the community, respond to the outbreak and minimize transmission;

**WHEREAS**, as the District prepared to phase in school-based learning in the fall of 2020 for its most vulnerable students, the District committed to a multi-prong mitigation protocol, which included, among other items, requiring masking of students and staff, testing, contact tracing, community notification, proper ventilation, and requiring individuals who test positive for or have been exposed to COVID-19 to learn/work from home;

**WHEREAS**, the Board approved a Memorandum of Understanding (MOA) with the Chicago Teachers Union (CTU) in February 2021 for the return to in-person learning. This MOA incorporated the Board's required COVID-19 mitigation efforts previously implemented at Chicago Public Schools, including, but not limited to: a universal masking requirement for all persons in CPS buildings including students and staff, testing, requiring individuals who test positive for or have been exposed to COVID-19 to learn/work from home, and contact tracing. In addition, the Board and CTU entered into a MOA in January 2022 that requires universal masking, contact tracing and that CPS will follow CDC/IDPH/CDPH guidance requiring individuals who have been exposed to COVID-19 to learn/work from home unless they are fully vaccinated and asymptomatic.

**WHEREAS**, the District continued its strategy of multiple layers of mitigation for the 2021-2022 school year, which continued to include, among other items, requiring universal masking of students and staff, testing, contact tracing, community notification, proper ventilation, and requiring individuals who test positive for or have been exposed to COVID-19 to learn/work from home;

**WHEREAS**, the Board adopted an amendment to Board Rule 6-4 on interim basis in February 2021 (21-0224-RU1) and, after public comment in April 2021 (21-0428-RU1). It was amended once more in August 2021 (21-0825-RU1) on an interim basis and, after public comment in October 2021 (21-1027-RU1).

**WHEREAS**, Board Rule 6-4 delegates the Board's authority to the Chief Executive Officer (CEO) to, in consultation with a city, state or federal public health department or agency, exclude temporarily all pupils or employees from school upon reasonable evidence that an epidemic of any contagious or infectious disease is prevalent or that an episode of such is impending. Board Rule 6-4 also delegated the Board's authority to the CEO to exclude from school any individual pupil or employee with a known or suspected communicable disease or health condition;

**WHEREAS**, Board Rule 6-4 also delegated the Board's authority to the CEO to, at such time where the Food and Drug Administration ("FDA") has fully approved a COVID vaccine, to require COVID immunization as a condition of hiring or continued employment. The amendment to Board Rule 6-4 also delegated authority to the CEO to require employees to show proof of receipt of COVID-19 vaccine which follows the FDA's dosing schedules for COVID-19 vaccines;

**WHEREAS**, on August 13, 2021, the CEO announced that the District was requiring COVID-19 vaccination for all employees. Subsequently, on October 13, 2021 the District amended its mandate, stating that employees who do not report their vaccination status or have an approved accommodation must consent to weekly testing.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Board hereby ratifies the District's multiple layers of mitigation efforts to curb the spread of COVID-19, including, but not limited to: requiring universal masking of students and staff, testing for unvaccinated employees, and requiring individuals who test positive for or have been exposed to COVID-19 to learn/work from home.
2. The Board reaffirms its delegation of authority to the Chief Executive Officer (and designees), to maintain or alter, modify or amend current COVID-19 mitigation measures in consultation with public health officials and other stakeholders and to implement those measures in order to maintain the safe and healthful operation of the Chicago Public Schools for the benefit of CPS students, families, community members, staff and all who work or conduct business in CPS facilities.