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D 2020 021

EXECUTIVE ORDER

Amending Executive Order D 2020 007 to Extend the Suspension of Normal In-Person Instruction at All Public and Private Elementary and Secondary Schools in the State of Colorado Due to the Presence of COVID-19

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.* (Act), I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order amending Executive Order D 2020 007 to extend the suspension of normal in-person instruction due to the presence of coronavirus disease 2019 (COVID-19) in Colorado until April 30, 2020, at all public and private elementary and secondary schools in Colorado, including public preschools on public school campuses, and excluding approved facility schools as defined in C.R.S. § 22-2-402(1).

I. Background and Purpose

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive COVID-19 test result in Colorado. Since then, the number of confirmed cases has continued to climb, and we have evidence of community spread throughout the State. I verbally declared a disaster emergency on March 10, 2020, and issued the corresponding Executive Order D 2020 003 on March 11, 2020, and requested that the President of the United States declare a Major Disaster for the State of Colorado, pursuant to the Stafford Act, on March 25, 2020.

My administration, along with other state, local, and federal authorities, has taken a wide array of actions to mitigate the effects of the pandemic, prevent further spread, and protect against overwhelming our health care resources.

On March 18, 2020, I issued Executive Order D 2020 007 ordering all public and private elementary and secondary schools in Colorado, including public preschools on public school campuses, and excluding approved facility schools as defined in C.R.S. § 22-2-402(1), to suspend normal in-person instruction from March 23, 2020 to April 17, 2020, in an effort to decrease the spread of COVID-19.

Since the suspension of normal in-person instruction in schools across the State, school districts, schools, and the Charter School Institute have transitioned to providing alternative learning opportunities, including online learning, for students. Schools across the State are focused on providing high-quality remote instructional opportunities taking

into account the needs of their local communities, as well as helping meet students' and families' basic needs, including assisting with school meals.

Evidence indicates the State's efforts are working to decrease the rate of transmission of COVID-19. To ensure this trend continues, this Executive Order extends the suspension of normal in-person instruction until April 30, 2020, at all public and private elementary and secondary schools in Colorado, including public preschools on public school campuses, and excluding approved facility schools as defined in C.R.S. § 22-2-402(1) (collectively, P-12 schools).

II. Amendments

Section II.A. of Executive Order D 2020 007 is amended to read as follows:

> I direct all P-12 schools to suspend normal in-person instruction from March 23, 2020 to April 30, 2020. This Executive Order applies to all students and employees of P-12 schools in the State of Colorado, with the exception of those emergency or other critical personnel designated as essential, or whose presence is otherwise deemed necessary, by the appropriate school official. I also direct the Commissioner of the Department of Education (CDE) to issue guidance to implement the terms of this Executive Order and to support P-12 school systems as they develop and implement plans to assist families and students in accessing alternative learning, including online learning, opportunities, ensuring the provision of school meals in accordance with the National School Lunch Act, offering waivers of instructional time as appropriate, and offering additional flexibility important for maintaining stability and ensuring fairness for students and employees.

Section II of Executive Order D 2020 007 is amended to include the following:

H. I temporarily suspend the requirements in C.R.S. § 22-9-106(1)(c) regarding the frequency and duration of employment performance evaluations for school district, charter school, and Board of Cooperative Educational Services (BOCES) licensed personnel, including teachers, special service providers, principals, and administrators, to enable schools and districts to focus on providing alternative learning opportunities to students.

I. I direct school districts, schools, and the Charter School Institute to cancel all school co-curricular and extra-curricular activities, including athletics, until April 30, 2020.

J. I temporarily suspend the requirement in C.R.S. § 22-54-129(4) that an approved facility school or a state program shall report to CDE the number of full-time equivalent students to which the approved facility school or state program provided such services.

K. I temporarily suspend the provisions in C.R.S. § 22-7-1210.5(6)(b) that a local education provider may retain up to fifteen (15) percent of the amount of per-pupil intervention money it receives in a budget year for use in the next budget year, and that CDE shall reduce the amount of per-pupil intervention money that the local education provider is eligible to receive in the next budget year by the excess retention amount.

III. Duration

This Executive Order shall expire thirty (30) days from April 1, 2020, unless extended further by Executive Order.

GIVEN under my hand and the Executive Seal of the State of Colorado, this first day of April, 2020

Jared Polis
Governor