

**RICHARD MILBURN ACADEMY/TEXAS, INC.**  
**BOARD COVID-19 EMERGENCY DECLARATION RESOLUTION NO. 2**

**1. APPROVAL OF DISTANCE INSTRUCTIONAL LEARNING/SYNCHRONOUS AND ASYNCHRONOUS LEARNING**

**2. APPROVAL OF ATTENDANCE ACCOUNTING POLICIES & PROCEDURES AND OTHER AUTHORIZATIONS AND STATE WAIVERS**

**WHEREAS**, the global COVID-19 Virus pandemic is continuing to spread throughout the State of Texas, nation and communities served by the charter schools and will have significant impact for the fiscal year and 2020-21 school year such that emergency action and authorizations continue to be necessary and in the best interest of students and the school;

**WHEREAS**, the Texas Education Agency will be providing guidance to charter schools to continue funding for distance learning, virtual education, potentially on-site instruction and other continuity of instruction options for students and maintains appropriate records of these efforts including on-site, distance, synchronous and asynchronous education options for the 2020-21 school year;

**WHEREAS**, it is the desire of the Board that the Administration be prepared and authorized to act swiftly and decisively in response to anticipated increases in reported infections, governmental guidance and edicts and to take other appropriate and immediate actions to protect the health, safety and welfare of the students and staff of Richard Milburn Academy/Texas, Inc.

**WHEREAS**, the Board of Directors of Richard Milburn Academy/Texas, Inc. has a substantial public interest to protect the health and safety of its students, staff, their families and community;

**WHEREAS**, the school's community, including school personnel, students and their families, have been and are likely to continue to be substantially impacted by the COVID-19 Virus for the duration of the summer and 2020-21 school year;

**WHEREAS**, the Board and Administration are following advice and directives from federal, state and local authorities in responding to the continuing COVID-19 Virus pandemic and emergency;

**WHEREAS**, through circumstances completely beyond their control, school employees may be forced to miss work-days due to the closure of school facilities and operations;

**WHEREAS**, the Board finds that a public purpose exists for excusing absences of employees who are under medically appropriate quarantine or other medically directed or advises absence related to the emergency;

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Directors of Richard Milburn Academy/Texas, Inc. at a lawfully called meeting of the Board, held in compliance with the Texas Open Meetings Act, formally declares that:

1. COVID-19 continues to harm the students, families, employees and communities of the school and constitutes an unavoidable emergency.
2. **Need for Immediate Action.** Immediate action is necessary to be able to continue to minimize the COVID-19 impact to students, staff, families and the community. Therefore, the instructional campuses and other school facilities operated by Richard Milburn Academy/Texas, Inc. shall be subject to physical closure as determined by the CEO/Superintendent of Charter Holder or as determined by order of the Governor of Texas or local authorities, in accordance with state law.
  - a. As authorized by TEA, the administration shall provide for instructional continuity for its students including but not limited to options for distance learning and/or virtual learning, on-site learning, synchronous and asynchronous learning, and follow TEA Guidance for same, including appropriate attestations and record keeping. Further, the Board directs and authorizes the Superintendent or designee to develop attendance accounting policies and procedures to meet state requirements and guidelines for TEA authorized instructional options.
  - b. The Superintendent may open or re-open school facilities on as-needed to facilitate school business and instructional continuity for students and following local and state guidelines.
3. **Waiver for Instructional Days:** The Superintendent is authorized to apply for missed instructional day waivers and low attendance day waivers are also to be submitted for future dates, as may be necessary and approved by the Texas Education Agency.
4. **Absence Waivers:** The Superintendent or designee is authorized to excuse absences for any employee who is under a medically appropriate quarantine.
5. **TEA Attestations, Waivers and Submissions:** The Superintendent and Board President are authorized to execute and file the 2019-2020 COVID-19 Missed School Day Waiver Attestation Statement. Additionally, the Superintendent and Board President are authorized to execute and file the Attestation of Off-Campus Programs Approved for Purposes of Average Daily Attendance (TEC §48.007) with TEA. Additionally, the Superintendent and Board President are authorized to submit waivers, notices, elections or attestation relating to synchronous or asynchronous education options following TEA guidelines.
6. **Instructional Continuity:** In addition to or in lieu of closure, the Superintendent is authorized to develop and implement education continuity plans following state guidelines to allow students to be educated through low-tech, workbooks/worksheets/packets, online learning, tele- and video-learning, and other virtual or distance learning/low-tech programs including synchronous and asynchronous instructional options and traditional on-site instruction options. The Superintendent is authorized and fully supported by the Board in reassigning staff to aid in development and implementation of education continuity plans to benefit and serve students. The Superintendent is authorized to make procurements necessary to fulfill the purposes of

this resolution and to meet the needs and best interest of students. The Superintendent shall inform TEA of these plans within 24 hours or as otherwise directed by TEA. The Superintendent shall adopt policies and procedures for attendance accounting and record keeping and report same to TEA as required, and shall ensure appropriate attendance records are taken and maintained to meet TEA requirements.

7. In the event other waivers or immediate action is needed, the Superintendent is authorized, in consultation with the Board's President, to take other action and to submit/apply for other waivers in accordance with guidance and instructions from the State of Texas. The Board will consider ratifications of such action where determined necessary.

**PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF RICHARD MILBURN ACADEMY/TEXAS, INC. ON THIS 23RD DAY OF JULY, 2020.**

Members voting in favor of the Resolution:



---

Betsy Hall Bender, President

ATTEST:



---

Mike Peebles, Secretary