EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-26-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS responses to the threat of COVID-19, including decisions about schools, should be informed by and commensurate with scientific evidence and real-time data related to protecting public health; and

WHEREAS schools are critical to the daily lives of many Californians; and

WHEREAS local public health and education officials, in collaboration, are best positioned to measure and balance competing considerations, including the community's current public health, access to food and care, availability of resources, and other factors informing responses to the threat of COVID-19; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. For purposes of this Order, Local Educational Agency (LEA) means school districts, county offices of education, and charter schools.

2. If an LEA closes its schools to address COVID-19, as provided in Paragraph 4 of this Order, the LEA will continue to receive state funding to support the following during the period of closure:

   (i) Continue delivering high-quality educational opportunities to students to the extent feasible through, among other options, distance learning and/or independent study; and

   (ii) Provide school meals in noncongregate settings through the Summer Food Service Program and Seamless Summer Option, consistent with the requirements of the California Department of Education and U.S. Department of Agriculture;

   (iii) Arrange for, to the extent practicable, supervision for students during ordinary school hours; and

   (iv) Continue to pay its employees.

3. If an LEA closes its schools to address COVID-19, the LEA is not prohibited from offering distance learning or independent study to impacted students. To the extent any state or local law might have been interpreted to the contrary, that law is waived.

4. For LEAs that initiate a school closure to address COVID-19, the closure shall qualify as a condition that prevents the maintenance of the LEA's schools during a fiscal year for at least 175 days pursuant to Education Code section 41422. Additionally, for such LEAs, the requirement in Education Code section 41422 to submit affidavits of the members of the governing board of the school district, the governing board of the county office of education, or the governing board or body of the charter school and of the county superintendent of schools are hereby suspended on the condition that the superintendent of the school district, the county superintendent of schools, or the charter school leader certifies in writing to the Superintendent of Public Instruction that the closure occurred to address COVID-19.

5. The California Department of Education and the Health and Human Services Agency shall jointly develop and issue guidance by March 17, 2020. The guidance shall include, but not necessarily be limited to, the following topics:

   (i) Implementing distance learning strategies and addressing equity and access issues that may arise due to differential access to Internet connectivity and technology;

   (ii) Ensuring students with disabilities receive a free and appropriate public education consistent with their individualized education program and meeting other procedural requirements under the Individuals with Disabilities Education Act and California law; and

   (iii) Providing meals to be served in noncongregate settings at school and non-school sites in a manner that protects the safety of both students and school personnel, including classified employees.

6. The Labor and Workforce Development Agency and the Health and Human Services shall jointly develop and issue guidance by March 17, 2020 covering how to support parents to care for their children during ordinary school hours in the event of a school closure.

7. The Governor's Office of Business and Economic Development shall work with the California business community to encourage employers to exercise flexibility in the event of a school closure to enable parents to care for their children during ordinary school hours.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 13th day of March 2020.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State