STATE OF MISSISSIPPI

Office of the Governor

EXECUTIVE ORDER NO. 1460

WHEREAS, on March 14, 2020, pursuant to the Constitution of the State of Mississippi and Miss. Code Ann. § 33-15-11(b)(17), I issued a Proclamation declaring that a State of Emergency exists in the State of Mississippi as a result of the outbreak of COVID-19; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for COVID-19 beginning on January 27, 2020, on March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic, and on March 13, 2020, the President of the United States declared a nationwide state of emergency due to the coronavirus COVID-19 pandemic; and

WHEREAS, the worldwide outbreak of COVID-19 and the effects of its extreme risk of person-to-person transmission throughout the United States and Mississippi significantly impact the life and health of our people, as well as the economy of Mississippi; and

WHEREAS, the risk of spread of COVID-19 within Mississippi constitutes a public emergency that may result in substantial injury or harm to life, health, and property within Mississippi; and

WHEREAS, on March 11, 2020, the Mississippi State Department of Health confirmed the first presumptive case of COVID-19 in Mississippi and as of March 18, 2020, there are 34 presumptive and confirmed cases in Mississippi that have tested positive for COVID-19; and

WHEREAS, the Centers for Disease Control (CDC) guidance for responding to COVID-19 recommends avoiding crowds as much as possible, especially for older adults and individuals with serious chronic medical conditions and Mississippi State Department of Health has recommended avoiding social gatherings where 10 people or more may come into close contact; and

WHEREAS, limiting social interaction between members of the public to minimize the risk of person-to-person transmission includes school age children attending Mississippi public schools, who may be in a position to interact and transmit COVID-19 to other individuals, including vulnerable populations including older adults and individuals with serious chronic medical conditions; and

WHEREAS upon the recommendation of the State Health Officer and in consultation with the Mississippi State Board of Education, the temporary closing of all Mississippi public schools is a necessary measure to cope with the COVID-19 public emergency to minimize the interaction and risk of possible further transmission of COVID-19; and

WHEREAS, when Mississippi school districts close in response to COVID-19 they will need academic flexibility and relief from strict compliance with mandatory testing and accountability in order to achieve completion of essential grade-level instruction for the 2019-2020 school year; and

WHEREAS, some Mississippi county and municipal governing authorities have temporarily closed or are operating on limited staffing in response to COVID-19 in order to minimize the interaction and risk of possible transmission of COVID-19 between employees within governmental offices and between governmental employees and members of the public; and

WHEREAS, on March 16, 2020, in order to minimize the risk of possible further transmission of COVID-19 and related measures, I issued Executive Order No. 1458 directing governmental entities including school districts to review and identify which employees perform essential duties to carry out the entity's core functions during the State of Emergency and those employees whose duties may not be essential during the State of Emergency. And, where feasible, for the entity to determine if core functions and duties could be performed by essential employees from

home in order to minimize the interaction and risk of possible transmission of COVID-19 between employees.

NOW, THEREFORE, I, Tate Reeves, Governor of the State of Mississippi, by the authority vested in me by the Constitution and laws of the State of Mississippi, do hereby order and direct as follows:

1. That, due to the COVID-19 emergency and extreme risk of person-to-person transmission, in order to minimize the interaction and risk of further transmission of COVID-19, pursuant to Miss. Code Ann. §§ 33-15-11(c)(1)&(4) all Mississippi public schools shall be closed effective immediately through April 17, 2020.

2. When public schools are closed in response to the COVID-19 emergency, each school district shall continue to operate with essential faculty and staff, whether working from home or in the workplace following the guidance of the Mississippi Department of Health including appropriate social distancing and hygiene, who are necessary to carry out essential functions including all federally required programming and the development and implementation of distance learning or other instructional means necessary for students to achieve completion of essential grade-level instruction for the 2019-2020 school year and, where feasible, to maintain sufficient staffing for preparation and transportation in order to continue to provide free and reduced meals to eligible students within their respective districts.

3. That, due to the extreme risk of person-to-person transmission and necessary duration of school closures, strict compliance with the 10-day limitation on per pupil funds paid to Mississippi school districts from the State Department of Education established in Miss. Code Ann. § 37-13-63(2) would prevent and hinder the implementation of necessary closure of Mississippi public schools and other measures necessary to cope with the COVID-19 emergency. Accordingly, pursuant to Miss. Code Ann. §33-15-11(c)(1), the 10-day limitation provision is temporarily suspended and the payment of such per pupil funds shall be calculated and paid concurrent with the duration of school closures as recommended by the State Health Officer and ordered by this executive order.

4. That, due to the impact of the closure of Mississippi public schools and other mitigation measures necessary to cope with the COVID-19 emergency, Mississippi public schools need and shall be granted appropriate flexibility and waivers from compliance with mandatory testing and accountability for the 2019-2020 school year.

5. That, pursuant to Miss. Code Ann. §§ 33-15-31, 33-15-11(b)(9), and 33-15-11(c)(1), the Mississippi State Board of Education is authorized and empowered to suspend the provisions of any regulatory statutes and to make, amend, and rescind such orders, rules, and regulations that it deems necessary to assist Mississippi public schools to cope with the COVID-19 emergency including granting and implementing appropriate flexibility and waivers from mandatory testing and accountability necessary to achieve completion of essential grade-level instruction for the 2019-2020 school year.

6. That any federal waivers issued in response to the COVID-19 emergency may be adopted and implemented by Mississippi school districts.

7. That due to the State of Emergency and pursuant to Mississippi House Bill No. 1647, the board of supervisors of any county, the governing authority of any municipality and the local school board of any public school district may grant their employees administrative leave with pay for any one or more of the following reasons as determined by the governing authority of such county, municipality or school district:

    a. The period(s) of time that the employee's employer has closed in response to COVID-19,
    b. The period(s) of time that the employee's supervisor has determined the employee's duties are deemed non-essential during any period of time during the State of Emergency,

c. The period(s) of time that the employee or a member of their immediate household is placed in quarantine or isolation as a result of being diagnosed with COVID-19.
d. Other reasons as determined by the governing authority in consultation with a health care professional that are necessary to prevent the risk of possible transmission of COVID-19 within the employee's workplace.

8. That all departments, commissions, agencies, institutions, and boards of the State of Mississippi, political subdivisions thereof, counties, municipalities and school districts are authorized and directed to cooperate in actions and measures taken in response to COVID-19 during the State of Emergency.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Mississippi to be affixed.

DONE in the City of Jackson, on the 19th day of March, in the year of our Lord, two thousand and twenty, and of the Independence of the United States of America, the two hundred and forty-fourth.

TATE REEVES
GOVERNOR

BY THE GOVERNOR

MICHAEL WATSON
SECRETARY OF STATE