STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-02

Authorizing and Directing the Commissioner of Education to Temporarily Close Schools to Plan for a Safe Educational Environment

I, Tim Walz, Governor of the State of Minnesota, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

The COVID-19 pandemic presents an unprecedented challenge to our State. Minnesota has taken proactive steps to ensure that we are ahead of the curve on COVID-19 prevention and response. On March 13, 2020, I issued Executive Order 20-01 and declared a peacetime emergency because this pandemic, an act of nature, threatens the lives of Minnesotans, and local resources are inadequate to address the threat. In Executive Order 20-01, I directed all state agencies to submit proposed orders and rules to protect and preserve public health and safety.

Since I issued Executive Order 20-01, the Minnesota Department of Health ("MDH") has confirmed additional COVID-19 cases in Minnesota. We continue to take this pandemic seriously and are taking sensible steps to protect all Minnesotans. Our schools are places where large numbers of Minnesotans congregate. They therefore need time to plan strategies for achieving educational goals while also complying with public health guidance

Under Minnesota Statutes 2019, section 12.21, subdivision 3, I am permitted to authorize the Commissioner of Education "to alter school schedules, curtail school activities, or order schools closed." In consultation with my Cabinet, I have concluded that such action is warranted to allow for planning to continue to provide a world-class education, while preserving the health, safety, and lives of Minnesotans.

Allowing schools and school districts time to plan without students in the classroom will benefit all of Minnesota. The Minnesota Department of Education ("MDE") will provide guidance on these important planning efforts. I realize that schools are community hubs for children and families. School closures put burdens on children and families and create disproportionate impacts on different communities. For that reason, we must ensure that schools and school districts continue to provide support to Minnesota families, even while students are not in the classroom. We must also act to minimize disruptions caused by school closures on the state's healthcare system and emergency workers.

In addition to schools, families with young children depend on child care providers. Center-based and family child care providers provide an essential service to our children, and they ensure that our economy and workforce can thrive. Unlike schools, these settings are smaller and do not need to plan for distance learning. We must continue to support child care providers' efforts to remain open and comply with public-health guidance as they provide essential services to Minnesota.

For these reasons, I order as follows:

1. Pursuant to Minnesota Statutes 2019, section 12.21, subdivision 3(11), I authorize and direct the Commissioner of Education to close all schools to students, except as set forth below, beginning on Wednesday, March 18, 2020 through Friday, March 27, 2020 ("Closure Period").

2. This order applies to all schools as set forth in Minnesota Statutes 2019, section 12.21, subdivision 3(11). I encourage tribal and private schools to fulfill the spirit and directives of this Executive Order.

3. The Closure Period is meant to provide time for our schools to adequately plan for continuity of education during the COVID-19 pandemic for the purpose of preserving the health, safety, and lives of Minnesota's students, educators, and the broader public.

4. Recognizing that every school and school district has different circumstances and needs, MDE and MDH will provide guidance to schools on approaches to distance learning and social distancing within schools. I encourage schools and school districts to provide feedback to MDE about further steps that the State may take to ensure continuity of education.

5. Subject to paragraph 12, school employees are directed to report to work in accordance with applicable labor agreements and as required by their employers to assist with the emergency management planning activities provided in this Executive Order.

6. Upon approval by the Executive Council, during the Closure Period the Commissioner of Education will calculate membership for general education and other revenue programs based on total district enrollment, regardless of whether instruction is provided. Nothing in this provision should be construed to require districts to make-up instructional time lost during the Closure Period.

7. Upon approval by the Executive Council, for School Year 2019-2020 only, the minimum days and hours of instruction required for districts and charter schools under Minnesota Statutes 2019, section 120A.41, will be reduced by the number of days and hours of instruction during the Closure Period.

8. Subject to paragraph 12, schools and school districts, in cooperation with state agencies, are directed to support communities disproportionately impacted by inequities, including, but not limited to, low-income families and families experiencing homelessness. During the Closure Period, schools are expected to provide meals to their students. MDE will provide additional guidance to schools and school districts.

9. I direct state agencies to work together to ensure continuity of mental health services to children and their families. State agencies are directed to take action addressing this issue.

10. During the Closure Period, school districts are directed to explore options to care for, and protect the health and safety of, children in low-income families if a prolonged school closure is necessary, utilizing guidance from MDE and MDH.

11. Emergency workers (including providers of healthcare, emergency medical services, long-term and post-acute care; law enforcement personnel; personnel providing correctional services; public health employees; firefighters and other first responders; and court personnel) are critical to the State's response to COVID-19. During the Closure Period, and subject to paragraph 12, schools are directed to provide care to, at a minimum, district-enrolled students aged 12 and under who are children of emergency workers. In providing this care, schools must practice hygiene and social distancing best practices. Schools are not required to provide this care during previously scheduled breaks reflected on a school-board approved calendar. I encourage schools and school districts to also provide extended care—before and after school hours—to students who are children of emergency workers. MDE will provide further guidance to schools and school districts about this provision.

12. Nothing in this order should be construed to encourage or require Minnesotans in at-risk categories to take action inconsistent with public health recommendations or the advice of their doctors. All Minnesotans should continue to regularly check and follow the advice on MDH's COVID-19 webpage: https://www.health.state.mn.us/diseases/coronavirus/

13. To support center-based and family child care providers in staying open, supporting their employees, and remaining in business during this peacetime emergency and afterward, I direct state agencies to collaborate and align resources to support child care providers.

14. By March 20, 2020, I direct the Department of Human Services to submit to my office a proposal addressing strategies to continue supports for center-based and family child care centers, accommodate the continuation of child care providers, and

enable providers to serve new families needing care because they are assisting in emergency relief.

15. To ensure the health, safety, and wellbeing of children and maintain an adequate supply of child care, I direct state agencies to create a hotline specifically to address child care provider concerns and prioritize establishing mechanisms, to the extent possible and permitted by law, for financial, operational, and other technical assistance resources that will enable providers to adapt to the COVID-19 pandemic.

This Executive Order is effective immediately under Minnesota Statutes 2019, section 4.035, subdivision 2. It will remain in effect until the peacetime emergency declared in Executive Order 20-01 is terminated or until it is rescinded by proper authority.

Signed on March 15, 2020.

Tim Walz
Governor

Filed According to Law:

Steve Simon
Secretary of State