



Preparing every student to thrive in a global society.

February 2, 2021

Dear East Side Community,

The current pandemic has challenged us in many ways. Yet, we stand committed to our promise of preparing all students for college and career. We recognize that there are a number of factors that have impacted our students during the pandemic, and although everyone has worked and continues to work to meet the demands of distance learning, we know there are areas where more support is needed.

Thus, in an effort to support students, the ESUHSD Board of Trustees has passed a resolution where any F grade received by students for the first semester of this school year will be changed to a No Pass (NP) grade. The NP grade will not impact a student's grade point average (GPA). Students will still need to recover the course that was failed, but their transcript will not carry the negative impact that an F grade normally does. Our intent is to support students during these challenging times as we recognize the added pressures brought upon by the pandemic.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris D. Funk".

Chris D. Funk
Superintendent

830 N. Capitol Ave | San Jose, CA 95133 | T 408.347.5000 | F 408.347.5015 | esuhsd.org

East Side Union High School District Board of Trustees

Van T. Le, President J. Manuel Herrera Vice President Lorena Chavez, Clerk Pattie Cortese, Member Bryan Do, Member
Chris D. Funk, Superintendent



**EAST SIDE UNION HIGH SCHOOL DISTRICT
BOARD OF TRUSTEES**

**EMERGENCY RESOLUTION #2020/2021-16
CONVERTING STUDENT SEMESTER F GRADES TO NO PASS (NP)**

**AMENDMENT TO EMERGENCY RESOLUTION #2020/2021-02
IMPLEMENTING DISTANCE LEARNING IN RESPONSE TO THE COVID-19
PANDEMIC AND CONTINUED DELEGATION OF AUTHORITY TO TAKE
NECESSARY ACTION TO IMPLEMENT THE DISTRICT'S DISTANCE LEARNING
PLAN AND 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, since March 10, 2020, the California Department of Public Health and the Santa Clara County Public Health Department have issued a series of public health orders relating to, among other things, the provision of essential services including educational services and instruction, restricting the size of gatherings in public places, social distancing requirements, and face-covering requirements to address and help stop the spread of COVID-19;

WHEREAS, at the June 25, 2020, Regular Board Meeting (Agenda item #8.06), and upon the recommendation of the Administration, the Board unanimously approved the Administration's plan to move forward with distance learning as the learning format for the start of the 2020-21 school year in accordance with state and local public health orders;

WHEREAS, since the June 25, 2020, Board action, the District has met and is working with the District's bargaining units to reach understandings on implementation of the District's distance learning plan and maintaining safe conditions for all persons on any District site;

WHEREAS, on June 29, 2020, Governor Gavin Newsom signed into law Senate Bill 98 ("SB 98"), the omnibus State budget trailer which includes certain amendments and additions to the California Education Code, including the addition of "distance learning" provisions in Education Code sections 43500, et seq.;

WHEREAS, SB 98 provides, among other things, that a local educational agency including the District "shall offer in-person instruction to the greatest extent possible."

WHEREAS, data published by the Santa Clara County Public Health Department indicates that portions of the District community have some of the highest rates of COVID-19 cases per 100,000 residents in Santa Clara County.

WHEREAS, on July 17, 2020, the California Department of Public Health issued an Order that schools and school districts may open for in-person instruction at any time if they are located in a local health jurisdiction that has not been on the county monitoring list within the prior 14 days.

WHEREAS, also on July 17, 2020, the Santa Clara County Public Health Department issued a “Mandatory Directive for Schools” ordering that: “Consistent with the guidance of the California Department of Public Health (CDPH), schools may not open for any in-person instruction, athletic or extracurricular activities, or other related functions, including hybrid learning models at this time.”

WHEREAS, as of January 14, 2021, Santa Clara County remains in the Purple Tier and the District remains in Phase 2 of our reopening plan (volunteer in person support).

WHEREAS, Education Code section 35161 permits the Board of Trustees 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 Trustees 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 AND ORDERED that the Board of Trustees hereby declares the continued existence of an ongoing public health emergency within the county and the District arising from the coronavirus (COVID-19) pandemic.

NOW THEREFORE, BE IT FURTHER RESOLVED AND ORDERED that the Board of Trustees hereby finds that, due to the state and local public health orders and the data and information from the Santa Clara County Public Health Department regarding COVID-19 in the District community, the District’s distance learning plan meets the requirements of offering in-person instruction to the greatest extent possible by the District when considering the health, safety and welfare of District staff and students in our District community.

BE IT FURTHER RESOLVED AND ORDERED that the Superintendent is delegated authority to take all appropriate action to implement the District’s distance learning plan within the parameters authorized by the Board of Trustees and in order to ensure compliance with the requirements of SB 98.

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 students who received a letter grade of F as their final semester grade, that all F grades shall be converted to No Pass (NP) grade. This action would require the student to retake and pass the course to meet graduation requirements, but the NP would not impact their overall Grade Point Average (GPA) on their transcript. The NP shall not be used to calculate eligibility for athletic competition.

BE IT FURTHER RESOLVED AND ORDERED that this Resolution is an emergency measure within the mandate and jurisdiction of the Board of Trustees 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 following vote of the Board of Trustees of the East Side Union High School District, County of Santa Clara, State of California on January 28, 2021.

AYES: 5

NOES: 0

ABSENT: 0

ABSTAIN: 0


Student Governing Board Chair Bruce Nguyen:
In favor of motion

Board roll call vote:
President Van Le: Aye
Vice President J. Manuel Herrera: Aye
Clerk Lorena Chavez: Aye
Board Member Pattie Cortese: Aye
Board Member Bryan Do: Aye

Vote: 5/0; Motion Carries

ADOPTED

Board of Trustees
January 28, 2021



President, Board of Trustees
East Side Union High School District

Dated: January 28, 2021