

RIVER VALLEY SCHOOL DISTRICT BOARD OF EDUCATION RESOLUTION TO WAIVE CERTAIN SCHOOL BOARD OR SCHOOL DISTRICT REQUIREMENTS PURSUANT TO WIS. STAT. §§ 118.38(1) AND (1m)

WHEREAS, Wis. Stat. §118.38(1) and Wis. Admin. § PI 8.01(4) authorize school boards to request the Department of Public Instruction to waive any school board or school district requirement in Wis. Stat. chs. 115 to 121 or in the administrative rules promulgated by the Department under the authority of those chapters; and

WHEREAS, Wis. Stat. §118.38(1)(b) requires that before requesting a waiver, a school board shall hold a public hearing in the school district on the request for a waiver of any requirement in Wis. Stat. chs. 115 to 121; and

WHEREAS, Wis. Stat. §§ 120.12(1) and 12.44(2) authorize the Board of Education to have the possession, care, control and management of the property and affairs of the school district; and

WHEREAS, on March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic; and

WHEREAS, on March 12, 2020, pursuant to Wis. Stat. § 323.10, Wisconsin Governor Tony Evers issued Executive Order 72, declaring a public health emergency in all counties of the state as a result of the coronavirus pandemic (COVID-19); and

WHEREAS, on March 13, 2020, Governor Evers issued Emergency Order #1 mandating statewide closure of all public and private schools because of the spreading COVID-19, effective March 18, 2020, at 5:00 pm, through April 6, 2020; and

WHEREAS, on March 17, 2020, Governor Evers issued a further order, Emergency Order #5, extending the closure of all public and private K-12 schools indefinitely, through the duration of the public health emergency, amid the coronavirus pandemic; and

WHEREAS, on March 24, 2020, Governor Evers issued Emergency Order #12, continuing the closure of all public and private K-12 schools for pupil instruction and extracurricular activities, except for facilitating distance learning or virtual learnings; and

WHEREAS, on April 16, 2020, Secretary-designee of the Department of Health Services, Andrea Palm issued Emergency Order #28, closing all public and private K-12 schools for the remainder of the 2019-2020 school year; and

WHEREAS, on June 29, 2020, the Department of Public Instruction released *Education Forward: Reopening Wisconsin Schools (Education Forward)*, an 87-page guidance document setting forth precautionary health and safety measures to assist schools in reopening while also preventing the spread of COVID-19; and

WHEREAS, *Education Forward* makes numerous recommendations to protect the health and safety of the school community, such measures include, but are not limited to, social distancing, creating small, closed classroom groups that serve a consistent group of students, building healthy classroom routines, staggering arrival and dismissal times, establishing controlled entrances and exits to the school and flows of school traffic, setting up an isolation location, engaging in contact tracing, extensive cleaning

and disinfecting procedures, limiting access to school buildings, and numerous other recommendations; and

WHEREAS, the Department of Public Instruction also released *Interim COVID-19 Transportation Guidance*, a guidance document establishing health and safety precautionary measures including, but not limited to, closing every other row of seats, reducing maximum occupancy of buses, cleaning and disinfecting each bus after each run, and assigned seating on the bus following physical distancing guidelines; and

WHEREAS, on July 30, 2020, Governor Evers issued Executive Order #82, proclaiming that a public health emergency exists for the State of Wisconsin; and

WHEREAS, Executive Order #82 documents an increase of 32,506 confirmed cases of COVID-19 from June 1, 2020 to July 29, 2020, and a 75% increase in the number of cases of COVID-19 during the month of July; and

WHEREAS, on July 30, 2020, Governor Evers issued Emergency Order #1, ordering every individual, age five and older, in Wisconsin to wear a face covering if the individual is indoors or in an enclosed space and other individuals are present in the same room or enclosed space, with such order remaining in effect until September 28, 2020; and

WHEREAS, the school closures and continuing pandemic has had a substantial and negative effect on District students, resulting in lost instruction, limitations on all student activities, and reduction in available programming ; and

WHEREAS, during the period of school closures the District experienced significant challenges in providing access to virtual instruction whether due to inadequate technological infrastructure or insufficient familial resources; and

WHEREAS, due to the spread of COVID-19 the District will be required to implement numerous new health and safety procedures and protocols pursuant to Emergency Order #1 and guidance incorporated in *Education Forward*; and

WHEREAS, on August 1, 2020, the District established a *Reopening Schools Instructional Plan* (attached as an informational reference) which establishes educational schedules, identifies priorities in the development of those schedules and urges flexibility in response to the ever-changing public health emergency caused by COVID-19; and

WHEREAS, due to the spread of COVID-19 the District has implemented two alternative schedules from which students may choose. One model provides solely virtual instruction four days per week. Another model, referred to as the "4 + 1 model," provides students with in-person instruction on Monday, Tuesday, Thursday and Friday, and Wednesday will be used for deep disinfecting of the District's facilities as well as assessment and advisory provided virtually; and

WHEREAS, due to the spread of COVID-19 and efforts to halt that spread, the District anticipates that schools, classrooms and the entire District may need to be quarantined or closed for periods of time, resulting in the need to shift instructional practices and educational methodologies for those affected by the quarantine and closures; and

WHEREAS, the provision of both an in-person instructional model and a virtual instructional model allows the District to respond to COVID-19 while continuing to enhance educational opportunities for students and further provide the flexibility to transition to virtual instruction in the event of school or District-wide closure; and

WHEREAS, due to the spread of COVID-19, the District has experienced staff shortages in the form of the unavailability of substitute teachers and bus drivers to transport students, and anticipates further and increasing staff shortages; and

WHEREAS, on February 2, 2021, Governor Evers issued Executive Order #105, proclaiming that new, more contagious strains of the virus that causes COVID19 are now spreading across the United States, including in Wisconsin, and declaring the current pandemic a public health emergency; and

NOW, THEREFORE BE IT RESOLVED, that:

1. On April 8, 2021, the Board of Education of the River Valley School District held a duly-noticed meeting of the Board, consistent with the requirements of Wis. Stat. §§ 19.83 and 19.84, concerning requests for waivers of the requirements identified herein; and

2. In compliance with Wis. Stat. §§ 118.38(1) and (1m), and for the reasons set forth herein, the Board of Education hereby directs the District Administrator or his designee to apply, on behalf of the Board, to the Office of the Superintendent for Public Instruction (OSPI) for the waiver, applicable to all schools within the jurisdictional boundaries of the River Valley School District, of the following:

a. Waiver of the requirements of 121.02(1)(f) and 121.006(2)(a) Hours of Instruction

Due to staff shortages associated with COVID-19, the additional health and safety requirements necessary to halt the spread of COVID-19, and in anticipation of closures or shutdowns due to COVID-19, the District is requesting a waiver to increase the flexibility in establishing the hours of instruction for students.

b. Waiver of the requirements of 120.12(2m) 115.415 Educator Effectiveness

Due to COVID-19 and the additional health and safety requirements necessary to halt the spread of COVID-19, and in anticipation of closures or shutdowns due to COVID-19, the District is requesting a waiver to increase the flexibility in evaluating teachers and principals.

BE IT FURTHER RESOLVED that execution of this Resolution is conclusive evidence of the Board of Education's approval of this action and of the authority granted herein at a duly-noticed meeting of the Board held on April 8, 2021.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

RIVER VALLEY SCHOOL DISTRICT BOARD OF EDUCATION

\_\_\_\_\_, Board President

\_\_\_\_\_, Board Clerk