JARED POLIS
GOVERNOR

136 STATE CAPITOL
DENVER, COLORADO 80203

TEL 303-866-2471
FAX 303-866-2003

D 2020 041

EXECUTIVE ORDER

Amending and Extending Executive Orders D 2020 007, D 2020 021, and D 2020 035 to Suspend Normal In-Person Instruction at All Public and Private Elementary and Secondary Schools in the State of Colorado Until the End of the School Year 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 and extending Executive Orders D 2020 007, D 2020 021, and D 2020 035 to suspend normal in-person instruction due to the presence of coronavirus disease 2019 (COVID-19) in Colorado until the end of the scheduled 2019-2020 regular school year, at all public and private elementary and secondary schools in Colorado, including public preschools on public school campuses. This Executive Order excludes approved facility schools as defined in C.R.S. § 22-2-402(1), as well as education services provided by school districts pursuant to C.R.S. § 19-2-402(3) within Colorado Department of Human Services (CDHS) detention facilities, and education services provided by CDHS or its contractors in CDHS facilities established pursuant to C.R.S. § 19-2-403(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. On March 25, 2020, I requested that the President of the United States declare a Major Disaster for the State of Colorado, pursuant to the Stafford Act. The President approved that request on March 28, 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. On April 1, 2020, I issued Executive

Order D 2020 021, extending the suspension of normal in-person instruction until April 30, 2020. On April 14, 2020, I issued Executive Order D 2020 035, which promoted the provision of emergency child care for essential workers and temporarily suspended certain statutes to enable schools and districts to focus on instruction and student services.

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 the end of the scheduled 2019-2020 regular school year, at all public and private elementary and secondary schools in Colorado, including public preschools on public school campuses (collectively, P-12 schools), and excluding approved facility schools as defined in C.R.S. § 22-2-402(1). This Executive Order also excludes education services provided by school districts pursuant to C.R.S. § 19-2-402(3) within CDHS detention facilities, and education services provided by CDHS or its contractors in CDHS facilities established pursuant to C.R.S. § 19-2-403(1).

II. Amendments

Section II.A of Executive Order D 2020 007, as amended by Executive Orders D 2020 021 and D 2020 035, is amended to read as follows:

> I direct all P-12 schools to suspend normal in-person instruction from March 23, 2020 until the end of the scheduled 2019-2020 regular school year. 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, ensure the provision of school meals in accordance with the National School Lunch Act, offer waivers of instructional time as appropriate, consider summer school and other school-sanctioned activities outside of the normal school year, and offer additional flexibility important for maintaining stability and ensuring fairness for students and employees.

Section II of Executive Order D 2020 007, as amended by Executive Orders D 2020 021 and D 2020 035, is amended to include the following:

Q. Nothing in this Executive Order prevents P-12 schools and school districts from using school buildings for providing services to students, educators, and families, including but not limited to: in-person small group instruction; staff professional development; food service; access to internet, devices, or instructional materials; special education services; or mental health supports. P-12 schools and school districts intending to provide these services must work in coordination with their local public health agency and must observe social distancing requirements as required by applicable public health orders.

III. Duration

Executive Order D 2020 007, as amended by Executive Orders D 2020 021 and D 2020 035 and this Executive Order, shall expire thirty (30) days from April 22, 2020, unless extended further by Executive Order. In all other respects, Executive Order D 2020 007, as amended by Executive Orders D 2020 021 and D 2020 035, shall remain in full force and effect as originally promulgated.

GIVEN under my hand and the Executive Seal of the State of Colorado, twenty second day of April, 2020

Jared Polis
Governor