

**MORGAN HILL UNIFIED SCHOOL DISTRICT  
MORGAN HILL, CALIFORNIA**

**EMERGENCY RESOLUTION  
DELEGATING AUTHORITY TO TAKE NECESSARY ACTION TO PROTECT  
STUDENTS AND STAFF FROM THE SPREAD OF CORONAVIRUS (COVID-19)**

**WHEREAS**, on March 4, 2020, Governor Gavin Newsom declared a statewide emergency arising from the coronavirus (COVID-19).

**WHEREAS**, on March 10, 2020, the Santa Clara County Board of Supervisors and the Department of Public Health declared the existence of a local and public health emergency arising from the coronavirus (COVID-19).

**WHEREAS**, the Santa Clara County Superintendent of Schools in collaboration with the superintendents of the districts has determined that it is advisable for all public schools within the county to prepare for school closures resulting from the coronavirus (COVID-19) outbreak.

**WHEREAS**, on March 12, 2020, Governor Newsom issued an executive order directing Californians to cancel large public gatherings and to enforce social distancing.

**WHEREAS**, the Santa Clara County Superintendent of Schools with the full support of the Santa Clara Department of Public Health considers it a matter of public interest to develop plans to implement the guidance related to reducing the spread of COVID-19 in our schools to protect our students, their families, our employees and our community;

**WHEREAS**, Article I, Section 28, of the California Constitution declares that “[a]ll students and staff of public, primary, elementary, junior high, and senior high school . . . have the inalienable right to attend campuses which are safe, secure and peaceful.”

**WHEREAS**, the Santa Clara County Office of Public Health has reported that multiple persons in Santa Clara County are suspected to have contracted Coronavirus (COVID-19) and the extent to which other members of the Santa Clara County community may have contracted Coronavirus (COVID-19) is unclear.

**WHEREAS**, Education Code section 35161 permits the Board of Education to delegate to the Superintendent broad authority to carry on activities and programs including the expenditure of funds for programs and activities which, in the determination of the Board of Education and the Superintendent are necessary to meet the needs of the District to address the Coronavirus (COVID-19) pandemic and which are not inconsistent with the purposes for which the funds were appropriated.

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

**NOW THEREFORE, BE IT RESOLVED AND ORDERED** that the Board hereby declares the existence of an ongoing public health emergency within the county arising from the coronavirus (COVID-19) pandemic.

**BE IT FURTHER RESOLVED AND ORDERED** the Superintendent is delegated authority to take all appropriate action to respond to the coronavirus (Covid-19) pandemic, including, but not limited to, any action:

- A. To ensure and protect the welfare, safety and educational wellbeing of all students;
- B. To cancel or modify any activities, programs, or courses, up to and including the temporary closure of schools and program sites.
- C. To protect District property.
- D. To make further declarations of emergency and to take emergency action as permitted by law.

**BE IT FURTHER RESOLVED AND ORDERED** that should any portion of this Resolution be held invalid, the invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provisions or application, and to this end the provisions of this Resolution are declared to be severable.

**BE IT FURTHER RESOLVED AND ORDERED** that this Resolution is an emergency measure within the mandate and jurisdiction of the Board and is necessary for the immediate welfare of the schools and pupils thereof. Therefore, this Resolution shall become effective immediately upon its adoption and shall remain in effect until repealed by formal Board action.

**PASSED AND ADOPTED** by the Board of Education of the MORGAN HILL UNIFIED SCHOOL DISTRICT at a regular meeting held on April 2, 2020 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

DATED: April 2, 2020

SIGNED: \_\_\_\_\_  
Carol Ann Gittens, President Board of Education

I, Steve Betando, Secretary of the Board of Education, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Board of Education of the MORGAN HILL UNIFIED SCHOOL DISTRICT at the regular meeting on April 2, 2020 which resolution is on file in the office of said Board.

DATED: April 2, 2020

SIGNED: \_\_\_\_\_  
Steve Betando, Secretary Board of Education