

## **COVID-19 Executive Orders Affecting Education and Child Care**

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## Notice to Readers

This report provides brief summaries of the governor's COVID-19 executive orders concerning education and child care. The governor declared public health and civil preparedness emergencies on [March 10, 2020](#), in response to the COVID-19 pandemic. He renewed this declaration on [September 1, 2020](#), and [January 26, 2021](#), while also declaring new states of emergency on both of these dates.

The report includes all related executive orders since the governor's March 10, 2020, declaration, through February 15, 2021. 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. For additional OLR reports on COVID-19 related policy topics, visit the dedicated [OLR COVID-19 page](#).

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>.

## Effective Period for COVID-19 Executive Orders

The state is currently in its third declared period of public health and civil preparedness emergencies of the COVID-19 pandemic. (The emergencies were originally declared on [March 10, 2020](#), and renewed on [September 1, 2020](#), and [January 26, 2021](#).) Below we describe three executive orders the governor issued that broadly extend unexpired EOs from one emergency period to the next.

- On September 8, 2020, the governor issued [EO 9A](#), which reissued all executive orders made under the March 10, 2020, declaration of public health and civil preparedness emergencies (i.e., EOs 7-7000) that were unexpired and in effect as of September 8. With certain exceptions, EO 9A established an expiration date of November 9, 2020, for all such orders.
- On November 9, 2020, the governor issued [EO 9L](#), which generally extended, through February 9, 2021 (unless earlier modified or terminated by the governor), COVID-19 executive orders that were in effect as of November 9. Under EO 9L, orders scheduled to expire on any other specific date (e.g., January 1, 2021) remained in effect until that specific date.
- On February 8, 2021, the governor issued [EO 10A](#) (§ 1), which extends, through April 19, 2021 (unless earlier modified or terminated by the governor), all COVID-19 executive orders that were in effect as of February 8. Unlike EOs 9A and 9L, EO 10A's extension applies to all such orders, including those scheduled to expire on a specific date (e.g., April 1, 2021).

EO 10A (§ 2) similarly establishes April 19, 2021, as the expiration date for certain orders (unless earlier modified or terminated by the issuing authority or a subsequent EO) issued by any official, agency, department, municipality, or entity pursuant to an unexpired executive order. Specifically, it applies to any order, rule, regulation, directive, or guidance that by its own terms provides that it will remain effective for the duration of the public health and civil preparedness emergencies. (EOs 9A and 9L had collectively established February 9, 2021, as the expiration date for these orders.)

The full text of the orders, including their original expiration dates, may be obtained from the governor's website: <https://portal.ct.gov/Coronavirus/Pages/Emergency-Orders-issued-by-the-Governor-and-State-Agencies>.

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## Authority to Issue Fines and Rules

### *Authorization to Issue Certain Fines*

EO 9B:

- Authorizes higher education public safety departments and special police forces for the state's public colleges and universities, among others, to issue fines for violations related to mask and face covering requirements and gathering size restrictions (for the fine amounts and related information, see OLR's [COVID-19 Executive Orders Affecting Health and Human Services](#), specifically the *Face Coverings in Public* and *Size Limits for Gatherings* subheadings)
- Applies existing procedures for infractions and certain violations, which allow the fines to be paid by mail without making a court appearance ([EO 9B](#), § 2, Sept. 15, 2020)

### *Operational Rules for Schools and Child Care Settings*

EO 9:

- Authorizes the Office of Early Childhood (OEC) and State Department of Education (SDE) commissioners, until February 9, 2021, to issue binding guidance, rules, or orders for operating schools or childcare settings that they deem necessary to respond to, or implement any EOs issued in response to, COVID-19
  - May include rules related to (1) the required use of masks or face-coverings (which may allow for medical, developmental, or disability-related exceptions); (2) phase-in periods in early childhood settings to promote compliance and acclimation in young children; and (3) mask breaks
  - Deems that the guidance, rules, or orders are not regulations for purposes of the Uniform Administrative Procedure Act
- Deems SDE's [Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together](#) and related addendums as such binding guidance, rules, or orders
- Supersedes a previous order ([EO 7NNN](#), § 1) on mask use exempting children in childcare settings ([EO 9](#), § 1, Sept. 4, 2020)

## **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 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)

### ***Paid Leave for Boards of Education Staff***

EO 10:

- Requires all local and regional boards of education to continue to make paid leave available for eligible employees consistent with the Emergency Paid Sick Leave Act (EPSLA), which is part of the federal Families First Coronavirus Response Act (FFCRA) enacted in March 2020 (EPSLA permits full-time employees 80 hours of paid sick leave and allows part-time

employees paid sick leave equal to the number of hours that such employee works, on average, over a two-week period; for details on EPSLA see OLR Report [2020-R-0104](#))

- Specifies it does not increase the overall duration of leave available to school staff or to require additional leave for staff who, prior to December 31, 2020, used any portion of or the maximum available leave under EPSLA
- Exempts the state from this section of the EO for state school employees (e.g., Connecticut Technical Education and Career System employees) due to existing implementation of the state employee leaves of absence law ([CGS § 5-248\(a\)](#)), which the EO states allows state school employees comparable access to paid leave (note that [CGS § 5-248\(a\)](#) provides for unpaid leaves of absence, except there may be paid leave for educational purposes for employees to study or receive technical training)
- Is effective retroactively to December 31, 2020, through the duration of the public health and civil preparedness emergencies, unless earlier modified (EPSLA expired on December 31, 2020) ([EO 10](#), § 6, Feb. 4, 2021)

### ***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 9D:

- Authorizes the education commissioner to waive, through January 31, 2021, the student data privacy law requirements for contractors and boards of education regarding contracting and sharing or providing access to student information in order to provide remote learning opportunities under any educational model



- Amends prior order ([EO 7I](#), § 5, Mar. 21, 2020; [EO 9D](#), § 2, Sept. 25, 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)

## ***Summer School***

### EO 7PP:

- Prohibits all local or regional boards of education from operating summer schools before July 6, 2020
- Requires the education commissioner, in consultation with public health experts and the [Reopen Connecticut Advisory Group](#) Subcommittee on PreK-12 Education, to issue guidance for operating in-person summer school classes after that date, and allows him to issue related implementing orders
- Encourages private schools that operate summer school programs to follow the above schedule and guidance ([EO 7PP](#), § 9, May 18, 2020)

## **Child Care**

### ***Cancellation of Resident Camp Operations***

EO 7PP:

- Prohibits all operations of resident camps (i.e., camps that accommodate five or more children ages three to 16 for at least 72 consecutive hours and in which the attending campers eat and sleep) ([EO 7PP](#), § 8, May 18, 2020)

### ***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) ([EO 7Q](#), § 1, Mar. 30, 2020; [OEC Coronavirus Memo #15](#), revised Jun. 3, 2020)

EO 7AAA:

- Authorizes the OEC commissioner, in consultation with the Department of Public Health (DPH) commissioner, for the duration of the declared emergencies, to modify or remove the limit on the (1) number of children permitted in one space in a child care facility and (2) total number of children that a child care facility may provide care for
- Allows the OEC commissioner to issue any necessary implementing orders
- Amends prior order ([EO 7Q](#), § 1, Mar. 30, 2020; [EO 7 AAA](#), § 2, Jun. 17, 2020; [OEC Coronavirus Memo #15](#), revised Jun. 3, 2020)

### ***Child Care Operation Sizes***

EO 7VV:

- Requires child care operations that seek to care for more than 50 children in one facility to get the OEC commissioner's approval and demonstrate that groups in the facility are sufficiently separated
- Amends prior order ([EO 7Q](#), § 1, Mar. 30, 2020; [EO 7VV](#), § 1, Jun. 2, 2020; [OEC Coronavirus Memo #15](#), revised Jun. 3, 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 Coronavirus Memo #15](#), revised Jun. 25, 2020)

EO 7BBB:

- Authorizes the OEC commissioner, in consultation with the DPH commissioner, to modify or amend the enhanced health procedures established for child care centers under [EO 7Q](#) for the duration of the declared emergencies
- Amends prior order ([EO 7Q](#), § 2, Mar. 30, 2020; [EO 7BBB](#), §5, Jun. 24, 2020; [OEC Coronavirus Memo #15](#), revised Jun. 25, 2020)

### ***Health Procedures for Day Camps***

EO 7PP:

- Requires day camps and day camp programs that are exempt from licensing requirements, regardless of the operator, to comply with the (1) limitations on child group sizes and enhanced health procedure requirements established under [EO 7Q](#) and (2) health and sanitation practices ordered by the OEC commissioner
- Requires the OEC commissioner, in consultation with public health experts and the Reopen Connecticut Advisory Group Subcommittee on PreK-12 Education, to issue guidance on the safe operation of day camps and any implementing order she deems necessary ([EO 7PP](#), § 7, May 18, 2020)

EO 7BBB:

- Authorizes the OEC commissioner, in consultation with the DPH commissioner, to modify or amend the enhanced health procedures established for day camps under [EO 7PP](#) for the duration of the declared emergencies
- Amends prior order ([EO 7 PP](#), § 7, May 18, 2020; [EO 7BBB](#), § 5, Jun. 24, 2020; [OEC Coronavirus Memo #18](#), revised Jun. 3, 2020)

### ***Limitation on Day Camp Operation***

EO 7PP:

- Prohibits day camps from operating until June 22, 2020

- Applies to all day camps, including municipal-operated camps, that were not operating as of May 5, 2020, whether or not exempt from state licensing requirements ([EO 7PP](#), § 6, May 18, 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)

### ***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 Coronavirus Memo # 7](#), Mar. 16, 2020; [OEC Coronavirus Memo #8](#), Mar. 20, 2020; [OEC Coronavirus Memo #9](#), Mar. 20, 2020; [OEC Coronavirus Memo #21](#), Apr. 27, 2020; [OEC Coronavirus Memo # 22](#), May 8, 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; SDE [180-Day Waiver Guidance](#), Apr. 3, 2020; SDE guidance on [IDEA Due Process During the COVID-19 Pandemic](#), Apr. 6, 2020; SDE guidance on [Continued Educational Opportunities and Special Education – Update #1](#), Apr. 24, 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)

## Graduation Ceremonies

### *Drive-In Ceremonies*

EO 9F:

- Allows drive-in graduation ceremonies to be held with no capacity limitations for the duration of the declared emergencies, as long as the following safety precautions are followed:
  1. all attendees remain in vehicles, except for graduates briefly leaving to receive diplomas, and
  2. either (a) vehicle windows remain closed or (b) vehicles remain at least six feet apart and all attendees wear masks or cloth face coverings
- Allows the education commissioner to issue mandatory guidance for safe conduct at ceremonies
- Amends prior order ([EO 7XX](#), § 2, Jun. 5, 2020; SDE [graduation ceremony guidance](#), May 14, 2020; [EO 9F](#), § 2, Oct. 8, 2020)

### *Indoor Ceremonies*

EO 9K:

- Limits capacity at indoor graduation ceremonies to either of the following, whichever is smaller: up to (1) 50% of the venue's capacity or (2) 100 people
- Supersedes the attendance capacity limitations in previously-issued guidance from SDE and DPH ([EO 9K](#), § 3, Nov. 5, 2020; SDE [in-person graduation ceremony guidance](#), Jun. 18, 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)

## **School Nutrition Programs**

### ***Program Flexibility***

EO 9K:

- Allows the education commissioner, for the duration of the public health emergency, to temporarily waive or modify any requirements in state laws and regulations that make a school district's eligibility for state funding for school breakfast and lunch programs contingent upon participating in a specific federal food and nutrition program, where:
  1. a local or regional board of education's participation has been changed as a result of widespread participation in emergency programs authorized by the U.S. Department of Agriculture to operate due to the public health emergency and
  2. the district continues to participate in a relevant federal child nutrition program ([EO 9K](#), § 8, Nov. 5, 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; OEC/SDE [implementing memorandum](#), Apr. 24, 2020)

### *Birth to Three Program Family Fees*

EO 70:

- Allows the early childhood commissioner, for the duration of the declared emergencies, 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 Coronavirus Memo #14](#), Mar. 29, 2020)

### *Insurance Coverage for Birth to Three Program*

EO 7RR:

- Requires individual and group health insurance policies, for the duration of the declared emergencies, to continue providing coverage for medically necessary remote early intervention services provided by qualified personnel after a covered child's third birthday when the child's services were continued under [EO 7DD](#), § 10 ([EO 7RR](#), § 2, May 21, 2020)

## Sports

### *Safe Conduct of Youth Sports – DECD Mandatory Rules*

EO 9K:

- Authorizes the economic and community development commissioner, in consultation with the public health commissioner, to establish mandatory rules for the safe conduct of youth sports
- Repealed by EO 9M; see OLR's Report [COVID-19 Executive Orders Affecting Health and Human Services](#), Sports Safety Rules subheading, for modified order on rules for sports safety (not just for youth sports) ([EO 9K](#), § 4, Nov. 5, 2020; [EO 9M](#), § 1, Nov. 20, 2020)



# State Department of Education

## *Commissioner's Regulation Waiver Authority*

EO 7PP:

- Allows the education commissioner to temporarily waive, modify, or suspend any Title 10 agency regulations for the duration of the declared emergencies in order to reduce the spread of COVID-19 and protect the public health
- Exempts the commissioner from requirements in state law applicable to action on regulations, including those requiring prior notice, public comment, attorney general approval, and legislative regulation review committee approval, among others ([EO 7PP](#), § 10, May 18, 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 for the duration of the emergencies
- 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))

### *Substitute Teachers*

EO 90:

- Authorizes the education commissioner to temporarily waive or modify the requirements in law, regulations, rules, or policies regarding the employment, including the approval process, of substitute teachers who do not hold a bachelor's degree
- Authorizes the commissioner to establish binding rules to implement the order and provides that these rules will not be considered state regulations ([EO 90](#), § 1, Dec. 1, 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 for the duration of the emergencies
- 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, for the duration of the declared emergencies, 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)