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GOVERNOR LAURA KELLY

EXECUTIVE ORDER NO. 20-07

Temporarily closing K-12 schools to slow the spread of COVID-19

WHEREAS, securing the health, safety, and economic well-being of residents of the State of Kansas is this Administration's top priority;

WHEREAS, Kansas is facing a crisis—the pandemic and public health emergency of COVID-19—resulting in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens;

WHEREAS, the United States Departments of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with more than 4,000 cases of the illness and more than 60 deaths as a result of the illness across the United States;

WHEREAS, the World Health Organization declared a pandemic on March 11, 2020;

WHEREAS, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020;

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 50 1 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207 (the "Stafford Act");

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020;

WHEREAS, Kansas' K-12 schools are the backbone of our communities, but they are also opportunities to significantly further the spread of COVID-19;

WHEREAS, many schools have already temporarily closed, either voluntarily or as a result of local health department orders or state-level recommendations;

WHEREAS, the status of the COVID-19 outbreak now requires a statewide approach to K-12 schools that gives students, parents, teachers, staff, and administrators some certainty and the opportunity to develop and implement alternative instructional programs and methods;

WHEREAS, I have consulted with the Commissioner of Education and the State Department of Education, and received the input of the Kansas State Board of Education, the Kansas National Education Association, the Kansas School Superintendents' Association, the United School Administrators of Kansas, and the Kansas Association of School Boards as to the actions required and appropriate in these unprecedented circumstances to ensure the safety of our communities, our students, and the professionals who work with them;

WHEREAS, the Commissioner of Education and other leaders of our schools are working to implement continuous learning measures or programs to assist in the academic and educational development of our students; and

WHEREAS, this Administration will do whatever it can to assist Kansans in these challenging times, especially through protecting our children, families, and educators.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, including the authority granted me by K.S.A. 48-924 and K.S.A. 48-925, in order to mitigate the effects of the spread of COVID-19 I hereby direct and order the following:

1. All K-12 school buildings or facilities—whether public or private—used for student instruction are to close and cease in-person instruction until May 29, 2020, except as allowed below.

2. Any school building or facility operating with a total of fewer than 10 students, instructors, or staff may continue normal operations so long as they comply with all directives regarding social distancing, hygiene, and other methods to slow the spread of COVID-19.

3. The Commissioner of Education and the State Department of Education will formulate guidance for school districts to create and implement continuous learning plans as well as implement in-person instruction protocols and methods for small groups of students on subjects not reasonably susceptible to continuous learning. Adhering to this guidance and in consultation with local health departments, K-12 schools may conduct appropriate, limited in-person instruction in small groups of students so long as they comply with all directives regarding social distancing, hygiene, and other methods to slow the spread of COVID-19.

4. All schools should work with their local governments and county health departments to determine appropriate meal provision, childcare, or other community uses of school facilities or resources while complying with all directives regarding social distancing, hygiene, and other methods of slowing the spread of COVID-19.

5. The Commissioner of Education is empowered to grant waivers to the terms of this order but only as needed to comply with federal law or to ensure eligibility for federal funds.

6. This order supersedes any contrary or less restrictive order by any local health department regarding the operation of schools and should be read in conjunction with EO

20-04 ("Temporarily prohibiting mass gatherings to limit the spread of COVID-19"). Any contrary or less restrictive language in EO 20-04 is superseded by this order.

This document shall be filed with the Secretary of State as Executive Order No. 20-07. It shall become effective immediately and remain in force until rescinded or until the statewide State of Disaster Emergency proclaimed on March 12, 2020, relating to COVID-19 expires, whichever is earlier.

THE GOVERNOR'S OFFICE

BY THE GOVERNOR Laura Kelly

DATED 3.17.2020

Scott Schwab
Secretary of State

Jarrett Koe
Assistant Secretary of State

FILED
MAR 17 2020
SCOTT SCHWAB
SECRETARY OF STATE