



## Arizona Department of Education

### 2020 Executive Orders: School Reopening Frequently Asked Questions

This FAQ intends to answer questions related to Governor Ducey's most recent Executive Order [2020-51](#) issued on July 23, 2020, Executive Order [2020-44](#) and Executive Order [2020-41](#). The Arizona Department of Education (ADE) will work closely with Governor Ducey's office and the Arizona Department of Health Services (ADHS) to answer any outstanding questions.

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#### **Q: When and who will provide school districts and charter schools health benchmarks for resuming in-person, teacher-led classroom instruction?**

A: ADHS is required to develop health benchmarks by **August 7, 2020** for resuming in-person, teacher-led classroom instruction. School districts and charters should consider these health benchmarks/metrics, along with guidance from County health officials, to determine when in-person, teacher-led instruction can resume safely.

#### **Q: Does Executive Order 2020-51 require face coverings for staff and students?**

A: All school districts and charters must develop and implement policies requiring face coverings, such as face masks or face shields, for all staff and students over the age of five until ADHS determines that face coverings are no longer necessary or recommended to contain the spread of the virus.

**The Executive Order makes exceptions for certain cases and individuals.** For example, students may not need to wear masks when social distancing can be appropriately maintained at recess. A full list of exceptions is available within the Executive Order. Please refer to your school district and charter school for their face covering policy.

#### **Q: Does Executive Order 2020-51 provide continuity of pay for school employees, including hourly employees, during school building closures?**

A: **Yes**, Arizona's public schools may continue to pay their employees, including hourly employees, during school building closure periods. To ensure continuity of pay:

- The public school has sufficient revenues to continue such payments due to school building closures and the school's governing board has determined such payments are necessary pursuant to EO 2020-51



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- The employee remains committed and available to work during the employee's normal work hours during periods of school building closures, whether the work is to be performed in person or remotely.

### **Q: How does Executive Order 2020-51 affect school funding as outlined in Executive Order 2020-41?**

A: This Executive Order does not make any changes to the funding mechanisms outlined in Executive Order 2020-41. Students participating in distance learning will still be treated as a student receiving Arizona online instruction (AOI) for funding purposes, and school districts and charter schools are still eligible to apply for the Enrollment Stability Grant Program to address any funding shortfalls. This grant will provide \$370 million in one-time allocations to ensure stability of school budgets during this next school year. Please refer to the school finance guidance issued for Executive Order 2020-41 or the school finance portion of this FAQ for further information on school funding.

School districts and charter schools are required to comply with Executive Order 2020-41, 2020-44, and 2020-51 in order to be eligible for the Enrollment Stability Grant.

### **Q: How does the free onsite learning requirement differ from in-person, teacher-led instruction? What is the purpose of this requirement?**

A: Free onsite learning and support services include but are not limited to student supervision, nutrition, health services, strategic support, or teacher-led/paraprofessional support for students participating in distance learning. Onsite support services will be available to a limited number of students with specific needs and does not require traditional teacher-led in-person classroom instruction. These services allow students who need a safe place to go to engage in distance learning away from home. Schools may develop procedures to meet recommendations for physical distancing and other mitigation strategies outlined by the Center for Disease Control and Prevention (CDC).

### **Q: Do local education agencies (LEAs) have to provide free onsite learning support services at each of their school facilities?**

A: No, LEAs with multiple school buildings can choose to open one of its buildings to meet this requirement. An LEA cannot refuse to provide onsite support to a student in need, but may opt to partner with community-based organizations (e.g., Boys and Girls Club) to provide these support services for students.



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### **Q: Under what circumstances are school districts and charters eligible to receive the free onsite learning waiver?**

A: School districts and charter schools are eligible to apply to the Arizona Department of Education (ADE) for the free onsite learning waiver if both the local county health department and ADHS determine the entire school district or charter school must close due to an outbreak of the virus or a tribal sovereign nation issues a “stay at home” order.

Knowing the challenges of containing this virus and that each school community can be affected differently, this waiver provides flexibility for school leaders to make smart decisions for their school communities in accordance to the recommendations of the local county health department.

### **Q: What must school districts and charter schools consider before starting to provide in-person, teacher-led classroom instruction?**

A: School districts and charter schools must consider ADHS’s public health benchmarks that will be available by August 7, 2020, as well as guidance from county health officials. They must also refer to mitigation strategies outlined by the Centers for Disease Control and Prevention to adopt a mitigation plan prior to opening a school building for on-site support or in-person classroom instruction.

### **Q: What steps are LEAs required to take to notify parents/guardians of school operations for this coming school year?**

A: Each LEA is required to post its distance learning plan, mitigation plan, and detailed plan for providing free onsite support services on its website by the first day of their academic calendar .

LEAs must also notify parent/guardians of the minimum requirements their children must meet to maintain enrollment in the LEA and the availability of the free onsite learning opportunities. Additionally, each LEA is responsible for contacting families or guardians of children enrolled in the free or reduced priced lunch meal program, students with disabilities, English learners, and those in the care of the Department of Child Safety or foster care.

### **Q: Are preschools that provide services to children with disabilities allowed to provide in-person services?**

A: Yes, developmental preschools are allowed to provide in-person services for children with disabilities as long as they are following CDC’s public health recommendations.



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### **Executive Orders 2020-41 and 2020-44**

This portion of the FAQ intends to answer questions related to Executive Order 2020-44 and Executive Order 2020-41 issued by Governor Doug Ducey on June 29, 2020 and June 24, 2020 respectively. The answers outlined in this portion of the FAQ reflect any changes resulting from Executive Order 2020-51. **Please note that Executive Order 2020-44 delayed the start of in-person learning until August 17, 2020. Due to that, all physical requirements from Executive Order 2020-41 are waived until LEAs can resume in-person or hybrid instruction.**

**Q: How does Executive Order [2020-44](#) impact the funding and flexibilities outlined in Executive Order [2020-41](#)?**

A: Executive Order 2020-44 classifies distance learning students as AOI for the purposes of funding which makes them subject to the 5 or 15% reduction based on full-time or part-time status. However, when the Governor announced Executive Order 2020-41, their office has since announced a \$370 million grant that public districts and charters, otherwise known as LEAs, can tap into to make up the difference in funding. LEAs can use monies from that fund to be made whole from the reduction due to classifying students as AOI.

**Q: Will LEAs need approval from ADE to start distance learning?**

A: LEAs will not need to wait for approval from ADE. Once LEAs submit a distance learning plan, they are eligible to begin offering distance learning instruction per Executive Order 2020-41.

**Public school districts must submit their distance learning plans prior to their planned start date or no later than August 14, 2020 and ADE will review for completeness.** Charter organizations submit their plans to the Charter Board. ADE will evaluate implementation of a sample school district plans and report findings to the State Board of Education, and the Charter Board staff will do the same for charters by Nov 30th.

**Q: How is the 180-day requirement affected with the release of the latest Executive Order 2020-44?**

A: By the end of August, the Arizona Department of Education is required to conduct an analysis of the need to waive the number of days that schools are required to provide



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instruction. However, at this time, schools must meet the 180-day requirement or an equivalent number of hours. Time scheduled for distance learning instruction counts toward the requirement

**Q: Does [Executive Order 2020-44](#) impact teachers who have required on-site trainings before August 17, 2020?**

A: While the delayed start date only applies to the start of instruction for students, we encourage schools to be mindful of COVID19 guidelines issues by the [Arizona Department of Health Services](#) (ADHS) and the [Center for Disease Control and Prevention](#) (CDC).

**Q: Do local education agencies (LEAs) have to provide transportation for students who will be physically attending school even though they are technically participating in distance learning?**

A: The Executive Order does not require transportation to be provided; however, LEAs are encouraged to plan for transportation for those students that need to physically attend school facilities. LEAs may utilize their Cares Act funds to support added costs for transportation due to COVID related circumstances.

**Q: How does Executive Order 2020-44 affect hospital schools?**

A: Executive Order 2020-44 applies to all private and public schools.

**Q: Do Career and Technical Education Districts (CTEDs) have to provide benchmark testing?**

A: CTEDs are not required to provide benchmark testing.



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### School Finance

This portion of the FAQ intends to answer questions relating to school finance and Executive Orders 2020-41 and 2020-44.

**Q: Will schools still have to meet the 180-day requirement if they have chosen to delay the start date to August 17, 2020 or can a school meet the required number of instructional hours in less than 180 days?**

A: At this time, there is no waiver available for the requirements in A.R.S. § 15-901. Part of Executive Order 2020-44 requires ADE to conduct an analysis of the need to provide a waiver for the 180-day requirement by August 31, 2020. This analysis will be a tool to determine potential future action.

If a school has been approved to have a calendar of fewer than 180 days, then they must still meet the instructional hour requirements as outlined in A.R.S. § 15-901 for “full-time” or “part-time” status.

**Q: Will schools be paid as an AOI before August 17, 2020 according to Executive Order 2020-44?**

A: Yes, all average daily membership (ADM) generated in a distance learning (DL) setting will be subject to a 5% Base Support Level (BSL) reduction for full-time students or a 15% BSL reduction for part-time students.

These funds may be reimbursed with monies from the Governor’s Enrollment Stabilization Grant. School districts and charters must submit a distance learning plan (DLP) to be eligible for the Enrollment Stabilization Grant.

**Q: What qualifies as attendance tracking under a distance learning plan?**

A: School districts and charter schools have flexibility to design attendance tracking procedures to connect their unique distance learning models to existing attendance systems. In designing attendance tracking procedures, districts and charters should consider which activities best represent student participation/engagement in DL instruction, the ability of staff to track and record this information, and the extent to which chosen activities demonstrate the appropriate amount of instructional time for the day.

Attendance tracking will be identified in a district’s or charter’s DLP and may include methods such as:



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- Communication with a teacher via telephone, ZOOM, Microsoft Teams, or other digital meeting software;
- Student participation in a virtual meeting or classroom session (ZOOM, Microsoft TEAMS, Google Meets, etc.);
- Daily assignments completed and submitted by the student; or
- A parental attestation or documentation of time spent on educational activities assigned by the school.

While attendance will look different than it would in a brick and mortar school, under this guidance, it is meant to serve the same purpose for school financing. Attendance tracking does not require districts and charters to report minutes logged for each student.

### **Q: Are all students participating in distance learning to be reported as 1.0 full-time enrollment (FTE) regardless of the instructional time provided?**

A: Students should be reported with an FTE of 0.00, 0.250, 0.500, 0.750, or 1.000 based on the annual hours of instruction enrolled in the school district or charter school in a DL setting, in-person setting, or combination of the two. For high school students, the number of subjects in which a student is enrolled must also be considered.

Students participating in DL will still be considered enrolled in their school district or charter school and generate funding based on enrollment over the first 100 days of instruction.

### **Q: Do students have to meet AOI instructional hour requirements or Brick and Mortar (B&M)?**

A: Students participating in DL will still be considered enrolled in their B&M school and must meet the instructional hours required in A.R.S. § 15-901 for “full-time” or “part-time” status.

In order to be considered full-time, a student must be enrolled in enough instructional hours to meet the instructional hour requirement for full-time status, pursuant to A.R.S. § 15-901, by the end of the year. Please refer to the attendance portion of the [School Finance Guidance](#) for more information and examples of how to provide enough instructional hours in DL.

### **Q: How are hybrid students supposed to be handled and when are they funded as an AOI? Can they be reported as solely B&M or a combination of B&M/AOI?**



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A: Hybrid students will continue to be enrolled in their B&M school; however, schools will need to track the percentage of time spent in DL and report absences to School Finance.

DL percentage of time will be reported in aggregate for students, except students who qualify for a Group B weight which will be reported in aggregate for the percentage of time spent in DL by Group B weight. Further information will be provided on how to report the percentage of time spent in DL.

Percentages must be reported for days 1 through 40 and days 1 through 100 for K-3, 4-8, and 9-12. Percentage of DL time must also be reported for the two periods for each of the Group B Add-On groups, except for K-3 and K-3 reading. The purpose of this report is for School Finance to provide the correct BSL reduction in accordance with the classification of DL students as AOI students for funding purposes.

### **Q: Do absences need to be reported?**

A: Yes, absences for DL and in-person instruction must be reported through usual attendance reporting methods.

For in-person instruction, if a student misses an entire in-person instruction day, an absence of 1.000 should be reported for that day. If less than a full day is missed, a partial absence must be reported in increments of 0.250.

For DL, absences or partial absences must be reported for students who do not meet the criteria, or the full criteria as described in the attendance tracking portion of the DLP. Schools should look to existing absence tracking procedures within the LEA to determine how to report absences.

### **Q: Will attendance need to be done on a daily basis or could it be evaluated weekly through student submitted sheets that parents fill out?**

A: Attendance and absences must be recorded daily and reported to ADE at least monthly. School districts and charter schools with a DLP that does not call for student contact each day must still disaggregate attendance data by day in reports to ADE for computing the percentage of time spent in DL.

### **Q: How will Day 1 attendance be submitted under this scenario of starting distance learning prior to August 17 since some parents opted for B&M?**





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A: If the schools' calendars start prior to August 17, enroll the student as of the first day of instruction. In order for a student to be counted in enrollment since the first day of instruction, the student needs to participate at least once in the first 10 days.

Schools will enroll students and use the identified methods of attendance tracking to determine a student's attendance or absence for the day.

**Q: Will schools still be penalized for 10 or more consecutive unexcused absences?**

A: Yes, A.R.S. § 15-901 requires students who generate 10 consecutive unexcused absences to be dropped, retroactive to the last day of attendance. If a student in DL generates 10 consecutive days of unexcused absences, they must be dropped retroactively and reenrolled once a day of attendance is generated.