EXECUTIVE ORDER NO. 20-58

Delaying the 2020-2021 K-12 school year

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 now more than 3,698,000 cases of the illness and more than 139,000 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 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 a national emergency that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020;

WHEREAS, as of this date, in Kansas there have been 23,334 reported positive cases of COVID-19 spread among 102 counties, including 307 deaths;

WHEREAS, after a steady trend of decreasing metrics, recent weeks have seen the numbers of COVID-19 cases, hospitalizations, and deaths spike across the nation, including a significant increase in cases in Kansas;

WHEREAS, this worrying trend of increased COVID-19 spread is a danger to the health and safety of every Kansan and also presents a serious threat to reopening and reviving the Kansas economy;

WHEREAS, the State of Kansas must remain flexible to account for the evolving nature and scope of the unprecedented public health emergency posed by COVID-19, and school administrators and teachers must have an opportunity to prepare for safe and effective student instruction in light of the current status of the pandemic with the beginning of the school year approaching;

WHEREAS, the current state of the COVID-19 pandemic, in which disease spread is steadily increasing in Kansas and the number of cases, hospitalizations, and deaths from COVID-19 are spiking nationally, delaying the beginning of the fall 2020 K-12 semester until after Labor Day will give schools time to plan accordingly and will give our state a chance to reverse these dangerous trends;

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of my responsibility to provide for and ensure the health, safety, security, and welfare of the people of the State of Kansas, delaying in-person instruction in K-12 public and private schools is necessary to promote and secure the safety and protection of the civilian population;

WHEREAS, Pursuant to L. 2020 Special Session Ch. 1, Sec. 7, an order that has the effect of closing public or private school attendance centers is only effective after a majority of the members of the State Board of Education determines such order is in the best interests of the students in this state and the Board adopts a resolution affirming such an order;

WHEREAS, on July 22, 2020, the State Board of Education determined that this order is in the best interests of the students in this state and adopted the necessary resolution; and

WHEREAS, in these challenging times, this Administration will do whatever it can to avoid immediate dangers to the health, safety, and welfare of Kansans.

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(b) and (c)(11), and pursuant to the authority granted me and the State Board of Education in L. 2020 Special Session Ch. 1, Sec. 7, in order to ensure that Kansans can help keep each other safe and keep our businesses and schools open as we restore our economy, I hereby direct and order the following:

1. K-12 public and private schools shall not allow attendance, instruction, athletic practice or competition, rehearsal, performance, or other interaction of an instructional manner—including virtual, online, and any other direct or indirect means of providing instruction—between faculty/staff and students of public or private K-12 schools from August 10, 2020, through Sept. 8, 2020, except that the following activities may occur:

    a. Students enrolled concurrently to receive college credit may attend classes and K-12 faculty/staff may provide instruction for college credit in locations other than K-12 school attendance centers;

b. Enrollment of students for the 2020-2021 school year and other administrative activities may occur in K-12 school attendance centers or elsewhere; or

c. Screenings and evaluations of students to determine accommodations and placement needs for the 2020-2021 school year may occur in K-12 school attendance centers or elsewhere.

2. All schools should work with their local governments and county health departments to determine whether to continue appropriate non-prohibited 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.

3. Non-accredited private schools are not subject to the provisions of this order.

4. This order should be read in conjunction with other executive orders responding to the COVID-19 pandemic that are still in effect and supersedes any contrary provisions of previous orders.

This document shall be filed with the Secretary of State as Executive Order No. 20-58. It shall become effective immediately and remain in force until rescinded or until the statewide State of Disaster Emergency extended by House Bill 2016 enacted during the June 2020 special session relating to COVID-19 expires, whichever is earlier. This order may be extended or modified as circumstances dictate.

THE GOVERNOR'S OFFICE BY THE GOVERNOR_____

DATED_____

_____
Secretary of State

_____
Assistant Secretary of State