



## Governmental Relations

### Overview

Gov. Ducey released a [package of initiatives](#) designed to provide some budget predictability to school districts and charter schools and address the pressing questions of the funding of students in schools without an approved Arizona Online Instruction (AOI) and those participating in hybrid online/in-person instruction, and how students will be counted for attendance purposes. These initiatives are in two parts:

- Allocations from the state's available funding distributed under the CARES Act<sup>1</sup>:
  - \$200M from the state's Coronavirus Relief Fund for Enrollment Stability Grants
  - \$69M from the Governor's Emergency Education Relief (GEER) Fund
  - *These funds are in addition to funds to be paid directly to districts by ADE under the CARES Act.*
- An executive order ([EO 2020-41](#)) relating to distance learning and procurement.

ASBA staff has summarized the points of each below. You may also view the [governor's presentation](#) from his website.

### Enrollment Stability Grants

- Guarantees each district or charter 98% of FY20 enrollment OR 40<sup>th</sup> day ADM for the current year.
- Guarantees charter school additional assistance (CAA) funding at the same level. (District Additional Assistance funding is already based on prior year counts)
- Provides 100% ADM, as opposed to 95%, for students classified as AOI students in the current school year.
- School districts and charter schools must comply with the requirements of the executive order (EO 2020-41) to be eligible for the grants.

### Distance Learning (Executive Order)

- Orders the State Board of Education (SBE) and the State Board for Charter Schools (SBCS) to allow school districts and charter schools to offer distance learning, whether or not the school has an approved AOI program.
- Requires that prior to the implementation of distance learning, each district or charter submit a plan to the Arizona Department of Education that contains the following:
  - Attendance tracking procedures for all students, attending remotely, **whether full-time or intermittently**
  - Expectations of teachers and other staff working virtually and commitments on delivery of employee support services.

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<sup>1</sup> Coronavirus Aid, Relief, and Economic Security Act (P.L. 116-136)

- Detailed plans and examples of how “substantive distance learning” will be provided, including a plan to support every teacher and student in accessing a device and internet connectivity if the plan relies on online learning.
- Detailed plans & examples of how the needs of special education and English Learner students will be met.
- Detailed plans and examples of how social and emotional learning support will be provided
- Detailed plans and examples of how students will be expected to demonstrate competency or content mastery in grade level or advanced content.
- Detailed plans on how the district or charter will conduct benchmark testing within the first six weeks of the school year in math and ELA (note: what constitutes benchmark testing is up to each district/charter. These results will not be reported to the state, but must be made available to ADE or SBCS upon request)
- Allows schools to begin operating distance learning upon submission of the plan
- Requires ADE and SBCS to review applications for completeness and adopt a schedule for monitoring a sample of plans by September 1, 2020. Requires monitoring to be completed by November 30, 2020.
- Allows plans to be amended/revised at any time and specifies the process for the revision of submitted plans.
- Specifies the process for review of negative findings on plan implementation by SBE.
- States all districts and charter schools will report attendance on day 1 of the school year and on a monthly basis thereafter.
- Allows students participating in distance learning as being in attendance during the first 10 days of the school year.
- States schools that submit a compliant plan may consider online students to be enrolled in an AOI program as defined in statute.<sup>2</sup>

### **Procurement (Executive Order)**

- States that COVID-19 constitutes an emergency under the school district procurement rules (AAC R7-2-1055) for purchases made to “address a need arising from the threat to public health, welfare or safety of staff and students directly related to the COVID-19 pandemic. (e.g. personal protective equipment or sanitation supplies)
- Allows a limited procurement exemption for the same for charter schools that do not currently have a procurement exemption.
- Specifies documentation requirements for purchases made under the exemption (essentially the requirements of the emergency procurement rules)

### **Continued Eligibility (Executive Order)**

States in order to remain eligible for the distance learning flexibility, the district or charter must do the following:

- Comply with all state and federal financial transparency requirements by October 1, 2020.
- Conduct benchmark testing as required within the first six weeks of the school year.

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<sup>2</sup> Districts with students enrolled in an AOI in FY2021 who are operating under the EO are eligible to be reimbursed for 100% funding via the enrollment stability grant program.

- Operate for the required 180 days.
- Remain open for the same number of days per week as during the 2019-2020 school year. If engaged in a hybrid model, during days in which students are learning from home, the district or charter need only provide a place for students who do not have another place to go during the day.
- Allows an exception if a district or charter had previously indicated it would switch to a different schedule for the 2020-2021 school year.
- Waives the requirements to be open during the time a school is closed by order of the Arizona department of health services to sanitize the facility due to an outbreak.

#### **Miscellaneous (Executive Order)**

- Allows Career and Technical Education Districts (CTEDs) to participate in distance learning during the 2020-2021 school year and allows remote training to occur in lieu of laboratory time requirements for the current school year.
- Allows the continued use of dropout recovery programs, limited to students who were unenrolled/disengaged at the conclusion of the 2019-2020 school year, or who disengage during the current school year.
- Directs ADE, SBE, and SBCS to develop guidance to assist in implementation.
- Contains a severability clause
- Specifies the order remains in place for the duration of the school year ending June 30, 2021.