WHEREAS, on March 11, 2020, the World Health Organization declared the novel coronavirus (COVID-19) outbreak a pandemic; and

WHEREAS, on March 12, 2020, the Governor of Virginia issued Executive Order No. 51 (2020) declaring a state of emergency. Executive Order No. 51 (2020) stated that the anticipated effects of COVID-19 constitute a disaster and directed local governments, which include school boards, to render appropriate assistance to prepare for the event, to alleviate any conditions resulting from the situation, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions as much as possible; and

WHEREAS, Executive Order No. 51 (2020) authorized executive branch agencies, including the Virginia Department of Education, to waive any state regulation as appropriate; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency in response to the spread of COVID-19; and

WHEREAS, on March 13, 2020, the Governor of Virginia ordered all K-12 schools to close for a minimum of two weeks; and

WHEREAS, on March 13, 2020, Virginia’s Superintendent of Public Instruction encouraged local school divisions to consider options and ideas to engage students in reading, thinking and learning while schools are closed; and

WHEREAS, on March 18, 2020, HR 6201 was passed by the United States Congress and signed into law by the President. HR 6201, now PL 116-127, contains the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act both of which will be in effect until December 31, 2020; and

WHEREAS, on March 23, 2020, the Governor of Virginia issued Executive Order No. 53 (2020), which closed all public schools throughout the Commonwealth for the remainder of the 2019-2020 school year; and
WHEREAS, on March 30, 2020, the United States Department of Education gave permission to Virginia to cancel federally mandated Standards of Learning tests during the 2019-2020 school year; and

WHEREAS, on March 27, 2020, Virginia’s Superintendent of Public Instruction stated, in Superintendent’s Memo 082-20a, Attachment A (which was later converted into a website and is being updated frequently), that he will provide as much flexibility as is prudent and allowable by the Code of Virginia for students currently enrolled and graduating with the 2019-2020 cohort; and

WHEREAS, PL 116-127 also contains the COVID-19 Child Nutrition Response Act which gives the Secretary of Agriculture the authority to grant waivers related to the Richard B. Russell National School Lunch Act (42 U.S.C. § 1760(l)), which authority expires on September 30, 2020; and

WHEREAS, Virginia’s Superintendent of Public Instruction has announced that numerous regulatory requirements will be waived, as authorized by Executive Order No. 51 (2020); and

WHEREAS, on April 2, 2020, the Virginia Board of Education indicated its approval for waiving certain regulatory requirements regarding awarding standard units of credit and locally awarded verified credits; and

WHEREAS, additional waivers of existing state and federal regulations and changes to state and federal laws may be announced during the pandemic; and

WHEREAS, many policies of the School Board of the City of Richmond (“School Board”) reflect requirements of state and federal laws and regulations that have already been waived or may be waived because of the pandemic; and

WHEREAS, the School Board’s usual practice is to make changes to policies only after the proposed policy change is considered at two school board meetings; and

WHEREAS, the School Board needs to be able to adapt school division operations to rapid changes in law and regulation; and

WHEREAS, enforcing the requirements of existing policies could result in outcomes inconsistent with current laws and regulations as they exist after waivers.

THEREFORE, BE IT RESOLVED be it resolved that the Superintendent notify the Board and public of any further policy waivers seven days in advance and that the Board must ratify the change at the next meeting or the action will not stand.

NOW THEREFORE, BE IT RESOLVED that the School Board suspends such policies or provisions within policies which reflect legal and/or regulatory requirements that have been waived by the governmental authority which enacted those requirements; and
NOW THEREFORE, BE IT FURTHER RESOLVED that the suspension of policies of the School Board is in effect for the duration of time that the waiver of laws and/or regulations reflected in the policies are waived; and

NOW THEREFORE, BE IT FURTHER RESOLVED that the superintendent is directed to inform the School Board of any regulations that are suspended by the superintendent and the duration of such suspensions; and

NOW THEREFORE, BE IT FURTHER RESOLVED that the School Board will comply with temporary laws and regulations without enacting policies to implement those laws and regulations; and

NOW THEREFORE, BE IT FURTHER RESOLVED that the execution of this Resolution is conclusive evidence of the School Board’s approval of this action.

Adopted and approved this 20th day of April, 2020.

Jinda Baker Owen  
School Board Chair  
April 20, 2020

Angela C. Wilson  
School Board Clerk  
April 20, 2020