NORTH Dakota
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Governor Doug Burgum

EXECUTIVE ORDER 2020-04.3

WHEREAS, on March 13, 2020, President Donald Trump issued a declaration of national emergency due to the growing COVID-19 crisis in the United States; and,

WHEREAS, on March 13, a state of emergency was declared in the State of North Dakota through Executive Order 2020-03, in response to the public health crisis resulting from the novel coronavirus (COVID-19); this Order activated the North Dakota State Emergency Operations Plan (SEOP) to assist local and tribal officials, to prevent injuries and save lives, alleviate hardships, implement appropriate response and recovery actions and future mitigation measures, and facilitate restoration of services and infrastructure; and,

WHEREAS, on March 15, 2020, in response to CDC guidance, public and non-public schools were closed to students, beginning March 16, 2020; the CDC issued new and more restrictive guidance that recommends limiting events and mass gatherings to no more than 50 people; and,

WHEREAS, testing sites for required college admission, scholarship eligibility, program eligibility and career readiness tests have been unavailable due to the COVID-19 pandemic; in response, certain local school districts are seeking certification as testing sites; and,

WHEREAS, many school districts offer, and many students depend upon, the availability of academic programming during the summer months, including but not limited to the Extended School Year Program, Head Start Program, 21st Century Community Learning Centers and Child Care programs licensed by the Department of Human Services, that have allowed students to reinforce skills and learning or to accelerate learning.

NOW THEREFORE, Doug Burgum, Governor of North Dakota, by virtue of the authority under Article V, Section 1 of the North Dakota Constitution and North Dakota Century Code Chapter 37-17.1, in consultation with the Superintendent, Department of Public Instruction, and the Executive Director, Department of Human Services, hereby orders:

1. At the discretion of school superintendents, in consultation with local school boards, public and non-public school facilities may offer on-site summer programs as identified in this order, provided the school district strictly adhere to the Department of Public Instruction's ND K-12 Smart Restart Guidelines: *Health & Safety Logistics.*

2. On-site programs may be offered during the summer months, beginning June 1, 2020, as follows:

   a. Administration of standardized testing for college admission, scholarship eligibility, program eligibility and career readiness certification (including but not limited to: ACT, WorkKeys, GED and CNA) in those districts with testing site

certification; priority should be given to students previously registered, whose testing dates were disrupted, and students unable to complete testing due to the COVID-19 pandemic;

b. Child care programs licensed by the Department of Human Services;

c. Summer Student Center Programs;

d. Summer School classes;

e. Extended School Year Programs;

f. 21st Century Community Learning Programs;

g. Head Start Programs;

h. Any other limited program or limited building use determined necessary, safe and appropriate by school superintendents, in consultation with local school boards, provided the school district strictly adhere to the Department of Public Instruction's ND K-12 Smart Restart Guidelines: *Health & Safety Logistics* as well as the *ND Smart Restart: Standards For All Industries.*

3. From May 15 to May 30, school buildings may be opened to allow students to return school property in their possession, and to allow student property currently in the school building to be retrieved.

4. Nothing in this order is intended to preclude a school district, with approval from the Department of Public Instruction, from offering summer school courses by distance learning.

Any part of Executive Order 2020-04.2, not inconsistent with the terms herein, shall remain in full force and effect until rescinded.

This Order is issued on the foregoing bases and under the following conditions:

1. The Governor is vested with the executive authority pursuant to Article V, Section 1 of the North Dakota Constitution.
2. The Governor is vested with statutory authority to issue executive orders to minimize or avert the effects of a public health emergency pursuant to Chapter 37-17.1 of the North Dakota Century Code.
3. A coordinated and effective effort of all state departments is required to minimize the impact of disasters and emergencies in this state.

This Order is effective immediately and shall remain in effect until it is rescinded.

Executed at Bismarck, North Dakota, this 19th day of May, 2020.

Doug Burgum, Governor

ATTEST:

Secretary of State