STATE OF KANSAS

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GOVERNOR LAURA KELLY

EXECUTIVE ORDER NO. 20-59

Requiring COVID-19 mitigation procedures in K-12 schools

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 21,965 reported positive cases of COVID-19 spread among 102 counties, including 299 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 safety and health of teachers, administrators, and students will be unnecessarily imperiled if schools reopen without commonsense mitigation measures in place;

WHEREAS, schools and the people in them interact with every corner of our communities, making spread of COVID-19 in our schools likely to lead to broader community spread;

WHEREAS, wearing a mask, social distancing, washing hands, and checking temperatures are proven and simple methods of mitigating the spread of COVID-19;

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, while also taking simple steps to give our schools the best chance of operating safely;

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, requiring simple spread mitigation measures in K-12 schools is necessary to promote and secure the safety and protection of the civilian population; 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), (c)(1), and (c)(11), in order to ensure that K-12 schools can operate as safely as possible and mitigate the spread of COVID-19, I hereby direct and order the following:

1. K-12 public and private schools shall require all students, faculty, staff, vendors and other visitors to public or private K-12 school attendance centers to cover their mouth and nose with a mask or other face covering at all times except as described below:

    a. While eating;

    b. While working—other than to prepare food or meals—in a room or office that is (1) not open to students or visitors and (2) in which all individuals present can maintain a 6-foot distance from other individuals with only infrequent or incidental moments of closer proximity;

    c. While engaged in an activity during which it is unsafe or impossible to wear a mask or other face covering;

    d. Children who are not students and are 5 years of age or under—children age two years and under in particular should not wear a face covering because of the risk of suffocation;

    e. Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering—this includes persons with a medical condition

for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance;

f. Persons who are deaf or hard of hearing, or communicating with a person who is deaf or hard of hearing, where the ability to see the mouth is essential for communication;

g. Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines; and

h. Persons engaged in any lawful activity during which wearing a mask or other face covering is prohibited by law.

2. Throughout all public or private K-12 school buildings or facilities individuals shall maintain a 6-foot distance from other individuals with only infrequent or incidental moments of closer proximity.

    a. This requirement does not apply to in-person instruction in classrooms when masks or other face coverings are worn.

3. Hand sanitizer shall be made available in all public or private K-12 classrooms and shall be made conveniently accessible throughout other areas of K-12 public or private school buildings or facilities. Students and faculty shall sanitize their hands at regular intervals throughout the school day and no less than once every hour.

4. Individuals entering all public or private K-12 attendance centers shall have their temperatures checked before entering the building for the first time each day.

5. Definitions:

    a. "Mask or other face covering" means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is simply wrapped around the lower face. A mask or other face covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. Ideally, a mask or other face covering has two or more layers. A mask or other face covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels.

6. Nothing in this order shall restrict, limit, or supersede the Secretary of Health and Environment's authority to make isolation, quarantine, or other orders as necessary to respond to escalating or worsening conditions in any local jurisdiction.

7. As currently permitted pursuant to state law, the Attorney General, county attorneys, and district attorneys enforcing this order should use their discretion and consider the totality of the circumstances as they determine appropriate enforcement actions.

8. 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. 20-59. It shall become effective August 10, 2020, 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 7.20.2020

FILED
JUL 20 2019
SCOTT SCHWAB
SECRETARY OF STATE

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Secretary of State

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Assistant Secretary of State