



## Governmental Relations

July 23, 2020

### Executive Order Changes to a Data-Based Approach to Resuming Instruction

Gov. Doug Ducey today released another executive order ([EO 2020-51](#)) that changes the approach to reopening schools away from a date certain to an approach based on data, and attempts to bring clarity to requirements around “free onsite learning” as well as clarify district ability to pay staff. Today’s order has several components:

#### Reopening of Schools for Traditional or Hybrid Instruction

- Directs the Arizona Department of Health Services to develop metrics based on public health data that will indicate when it is safe to resume “in-person, teacher-led instruction” by August 7<sup>th</sup>, 2020.
  - Requires these metrics to be aligned with CDC Guidance.
- Allows governing boards to consider these metrics, along with guidance from county health officials, to decide when it is safe to resume in-person, teacher-led instruction.

**Note:** This means that schools will not be forced to reopen for traditional or hybrid instruction based on a date certain. Instead, DHS will provide a set of data points that would indicate reduced spread of COVID-19 within the community. Once those have been met, the ultimate decision to reopen rests with the governing board.

#### Distance Learning

- Directs each school district to begin distance learning beginning on the first day of the district’s instructional calendar submitted to ADE.
  - Requires distance learning plans to be submitted by August 14 or the first day of distance learning, whichever is first.
- Explicitly states distance learning instruction counts toward minimum instructional hours requirements for in-person learning (A.R.S. §§15-341.01 and 15-901).
- States distance learning will be funded at the same rate as Arizona Online Instruction (AOI), with districts eligible for additional funding from the Enrollment Stability Grant program.

#### Free Onsite Learning Opportunities & Support Services

- Directs school districts and charter schools to begin offering “free onsite learning opportunities and support services for students who need a place to go during the day” as required by [EO 2020-41](#) beginning August 17.
  - Specifies all school districts and charter schools are obligated to provide these services. (**Note:** Neither this order nor any previous order specifies HOW these opportunities/services are to be provided.)

- Allows districts and charters to adopt procedures to allow for a reduced capacity of students to allow for physical distancing or other mitigation measures.
- Allows districts and charters to apply to ADE for a waiver if the school is ordered closed by county health officials or a tribal nation issues a “stay at home” order.)

**(Note:** Prioritizing based on need, staggering times/availability at different sites, designating a single site within the district, or partnering with external organizations may all be possibilities. The order is silent on these topics.)

### **Family/Parental Notification**

- Requires districts and charters to take steps to notify parents and guardians of school district operations:
  - Post the district or charter’s distance learning plan on its website.
  - Notify parents/guardians of the requirements to keep a child enrolled in school and the minimum level of contact required to maintain enrollment under the distance learning plan.
  - Post its mitigation plan prior to opening its building(s) for return to in-person instruction or on-site learning opportunities and support services.
  - Post on its website the district or charter’s plan to offer free on-site learning and support services, and notify all parents of this opportunity, especially parents/guardians of students with disabilities, English Learners, students who participate in free/reduced price lunch, foster children, and students who are in the custody of the Department of Child Safety.

### **Face Coverings**

- Requires all school districts and charter schools to adopt a policy mandating face coverings (masks or shields) for all staff and students over the age of 5, until the department of health services determines face coverings are no longer needed to prevent the spread of the virus.
  - Exceptions shall be made for students who are outdoors, physically distant, or both, and for “break periods” when students may safely remove their face coverings.
  - Mandates other CDC recommendations be incorporate.
  - States face coverings should not be worn by anyone under 2, or suffering from other specific conditions.

### **Staff Pay**

- Specifically allows school districts and charter schools to continue to pay staff
  - If the public school determines such payments are necessary.
  - The employee remains committed and available to work during the employee’s regular work hours, or during school closures, performance of duties remotely or other alternative assignments.

## **Conflict/Severability**

- States if any provision of this executive order conflicts with EO 2020-41, or EO 2020-44 the provisions of this EO will govern.
- Contains a severability clause.

## **Previous Executive Orders**

[EO 2020-41](#) | [ASBA Summary of EO 2020-41](#)

[EO 2020-44](#) | [ASBA Summary of EO 2020-44](#)