COVID-19 Executive Orders Affecting Education and Child Care

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Updated May 8, 2020 | 2020-R-0111
Notice to Readers

This report provides brief summaries of the governor’s COVID-19 executive orders concerning education and child care. The report includes all related executive orders since the governor’s March 10, 2020, declaration of public health and civil preparedness emergencies through May 7, 2020.

Each summary indicates the executive order (EO) number and enactment date. Not all provisions of the orders are included. The orders are grouped by category for ease of reference.

Three additional reports summarize the governor’s COVID-19 executive orders concerning (1) business, labor, and housing; (2) health and human services; and (3) state and local government and elections. All four reports are available on OLR’s website: https://www.cga.ct.gov/olr/. The reports will be updated promptly as the governor issues new related orders.

Readers are encouraged to obtain the full text of the orders, and related state agency actions taken in response to the COVID-19 pandemic, from the governor’s website: https://portal.ct.gov/Coronavirus/Pages/Emergency-Orders-issued-by-the-Governor-and-State-Agencies.
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Boards of Education

Budget Adoption by Regional Boards of Education

EO 7I:
• Requires regional boards of education to adopt budgets for FY 21 while exempting them from any in-person budget adoption requirements, such as annual budget meetings, referenda, and special district meetings

• In doing so, requires regional boards to (1) comply with the public meeting requirements in EO 7B, which establishes conditions for remote public meetings; (2) take reasonable steps to publicize the proposed budget, including publishing the draft budget on the board’s website; and (3) provide an email address or other means for the public to submit comments (EO 7I, § 14, Mar. 21, 2020)

Budget Deadlines for Regional Boards of Education

EO 7C:
• Allows FY 21 regional school district budget deadlines that fall on or before May 15, 2020, to be extended by 30 days

• Allows regional boards of education to extend their budget deadlines and related required procedures, including public hearings, meetings, and referenda, by 30 days (EO 7C, § 6, Mar. 15, 2020)

Funding for Boards of Education

EO 7R:
• Requires the State Department of Education (SDE) to continue to process FY 20 state education grants for boards of education, including ECS (education cost sharing), special education excess cost, and magnet school grants

• Requires municipalities to continue to provide boards of education with funding as required under their approved FY 20 budgets (EO 7R, § 1, Mar. 31, 2020)

Pay for School Staff

EO 7R:
• Requires school districts to continue to pay and employ, or rehire if laid off, school staff who are direct employees of the board of education (e.g., teachers, paraprofessionals, support staff, cafeteria workers, clerical staff, and custodians)
• Allows boards to require these staff to provide services during the COVID-19 closure period, provided they are consistent with executive orders and state and federal law

• Excludes employees who would have been separated from employment for non-pandemic-related reasons

• Does not limit a school district’s existing ability to reduce staff for FY 2020-21 (EO 7R, § 2, Mar. 31, 2020)

**Student Data Privacy**

EO 7I:

• Authorizes the education commissioner to waive, for contractors and boards of education, the student data privacy law requirements regarding contracting and sharing or providing access to student information in order to provide online education during the COVID-19 school closure period (EO 7I, § 5, Mar. 21, 2020; education commissioner’s letter implements waiver on the condition that contractors sign the Connecticut Student Data Privacy Pledge)

**Student Transportation and Special Education Providers**

EO 7R:

• Requires boards of education, or municipalities on their behalf, that hold contracts with providers of student transportation or special education services to promptly negotiate amended contract terms needed to reflect actual costs incurred during the public health and civil preparedness emergencies (hereafter “declared emergencies”)

• Requires the amended contract terms to meet the goals of (1) sustaining service continuity when the school year resumes, (2) maintaining tuition or fee payments to providers so that they may pay and insure their current employees, and (3) requiring the providers to show documentation proving that the fees charged reflect only the actual and reasonable cost of sustaining employee wage and health insurance costs

• Requires providers to continue to compensate and provide health insurance to their full- and part-time staff to the greatest extent possible, consistent with the rates available prior to the emergency declarations (EO 7R, § 3, Mar. 31, 2020)
Child Care

Child Care Group Sizes

EO 7Q:

- Limits group sizes to 10 children in one space in child care operations (i.e., child care centers, group child care homes, family child care homes, youth camps, and child care facilities exempt from licensing requirements)

- Requires child care operations that seek to care for more than 30 children in one facility to get the Office of Early Childhood (OEC) commissioner’s approval and demonstrate that groups in the facility are sufficiently separated (EO 7Q, § 1, Mar. 30, 2020; OEC COVID-19 Waivers, Apr. 2, 2020)

Health Procedures for Child Care Programs

EO 7Q:

- Requires all child care facilities to implement enhanced cleaning and disinfection practices to prevent the spread of COVID-19

- Requires these facilities to screen all children and child care workers for any observable illness and to confirm that their body temperature is below 100 degrees Fahrenheit before entering any facility

- Requires all staff to practice enhanced handwashing and health practices and assist children to do the same (EO 7Q, § 2, Mar. 30, 2020; OEC COVID-19 Waivers, Apr. 2, 2020)

Maintenance of Adequate Child Care Infrastructure

EO 7T:

- Authorizes the OEC commissioner to waive certain laws, regulations, rules, and policies associated with child care funding to maintain a sufficient capacity of child care services or stabilize child care providers during the declared emergencies

- Applies to provisions governing Head Start, Care-4-Kids, and other grant and school readiness programs

- Allows the OEC commissioner to issue any order necessary to implement this order (EO 7T, § 4, Apr. 2, 2020; OEC COVID-19 Waivers, Apr. 2, 2020)
Maintenance of Adequate Child Care Resources

EO 7B:
- Authorizes the OEC commissioner to temporarily waive licensing and other requirements in state law, regulations, and policies in order to maintain enough child care service capacity or otherwise respond to child care needs for the duration of the declared emergencies
- Applies this waiver authority to provisions in (1) laws about school readiness programs, youth camps, child care centers, group child care homes, family child care homes, and comprehensive background checks for child care facilities staff and (2) related regulations, rules, and agency policies
- Allows the commissioner to issue any necessary implementing orders (EO 7B, § 6, Mar. 14, 2020; OEC COVID-19 Waivers, Mar. 20, 2020)

Classes and Programming

Cancellation of School Classes

EO 7II:
- Cancels all public school classes from March 17 through the remainder of the 2019-20 school year; encourages non-public schools to follow the same schedule
- Directs SDE and other state agencies to implement measures to provide for the health, nutrition, safety, and education needs and well-being of students during this period
- Exempts schools administered by the departments of Corrections, Children and Families, and Mental Health and Addiction Services, but requires them to take necessary measures to protect students and staff
- Amends prior orders (EO 7C, § 1, Mar. 15, 2020; EO 7L, § 1, Mar. 24, 2020; EO 7X, § 2, Apr. 10, 2020; EO 7II, § 1, May 5, 2020)

Continuation of Classes and Programming at Certain State-Operated Schools

EO 7F:
- Exempts the following school programs from an earlier executive order (EO 7C) that cancelled public school classes statewide: Unified School District 1, which serves children in Department of Correction custody; Unified School District 2, which serves children in residential and day treatment facilities run by the Department of Children and Families; and
any Department of Mental Health and Addition Services inpatient facilities providing school classes or programs (EO 7F, § 5, Mar. 18, 2020)

**Required Number of Public School Days**

EO 7E:

- Waives the required 180 days of the public school year as long as school districts provide opportunities for continuity of education for all students consistent with federal and state guidance

- Allows school districts, upon the reopening in spring 2020, to close school on their normally scheduled end date

- Allows school districts to use distance learning or other alternatives approved by the education commissioner

- Requires the commissioner to approve alternatives that are filed by school district leadership with SDE by June 1, 2020, and include an attestation that the alternatives comply with education legal requirements

- Amends a previous order (EO 7, § 3, Mar. 12, 2020; EO 7E, § 1, Mar. 17, 2020)

**Instruction and Assessments**

**High School Graduation Requirements and Public School Instruction**

EO 7C:

- Allows the education commissioner, in order to address the impact of COVID-19 and class cancellations, to temporarily waive provisions in state laws governing high school graduation requirements and required subject matter for public school instruction

- Extends this waiver authority to provisions in related state regulations, rules, and policies (EO 7C, § 2, Mar. 15, 2020)

**Public School Statewide Assessments**

EO 7N:

- Suspends administration of the following assessments, and any assessment alternatives, in public schools for the 2019-20 school year:
1. all statewide mastery exams, which include the Smarter Balanced exams in English Language Arts and mathematics for grades 3-8; the Next Generation Science Assessment for grades 5, 8, and 11; and the SAT for grade 11;

2. the universal reading assessment for grades K-3; and

3. reading assessments in priority school districts for kindergarten at the end of the year and three times annually for grades 1-3

   - Allows the education commissioner to temporarily waive any requirements in related state regulations, rules, and policies governing statewide assessments (EO 7N, § 7, Mar. 26, 2020)

**Special Education**

**Age Limit for Birth to Three Program**

**EO 7DD:**

- Authorizes the OEC commissioner to temporarily waive the 36-month age limit for children who are currently receiving Birth to Three intervention services but have not been deemed eligible for special education services

- Authorizes the OEC commissioner to issue any necessary implementing order (EO 7DD, § 10, Apr. 22, 2020)

**Birth to Three Program Family Fees**

**EO 70:**

- Allows the early childhood commissioner to waive provisions in statute and regulation requiring (1) parents or guardians to pay fees for remote early intervention services for children eligible for the Birth to Three program and (2) service suspension for non-payment of these fees

- Allows the commissioner to issue implementing orders (EO 70, § 4, Mar. 27, 2020; OEC waiver memo, Mar. 29, 2020)

**Teachers**

**Certification, Employment, Evaluation, and Training**

**EO 7C:**

- Allows the education commissioner, in order to address the impact of K-12 school cancellations and COVID-19 risks when classes resume, to temporarily waive any provisions
in state laws governing teacher certification; teacher evaluations and the related support
program; teacher employment and tenure; and teacher in-service training

- Extends this waiver authority to provisions in related state regulations, rules, and policies
  about educator certification timelines, evaluations, and professional development
  requirements

- Allows the commissioner to issue implementing orders (EO 7C, § 4, Mar. 15, 2020; SDE
guidance on certification (Mar. 26, 2020) and evaluations (Mar. 25, 2020))

**Teacher Preparation Programs**

EO 7C:

- Allows the education commissioner, in order to address the repercussions of class
cancellations at K-12 and postsecondary schools, to temporarily waive any requirements in
state laws governing teacher preparation programs offered at Connecticut colleges and
universities

- Extends this waiver authority to related state regulations, rules, and policies

- Allows the commissioner to issue implementing orders (EO 7C, § 3, Mar. 15, 2020; SDE
guidance on temporary flexibilities for teacher preparation programs, Mar. 19, 2020)

**Testing for Prospective Teachers**

EO 7X:

- Authorizes the education commissioner to (1) modify or temporarily defer any requirements
  in the state law governing teacher certification testing (e.g., the competency examination
  and subject matter assessment) and (2) extends this authority to any associated state
  regulations, rules, and policies

- Allows the commissioner to issue implementing orders if necessary (EO 7X, § 4, Apr. 10,
  2020)