GOVERNOR DOUGLAS A. DUCEY

STATE OF ARIZONA

EXECUTIVE ORDER

Executive Order 2020-44

Protecting Public Health for Students and Teachers

WHEREAS, on March 11, 2020, pursuant to A.R.S. §§ 26-303 and 36-787, a declaration of Public Health State of Emergency was issued due to the necessity to prepare for, prevent, respond to, and mitigate the spread of COVID-19; and

WHEREAS, on March 30, 2020, the Director of the Arizona Department of Health Services (ADHS), based on an epidemiological assessment of Arizona specific data and in alignment with the Centers for Disease Control and Prevention (CDC) guidance, recommended the State implement enhanced mitigation strategies which are continuing; and

WHEREAS, on May 12, 2020, Executive Order 2020-36, *Stay Healthy, Return Smarter, Return Stronger,* was issued outlining requirements for businesses to assist in mitigating the spread of COVID-19 as they reopened and mandated that businesses adopt policies consistent with guidance from the CDC and the ADHS; and

WHEREAS, on June 24, 2020, I issued Executive Order 2020-41, *2020-2021 School Year,* that offered flexibility to schools and families to ensure that Arizona's children could continue their education during these unprecedented times; and

WHEREAS, since the issuance of that order, Arizona continues to see an increase in cases and hospitalizations of COVID-19, necessitating a pause in our reopening plans; and

WHEREAS, due to the Public Health Emergency, the State of Arizona needs to take action to mitigate further spread of COVID-19; and

WHEREAS, Article XI, Section 2, of the Arizona Constitution vests the State Board of Education with overseeing the general conduct and supervision of the public school system; and

WHEREAS, A.R.S. § 15-203(A)(1) directs the State Board of Education to "exercise general supervision over and regulate the conduct of the public school system and adopt any rules and policies it deems necessary to accomplish this purpose;" and

WHEREAS, A.R.S. § 15-182(E), directs the Arizona State Board for Charter Schools to "exercise general supervision over charter schools that are sponsored by the board" and to "adopt rules and policies that the board deems necessary;" and

WHEREAS, A.R.S. § 15-251(4) directs the Superintendent of Public Instruction to "[e]xecute, under the direction of the state board of education, the policies that have been decided on by the state board;" and

WHEREAS, the State is committed to ensuring the delivery of education in a safe and effective manner while monitoring the impacts of mitigation efforts.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, in consultation with the Director of the Arizona Department of Health Services, by virtue of the authority vested in me by the Constitution and laws of the State, including but not limited to A.R.S. §§ 26-303 and 36-787 do hereby order:

1. All schools shall delay the start of in-person classes for the school year that begins July 1, 2020, until August 17, 2020, but schools may begin the school year on their regularly planned start date prior to August 17, 2020 through distance learning.
    a. If a school chooses to begin the school year on its regularly planned start date through distance learning, a district or charter school shall submit a distance learning plan as required by the Arizona Department of Education (ADE) no later than the start date of the distance learning program or August 14, 2020, whichever is earlier.
    b. A school district or charter school may delay benchmark testing until the first six weeks after in-person classes are allowed to begin.
    c. District and charter school students shall be considered as an AOI (Arizona Online Instruction Program) student for purposes of school funding calculations while participating in distance learning.

2. The Arizona Department of Education shall conduct an analysis of the need to waive the number of school days that schools are required to provide schooling and the impact of such a waiver. The analysis shall be submitted to the Governor, the Speaker of the Arizona House of Representatives, the President of the Arizona State Senate and the State Board of Education by August 31, 2020.

3. Schools who have implemented child care programs shall continue to offer those programs until the start of in-person classes.

4. Any provisions of this Executive Order that conflict with Executive Order 2020-41, *2020-2021 School Year ,Prioritizing Kids and Schools During COVID-19,* govern while the start of in-person classes is delayed.

5. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given without the

invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

6. This executive order shall expire upon the start of in-person classes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Douglas A. Ducey

GOVERNOR

DONE at the Capitol in Phoenix on this twenty-ninth day of June in the year Two Thousand and Twenty and of the Independence of the United States of America the Two Hundred and Forty-Fourth.

ATTEST:

Secretary of State