



Governmental Relations

June 29, 2020

Executive Order Delays the Physical Opening of Schools

Gov. Doug Ducey today released another executive order ([EO 2020-44](#)) that would delay the opening of school buildings until August, 17, 2020. The governor issued [EO 2020-41](#) last week relating to distance learning and procurement. Today's order modifies some provisions of last week's order. Today's order:

- Orders all schools to delay the start of in-person instruction for the 2020-21 school year until August 17, 2020.
- Allows schools to begin the school year as scheduled through distance learning.
 - Requires schools that begin the year using distance learning to submit a distance learning plan to the Arizona Department of Education (ADE) by the date distance learning begins, or by August 14, 2020, whichever is earlier.
- Allows schools to delay required benchmark testing until six weeks after the beginning of in-person instruction.
- States students shall be considered enrolled in an Arizona Online Instruction (AOI) program while participating in distance learning.

Potential Seat Time Waiver

- Directs ADE to "conduct an analysis of the need to waive the number of school days that schools are required to provide schooling [i.e. seat time] and the impact of such a waiver."
- Directs ADE to report on the analysis by August 31, 2020.

Childcare

- Directs schools that have implemented childcare programs to continue to offer those programs until the start of in-person instruction.

Conflict/Severability

- States if any provision of this executive order conflicts with EO 2020-41, the provisions of this EO will govern while the start of in-person classes is delayed.
- Contains a severability clause.

Executive Order 2020-41

You can read a copy of ASBA's analysis of [last week's executive order here](#).

Per the governor's office, it is their intent that this EO waives the requirement that schools be "physically open" to be able to provide distance learning during the time that in-person instruction is delayed.