

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

NOW, THEREFORE BE IT RESOLVED, that:

1. On September 10, 2020, the Board of Education of the River Valley School District held a duly-noticed meeting of the Board and public hearing, consistent with the requirements of Wis. Stat. §§ 19.83 and 19.84, concerning requests for waivers of the requirements identified herein; and

3. 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 115.28(59) -Academic and Career Planning;

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 scheduling academic and career planning instructional activities thereby increasing the amount of time spent on core academic concepts.

b. Waiver of the requirements of 118.01(2) Educational Goals;

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 the amount of time attributed to addressing each of the educational goals.

c. Waiver of the requirements of 118.015 Reading 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 the amount of reading instruction provided, the staff providing that instruction and the evaluation of that programming.

d. Waiver of the requirements of 118.017 Instruction in English

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

to be provide instruction in languages other than English. More specifically, the District seeks the flexibility to provide instruction in the native language of families who may be unable to access the general education curriculum by way of virtual instruction.

e. Waiver of the requirements of 118.019 and 146.89(3r)(e) Human Growth and Development;

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 the amount of human growth and development provided to students, the information to be provided to parents, the requirement to appoint an ad hoc committee, and the staff providing instruction.

f. Waiver of the requirements of 118.02 Special Observance Days

Due to COVID-19, school closures and quarantines had a substantial and negative effect on District students, resulting in lost instruction and limitations on all student activities. The District seeks waivers to the requirement that specific days be appropriately observed in order to focus on core instruction and to avoid further loss of instruction.

g. Waiver of the requirements of 118.03 Textbooks

Due to 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 seeks flexibility to utilize materials appropriate for a virtual environment that may not be established through a formal adoption process.

h. Waiver of the requirements of 118.04 Summer Classes

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, including shutdowns during the summer months, the District is requesting a waiver to increase the flexibility in establishing rules regarding attendance in summer classes.

i. Waiver of the requirements of 118.14(3) Four-Year-Old Kindergarten

Due to 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 seeks flexibility in the requirement to provide four-year-old kindergarten to all eligible children.

j. Waiver of the requirements of 118.33 121.02(1)(p) Graduation Standards *(1 of 2)*

Due to 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 seeks flexibility to revise its graduation requirements to allow for virtual instruction and a reduction in the number of courses required to graduate from the River Valley School District.

k. Waiver of the requirements of 118.33(1)(f) Graduation Standards *(2 of 2)*

Due to 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 seeks flexibility to revise its graduation requirements and allow the District to grant a diploma based upon that flexibility and upon criteria including, but not limited to teacher recommendations and academic performance.

l. Waiver of the requirements of 118.33(6)(cm) Kindergarten as a Prerequisite for First Grade

Due to 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 seeks flexibility to permit students who may not have completed kindergarten to enter first grade.

m. Waiver of the requirements of 118.34 Technical Preparation Programs

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 technical preparation programs and the annual requirement to evaluate such programs.

n. Waiver of the requirements of 118.53(2) Admission Standards for K-8 Courses

Due to 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 an enforcing admission standards for K-8 courses.

o. Waiver of the requirements of 120.12(14) Curriculum

Due to 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 a course of study for all students.

p. Waiver of the requirements of 120.12(15) Length of School Day

Due to 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 length of school day and the ability to alter that day due to COVID-19.

q. Waiver of the requirements of 120.12(17) University of Wisconsin Tuition

Due to COVID-19, the additional health and safety requirements necessary to halt the spread of COVID-19, in anticipation of closures or shutdowns due to COVID-19, and the recent increase of cases of COVID-19 on college campuses, the District is requesting a waiver to the requirement that it must allow students to attend a UW institution and pay for tuition at those institutions.

r. Waiver of the requirements of 121.01(1)(c) Remedial Reading

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 providing remedial reading to students.

s. 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.

t. Waiver of the requirements of 121.02(1)(h) Instructional Materials, Texts, and Library Services

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 and providing instructional materials, texts and library services to students.

u. Waiver of the requirements of 121.02(1)(j) Health, Physical Education, Art, and Music

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 and providing health, physical education, art, and music education to students.

v. Waiver of the requirements of 121.02(1)(k) Curriculum Plans

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 curriculum plans, the requirement to follow a sequential curriculum and engage in an evaluation of that curriculum.

w. Waiver of the requirements of 121.02(1)(L) 253.15(5) Regular 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 providing regular instruction to students.

x. Waiver of the requirements of 121.02(1)(m) Education for Employment

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 providing education for employment programming for students.

y. Waiver of the requirements of 118.14(1) and 120.12(25) Pupil Age

Due to staff shortages associated with COVID-19, the additional health and safety requirements necessary to halt the spread of COVID-19, and prior school closures the District seeks flexibility to permit students to enter grade levels that may have been previously prohibited by this statutory provision.

z. Waiver of the requirements of 118.15 Alternatives to Compulsory School Attendance

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 monitoring and enforcing compulsory school attendance.

aa. Waiver of the requirements of 118.16 and 118.162 School Attendance Enforcement

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 monitoring and enforcing compulsory school attendance.

bb. Waiver of the requirements of 118.16(4) (cm) Assessment Periods

Based upon the District's request for a waiver of school attendance enforcement (see above), and 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 establishing assessment periods as a consequence of truancy or other circumstances.

cc. Waiver of the requirements of 118.164 and 120.13(1) Pupil Discipline and Removal from Class

Due to COVID-19 and the additional health and safety requirements necessary to halt the spread of COVID-19, the difficulty in monitoring and providing consequences for conduct occurring in a virtual environment, and the amount of time that students have already lost due to COVID-19-related school closures, the District seeks flexibility to the statutory provisions associated with pupil discipline and removal from class.

dd. Waiver of the requirements of 120.12(23) Pupil Participation in School Activities

Due to COVID-19 and the additional health and safety requirements necessary to halt the spread of COVID-19, the limited number of extracurricular and recreational activities that will be permitted, and in anticipation of closures or shutdowns due to COVID-19, the District is requesting a waiver to increase the flexibility in providing access to extracurricular and recreational school activities.

ee. Waiver of the requirements of 120.125 Child Care in Schools

Due to COVID-19 and the additional health and safety requirements necessary to halt the spread of COVID-19, in particular the need to limit the number of individuals entering a school building, and in anticipation of closures or shutdowns due to COVID-19, the District is requesting a waiver to increase the flexibility in permitting child care programs in any elementary school.

ff. Waiver of the requirements of 120.13(14) Child Care Programs

Based upon the District's request for a waiver of child care in schools (see above), and 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 establishing requirements, if any, applicable to child care in school.

gg. Waiver of the requirements of 121.02(1)(e) Guidance and Counseling

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 providing guidance and counseling to students.

hh. Waiver of the requirements of 120.12(2m) 115.415 Education 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.

ii. Waiver of the requirements of 121.02(1)(b) Staff Development

Due to COVID-19 and the additional health and safety requirements necessary to halt the spread of COVID-19, in anticipation of closures or shutdowns due to COVID-19, and based upon the need to engage in additional instructional activities, including instruction to address the prior loss of school closures due to COVID-19, the District is requesting a waiver to increase the flexibility in providing professional staff development to employees.

jj. Waiver of the requirements of 121.02(1)(q) Personnel Evaluation

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 conducting evaluations of certified school personnel who are in their first and third years of employment.

kk. Waiver of the requirements of 115.96(2) Bilingual-Bicultural Education Notice to Parents

At this time, the River Valley School District does not meet the threshold requiring it to establish a Bilingual-Bicultural program pursuant to 115.97. However, in the event that the District experiences an increase in the number of students within a particular language group, 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 providing such programming.

ll. Waiver of the requirements of 115.96(4) Bilingual-Bicultural Program Requirements

At this time, the River Valley School District does not meet the threshold requiring it to establish a Bilingual-Bicultural program pursuant to 115.97. However, in the event that the District experiences an increase in the number of students within a particular language group, 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 providing such programming.

mm. Waiver of the requirements of 115.96(5) Placement in Bilingual-Bicultural Programs

At this time, the River Valley School District does not meet the threshold requiring it to establish a Bilingual-Bicultural program pursuant to 115.97. However, in the event that the District experiences an increase in the number of students within a particular language group, 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 providing such programming.

nn. Waiver of the requirements of 115.97 Bilingual-Bicultural Education Requirements

At this time, the River Valley School District does not meet the threshold requiring it to establish a Bilingual-Bicultural program pursuant to 115.97. However, in the event that the District experiences an increase in the number of students within a particular language group, 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 providing such programming.

oo. Waiver of the requirements of 118.153(2)(a) 121.02(1)(n) Children-at-Risk/General Requirement

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 identifying and establishing plans for at-risk students.

pp. Waiver of the requirements of 118.153(3)(c) Children-at-Risk Private Contracting

Due to staff shortages associated with COVID-19, the unavailability of outside agencies during the pandemic, 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 identifying and paying private, nonsectarian agencies to provide at-risk programming.

qq. Waiver of the requirements of 118.153(5)(b) 118.153(5)(c) Children-at-Risk/Preference in Funding Allocation

Due to staff shortages associated with COVID-19, the unavailability of outside agencies during the pandemic, 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 allocating financial aid to address the needs of at-risk students.

rr. Waiver of the requirements of 118.35 121.02(1)(t) Gifted and Talented Programs

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 providing gifted and talented programming.

ss. Waiver of the requirements of 121.54(1)(a) & (c) 121.54(2)(a) Public School Transportation

Due to staff shortages associated with COVID-19, including shortages in drivers and bus attendants, 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 providing transportation to District students.

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 September 10, 2020.

Dated this _____ day of _____, 2020.

RIVER VALLEY SCHOOL DISTRICT BOARD OF EDUCATION

_____, Board President

_____, Board Clerk