

UPLAND UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 07-16-20(a)

INSTRUCTIONAL MODELS FOR 2020-21 SCHOOL YEAR

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a statewide emergency due to the Coronavirus ("COVID-19") pandemic;

WHEREAS, on March 19, 2020, Governor Newsom issued a statewide stay-at-home order in Executive Order N-33-20;

WHEREAS, due to the COVID-19 emergency and in accordance with Governor Newsom's Executive Orders N-26-20 and N-33-20, the District closed its schools sites and provided distance learning to all students, beginning on March 16, 2020 and continuing through the end of the 2019-20 school year;

WHEREAS, on or about June 5, 2020, the California Department of Public Health ("CDPH") issued the document *Covid-19 Industry Guidance: Schools and School-Based Programs*, which set forth guidelines to help school districts plan and prepare to safely resume in-person instruction in the 2020-21 school year;

WHEREAS, these CDPH guidelines set forth recommendations for school districts to maintain adequate physical distancing inside and outside of the classroom, including maximizing space between seating and desks, keeping students in the same space and in groups as small and consistent as practicable, and minimizing movement of students and teachers or staff as much as practicable;

WHEREAS, other state, federal and local agencies, including the California Department of Education ("CDE") and Centers for Disease Control and Prevention ("CDC"), have issued their own guidelines to safely reopen schools in the 2020-21 school year, which include similar recommendations to maintain adequate physical distancing inside and outside of the classroom;

WHEREAS, on or about June 29, 2020, Governor Newsom signed into law Assembly Bill ("AB") 77, which requires school districts to offer in-person instruction to the greatest extent possible in the 2020-21 school year;

WHEREAS, pursuant to Education Code section 43503(a)(2), school districts may offer distance learning in the 2020-21 school year under either or both of the following circumstances: (A) on a District or schoolwide level as a result of an order or guidance from a state public health officer or a local public health officer; or (B) for pupils who are medically fragile or would be put at risk by in-person instruction, or who are self-quarantining because of exposure to COVID-19;

WHEREAS, or on about June 26, 2020, State Assembly Member Philip Y. Ting issued a letter clarifying the Legislature's intent that, pursuant to Education Code section 43503(a)(2)(A), school districts have flexibility to adopt a District or schoolwide distance learning, hybrid or mixed-delivery instructional model to ensure safety during the COVID-19 pandemic, taking into account available infrastructure and the needs of students and staff, provided that the model adheres to applicable state or local public health orders or guidance;

WHEREAS, the County of San Bernardino is currently in Stage 2 (lower risk workplaces) of the state's four-stage Resilience Roadmap for reopening workplaces;

WHEREAS, as of July 13, 2020, the County of San Bernardino was on the state's County Monitoring List due to recent increases in local COVID-19 infections;

WHEREAS, the Board of Trustees ("Board") desires to provide in-person instruction to the greatest extent possible in the 2020-21 school year, provided that the District is able to do so in compliance with applicable state, federal and local guidelines intended to ensure the safety of students and staff;

WHEREAS, due to the everchanging nature of the COVID-19 pandemic, the Board desires to authorize the Superintendent to develop and implement various instructional models for the 2020-21 school year, to ensure the District has the flexibility to offer in-person and/or distance learning, or both, as permitted by local conditions in the County of San Bernardino, and in accordance with applicable state, federal and local guidelines; and

WHEREAS, in the interest of taking precautions to limit and manage exposure to COVID-19, to protect the health and safety of District students and staff, and in taking into account the District's available infrastructure, the Board desires to implement any or all of the following instructional models at any time and from time-to-time during the 2020-21 school year while the District responds to the changing circumstances presented by COVID-19: in-person instruction, a blend or hybrid of in-person instruction and distance learning, and full-time distance learning.

NOW THEREFORE, BE IT RESOLVED that the Board directs and authorizes the Superintendent or designee to take the following actions in the 2020-21 school year:

1. Develop and adopt school reopening plans for the 2020-21 school year, that provide instructional models based on District and schoolwide: (1) in-person instruction; (2) a blend or hybrid of in-person instruction and distance learning; and (3) full-time distance learning or independent study.
2. Implement whichever instructional model the Superintendent determines, in her best judgment and in consultation with state and/or local health officials, will best ensure the safety of student and staff for any specified period of time during the 2020-21 school year, based on the local conditions and information available to the Superintendent at the time the determination is

made, provided that the model adheres to Education Code section 43500 *et seq.* and any other applicable state, federal and local legal requirements or guidelines.

3. Offer a process, regardless of what instructional model is being implemented, for students to request and receive distance learning if the student is medically fragile, would be put at risk by in-person instruction, or is self-quarantining because of exposure to COVID-19, provided that the distance learning model is compliant with Education Code section 43500 *et seq.*
4. Take into account the considerations of the school community and staff when developing and implementing these instructional models, provided that doing so does not delay the District's ability to commence instruction on August 26, 2020.
5. Provide notification to the school community and staff of the instructional models that will be available during the 2020-21 school year and, when known, which model(s) will be implemented during a specified period of time.
6. Take into account the Board's direction ensuring a comprehensive consideration of district wide needs.
7. Take any other actions as may be necessary and appropriate to effectuate the purpose and intent of this Resolution, provided that such actions are compliant with state, federal and local legal requirements, as well as the District's Board Policies.

Passed and adopted by the Board of the Upland Unified School District, San Bernardino County, California, on _____ 2020 at a duly noticed, scheduled meeting by the following vote:

AYES:

NOS:

ABSTAIN:

ABSENT:

I, Wes Fifield, Vice President of the Board of Trustees of the Upland Unified School District, hereby certify that the foregoing is a full, true and correct copy of Resolution No. 07-16-20(a) and Order adopted by the Board of Trustees on July 16, 2020.

Date: July 16, 2020

Vice President, Board of Trustees

Upland Unified School District

Certified a True Copy:

Clerk, Board of Trustees
Upland Unified School District

180-7/4734184.1

UPLAND UNIFIED SCHOOL DISTRICT

RESOLUTION NO. 07-16-20(b)

**RESOLUTION OF THE BOARD OF TRUSTEES ORDERING AN ELECTION,
FILLING GOVERNING BOARD VACANCY, AND REQUESTING CONSOLIDATION
WITH OTHER ELECTIONS**

WHEREAS, an election will be held on November 3, 2020 in the Upland Unified School District (“District”) for the purpose of electing two Board of Trustees (“Board”) positions with terms that will expire in 2024;

WHEREAS, pursuant to Education Code section 5304, the Board of Trustees is authorized to order elections;

WHEREAS, on July 2, 2020, Board President Linda Angona submitted to the San Bernardino County Superintendent of Schools (“County Superintendent”) her resignation from the Board, effective on July 2, 2020;

WHEREAS, Ms. Angona’s current four-year term as a member of the Board was set to expire in December 2020;

WHEREAS, notwithstanding Ms. Angona’s resignation, Ms. Angona’s Board position was scheduled for election as one of the two Board positions available for election on the November 3, 2020 ballot;

WHEREAS, pursuant to Education Code section 5091 and Board Bylaw 9223, the Board has the option to fill the vacancy within 60 calendar days of the effective date of the resignation by appointing a new member or ordering an election;

WHEREAS, on July 8, 2020, County Superintendent Ted Alejandre sent a letter to the District confirming receipt of Ms. Angona’s resignation and outlining the Board’s options for filling the vacancy, either by making an appointment or by ordering an election to occur on the next regular election (*Correspondence from County Superintendent T. Alejandre to Superintendent L. Carmen Day, dated July 8, 2020, attached hereto as **Exhibit 1** and incorporated herein by this reference*);

WHEREAS, the Board desires to fill the vacancy at the next regular election for governing Board members; and

WHEREAS, pursuant to Education Code section 5093(c), if an election pursuant to Section 5091 may be consolidated with the next regular election for governing board members, and the vacant position is scheduled to be filled at such regular election, there shall be no special election.

NOW THEREFORE, BE IT RESOLVED that the Board has determined the foregoing:

All of the recitals set forth above are true and correct.

An election shall be held on Tuesday, November 3, 2020. The purpose of the election is to elect two qualified persons to fill the two open positions on the District's Board of Trustees, including the position left vacant by Ms. Angona's resignation.

The election shall be consolidated with elections held by certain other school districts, community college districts or other political subdivisions held on the same day and whose boundaries are totally or partially the same territory.

In accordance with this Resolution setting forth the election order and the specifications of the election order, the County Superintendent is hereby requested to call an election for the purposes provided herein, and in accordance with relevant Education Code sections.

The San Bernardino County Registrar-Recorder/County Clerk is requested to perform all the duties incident to the preparation for and holding of the above-mentioned election. The District will pay the costs of the election and in the event of consolidation with the election of any other political subdivision, the District shall pay its pro rata share pertaining to the conduct of such consolidated election in accordance with the appropriate sections of the Education and Elections Codes.

That the costs for all candidate statements will be covered by each candidate in accordance with District Board Bylaws.

That the candidate statements shall be limited to no more than 200 words in accordance with District Board Bylaws.

That the Board hereby directs the Superintendent, or her designee, to cause two copies of this Resolution to be delivered to the County Superintendent and officer conducting the election, and to take all other actions necessary to give effect to the intent of this Resolution, including the filing of forms with the San Bernardino County Registrar-Recorder/County Clerk.

Passed and adopted by the Board of the Upland Unified School District, San Bernardino County, California, on _____ 2020 at a duly noticed, scheduled meeting by the following vote:

AYES:

NOS:

ABSTAIN:

ABSENT:

I, Wes Fifield, Interim President of the Board of Trustees of the Upland Unified School District, hereby certify that the foregoing is a full, true and correct copy of Resolution No. 07-16-20(b) and Order adopted by the Board of Trustees on July 16, 2020.

Date: July 16, 2020

Interim President, Board of Trustees
Upland Unified School District

Certified a True Copy:

Clerk, Board of Trustees
Upland Unified School District

Exhibit 1



San Bernardino County
Superintendent of Schools

Ted Alejandre
County Superintendent

Transforming lives through education

July 8, 2020

Ms. Lynn J. Carmen Day
Upland Unified School District
390 North Euclid Avenue
Upland, CA 91786

Dear Lynn:

This is to confirm that on July 2, 2020, the County Superintendent of Schools received correspondence from Ms. Linda Angona resigning as a member of the Upland Unified School District Board of Trustees. At the request of Ms. Angona and pursuant to Education Code Section 5090, the resignation is effective July 2, 2020.

Please use the enclosed form to notify my office whether the vacancy is to be filled by appointment or by election. Should your Board decide to fill the vacancy by appointment, the enclosed Notice of Appointment form, Oath of Office form, and a Trustee's Signature Card is provided for you to notify us of the appointment, which must take place by August 31, 2020. Education Code 5092 requires that within 10 days of the provisional appointment, a district must post notice of vacancy and appointment in three (3) public places in the district and publish one (1) notice in a general circulation newspaper, pursuant to Govt. Code, Section 6061.

Should your Board order an election, it is held on the next regular election date, provided that date is no sooner than 130 days following the vacancy or filing of deferred resignation. *(Please refer to Elections Code, Division 1, Chapter 1 commencing with Section 1000.)*

Please feel free to call if you have any questions.

Sincerely,

Ted Alejandre
County Superintendent

TA/mo
Enclosures

cc: Teresa Coates, Campaign Relations Coordinator, Registrar of Voters
Dennis Mobley, Governance Liaison, SBCSS