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EXECUTIVE ORDER

Ordering Suspension of Normal In-Person Instruction at All Public and Private Elementary and Secondary Schools in the State of Colorado 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 declaring that, due to the presence of coronavirus disease 2019 (COVID-19) in Colorado, 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), shall suspend normal in-person instruction from March 23, 2020 to April 17, 2020.

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 from Colorado. Since then, CDPHE confirmed more than one hundred and eighty-three (183) additional presumptive positive cases, and two (2) deaths, and concluded that we are now seeing community spread of the disease. I declared a disaster emergency on March 10, 2020, and issued Executive Order D 2020 003.

COVID-19 is a highly contagious viral disease that has spread throughout many of our communities. Public health officials advise that disease control measures aimed at specific individuals or groups are no longer sufficient to contain the further spread of the virus.

Children can serve as a vector for the disease, increasing the risk of disease to older adults and individuals with certain underlying conditions, who are more likely to experience severe symptoms and even death from COVID-19.

Schools and school districts do not just provide educational services, they serve as community hubs for children and families. School closures create significant challenges for children and families, including those that are low-income or food insecure. For that reason, it is important that the State, school districts, and schools continue to provide support to Colorado families even when students are not in the classroom.

Early care and learning settings are generally smaller in size than school districts and provide critical support for families who must work, particularly for those who perform essential functions in emergency situations. However, we understand that families may exercise their right to keep children at home and that low enrollment may negatively impact child care providers, particularly those who accept families with subsidies under the Colorado Child Care Assistance Program (CCCAP).

CDPHE and the Center for Disease Control and Prevention (CDC) have urged people to practice social distancing throughout the United States. Today, CDPHE is issuing a public health order that will take effect on March 19, 2020, and will limit all mass gatherings to no more than ten (10) people for the next thirty (30) days, unless otherwise extended by the Executive Director of CDPHE. In light of this guidance and in order to further contain the spread of COVID-19, I am making the difficult decision to suspend normal in-person instruction from March 23, 2020 to April 17, 2020 for 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) (collectively, P-12 schools).

II. Directives

A. Pursuant to C.R.S. § 24-33.5-704(8)(e), I hereby direct all P-12 schools to suspend normal in-person instruction from March 23, 2020 to April 17, 2020. 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, ensuring the provision of school meals in accordance with the National School Lunch Act, offering waivers of instructional time as appropriate, and offering additional flexibility important for maintaining stability and ensuring fairness for students and employees.

B. I hereby suspend the State assessment requirements in C.R.S. § 22-7-1006.3 for the 2019-2020 school year to ensure assessments administered are able to produce valid results and to allow schools and school districts to focus on developing and providing alternative learning opportunities during this time.

C. I hereby suspend the requirements in C.R.S. § 22-11-204, that CDE determine the level of attainment for each school, district, and the Charter School Institute, for Fall 2020. In connection therewith, the State Board of Education may, under C.R.S. § 22-11-206, accredit school districts and the

Charter School Institute at the same category that was assigned for the 2019-2020 school year. In accordance with this directive, I direct CDE to notify each school district and the Charter School Institute that schools shall adopt the same plan type that was assigned for the 2019-2020 school year.

D. I hereby direct local public health agencies to work with child care providers and preschools not operated by P-12 schools to determine whether it is safe to continue operations. If there is a confirmed case of COVID-19 in a student, parent of a student, or staff member at the child care or preschool facility, I direct the facility to close for no less than seventy-two (72) hours.

E. I hereby direct P-12 school districts and the Charter School Institute to close buildings for normal in-person instruction from March 23, 2020 to April 17, 2020. I direct school districts and the Charter School Institute to make every effort to provide alternative learning opportunities during this time, while taking into account the needs of their local communities. School buildings, as approved by local emergency management in coordination with the local public health agency, may be utilized to assist families and students in accessing alternative learning, including online learning, opportunities, provide emergency sheltering, distribute food, and for other services for students, families, and educators during the period in which this Executive Order is in effect, including for providing child care for the essential workforce necessary to respond to COVID-19. I direct P-12 school districts and the Charter School Institute to work in coordination with the Colorado Department of Human Services (CDHS) and CDE to identify the use of public school buildings that may be utilized for child care for essential and emergency workers. I encourage school districts and the Charter School Institute to continue to provide regular pay to all hourly and salary staff, including certified and classified staff, paraprofessionals, bus drivers, cafeteria workers, and administrative assistants. I also encourage school districts and the Charter School Institute to continue to pay for students placed at approved facility schools as defined in C.R.S. § 22-2-402(1) and other facilities as defined in C.R.S. §22-2-402(3).

F. I hereby direct CDHS to access additional federal Child Care Development Funds to reimburse counties that pay providers through the Colorado Child Care Assistance Program (CCCAP) for absences or closures as a result of COVID-19 for the next eight (8) weeks, with the possibility of extension if the outbreak continues. I encourage counties to continue to fund CCCAP child care centers who are experiencing low attendance or temporary closures to ensure consistency for child care providers and protect the vital role they play for children and families.

G I hereby direct CDHS, in coordination with CDE, to work with local communities, including school districts and the Charter School Institute, to

maximize the use of public and private spaces licensed for child care consistent with increased social distancing. I authorize CDHS to waive regulations in order to increase the supply of child care for essential and emergency workers, if waiving such regulations will not endanger the public health, welfare, or safety.

III. Duration

This Executive Order shall expire thirty (30) days from March 18, 2020, unless extended further by Executive Order.

GIVEN under my hand and the Executive Seal of the State of Colorado, this eighteenth day of March, 2020.

Jared Polis
Governor