GOVERNOR DOUGLAS A. DUCEY

STATE OF ARIZONA

EXECUTIVE ORDER

Executive Order 2021-04

Open for In-Person Learning

WHEREAS, on or about February 12, 2021, the Centers for Disease Control and Prevention (CDC) issued updated guidance on COVID-19 and schools titled *Operational Strategy for K-12 Schools through Phased Mitigation*; and

WHEREAS, this updated guidance states, "There is evidence to suggest that K-12 in-person school attendance is not a primary driver of community transmission;" and

WHEREAS, the updated guidance further advises that school administrators and public health officials should assess the level of community spread using two measures - total number of new cases per 100,000 persons in the past 7 days and percentage of nucleic acid amplification tests (NAATs) results that are positive during the last 7 days; and

WHEREAS, the updated guidance further states that at any level of community transmission, all schools can safely provide in-person instruction (either full or hybrid), through strict adherence to mitigation strategies; and

WHEREAS, the latest CDC guidance provides that even when schools are open, families of students who are at risk for severe illness if exposed to COVID-19, or who live with people at increased risk, should be given the option of virtual instruction regardless of the mode of learning offered; and

WHEREAS, the CDC advises that regardless of the level of community spread, certain mitigation strategies should be followed within the schools in order to limit the spread of COVID-19 at schools, including masks, physical distancing, handwashing and respiratory etiquette, cleaning and maintaining healthy facilities, and contact tracing; and

WHEREAS, on December 3, 2020, Arizona's Vaccine and Antiviral Prioritization Advisory Committee (VAPAC) designated teachers as essential workers in the Priority 1B category for the purpose of vaccine eligibility; and

WHEREAS, as of March 3, 2021, Arizona has provided more than 1.8 million doses of the vaccine and continues to ensure that vaccines are distributed expeditiously as supply is available, with all available future appointments already booked; and

WHEREAS, the State of Arizona is administering widespread community testing with rapid turnaround times, administering over 7 million COVID-19 tests to over 3.7 million Arizonans; and

WHEREAS, the State of Arizona has implemented contact tracing and prescribes isolation and quarantine practices for positive cases; and

WHEREAS, Arizona schools have received approximately $2 billion in federal funding over the last year to help meet the CDC recommended mitigation strategies and provide a safe environment for students, teachers and staff.

NOW THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of the State, do hereby order:

1. The Arizona Department of Health Services shall immediately update their public health and schools dashboard to reflect the metrics utilized by the Centers for Disease Control and Prevention (CDC) and align their community transition phases with those identified in the CDC guidance *Operational Strategy for K-12 Schools Through Phased Mitigation* issued February 12, 2021. The public health and schools dashboard shall include the following categories:
    a. Low Transmission
    b. Moderate Transmission
    c. Substantial Transmission
    d. High Transmission

2. All district and charter schools shall return to in-person, teacher-lead instruction no later than the Monday following a scheduled spring break, or March 15 if there is no scheduled spring break, as follows:
    a. For counties with Low Transmission or Moderate Transmission:
        i. All schools shall be open with in-person instruction and virtual instruction options. Physical distancing should be maximized to the greatest extent possible.
    b. For counties with Substantial Transmission:
        i. All schools shall be open with in-person instruction and virtual instruction options. Physical distancing should be maximized to the greatest extent possible.
        ii. Middle and High Schools may reduce attendance to reduce transmission and increase physical distancing.
    c. For counties with High Transmision:
        i. Elementary Schools shall be open with in-person instruction and virtual instruction options. Physical distancing should be maximized to the greatest extent possible for in-person instruction.
        ii. Middle and High Schools that are already open for in-person instruction shall remain open and strictly implement mitigation strategies. If a school has not already resumed in-person instruction, the school may operate

virtually. A school may open during this phase if they implement strict mitigation strategies.

3. Schools shall notify parents within a reasonable time period that in-person learning will resume, and continue to offer virtual instruction for students upon request from a parent or guardian.

4. An individual district or charter school may only close if the local health department advises closing an entire charter or district school due to a significant outbreak of the COVID-19 virus that poses a risk to the students or staff and is approved for closure by the Arizona Department of Health Services. School districts must continue to offer onsite support services for students for the duration of the approved closure.

5. All charter and district schools shall notify the Arizona Department of Education no later than March 15, 2021 that they are in compliance with this order. The Arizona Department of Education shall provide a copy of the list of schools in compliance with the order to the Arizona State Board of Education. Any school whose status changes in accordance with Section 2 of this Order, shall notify the Arizona Department of Education within 24 hours of the status change.

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 third day of March in the year Two Thousand and Twenty One and of the Independence of the United States of America the Two Hundred and Forty-Fifth.

ATTEST:

Secretary of State