



## What Executive Order 2020-51 Means for Arizona School Districts

Prepared by

Gust Rosenfeld, P.L.C.

Jennifer MacLennan, Esq.

Udall Shumway, P.L.C.

Denise Lowell-Brit, Esq.

On July 23, 2020, Governor Ducey signed Executive Order 2020-51 (*Arizona: Open for Learning*) (EO 2020-51). The Executive Order and related Arizona: Open for Learning Plan outline the Governor's plan for resuming educational opportunities for Arizona students. It includes requirements that school districts must follow but leaves the decision of when to resume full in-person learning to governing boards.

The purpose of this document is to provide input on what Executive Order 2020-51 means to school districts and to provide related suggestions based upon our review and analysis of EO 2020-51, the Governor's related Arizona: Open for Learning Plan and the Arizona Department of Education's (ADE) July 24, 2020 FAQ relating to the same.

On August 3, 2020, ADE issued two pieces of guidance to assist school districts with complying with the on-site support services requirements contained in EO 2020-51 and prior Executive Orders: On Site Support Services Overview and Guidance on On-Site Learning Opportunities and Support Services, and District and Charter Waivers, found at <https://azednews.com/arizona-dept-of-educations-on-site-support-services-guidance-and-overview/>.

### Checklist for Potential Governing Board Actions:

- ✓ Any changes to the start date of instruction or school calendar.
- ✓ Mitigation plans for health and safety protocols to be implemented.
- ✓ Distance learning plans.
- ✓ Face covering policy or regulation.
- ✓ Board action to approve need to retain workforce during time of closures prior to teacher led in person instruction.
- ✓ Board action to re-open buildings for in person teacher led classroom instruction.

Please see below for further guidance and consult with your Trust legal counsel regarding whether any of the above listed potential governing board items are applicable to your district.

## **Section 1: Public Health Benchmarks for Opening**

### What EO 2020-51 says:

The Arizona Department of Health Services (ADHS) will develop public health benchmarks by August 7, 2020. School districts are required to “consider” those benchmarks as one of the factors in determining when to open schools for in person teacher led classroom instruction. School districts must also approve a mitigation plan based upon guidelines issued by the Center for Disease Control (CDC). Districts must post the mitigation plan on their websites.

### What EO 2020-51 means:

Once published, governing boards will need to consider the health benchmarks developed in determining when in person teacher led classroom instruction shall resume in school buildings. Districts are required to consider, but are not required to meet the health benchmarks, to reopen brick and mortar classrooms. If a District wants to vary from the health benchmarks, it should proceed with caution.

Many school districts have already developed protocols regarding how they will implement social distancing, increased hygiene and other recommended strategies to reduce the spread of COVID-19. Those protocols may constitute the required mitigation plans.

### Tips/Ideas:

Districts may wish to have governing boards adopt the mitigation strategies developed as a board action item and authorize the Superintendent to alter the mitigation strategies as warranted or recommended.

## **Section 2: Distance Learning Instruction**

### What EO 2020-51 says:

School districts may count students as attending pursuant to A.R.S. § 15-901 on the first day of teacher led distance learning. Districts must submit distance learning plans to the Arizona Department of Education (ADE) prior to starting distance learning but no later than August 14, 2020. The Executive Order urges but does not require that school districts provide “synchronous” learning.

### What EO 2020-51 means:

ADE updated its FAQ on July 24, 2020 regarding the three executive orders issued to date. Prior FAQs indicated the requirement for school districts to operate for a minimum of 180 days was not waived; the updated ADE FAQ states specifically that school districts must have 180 days of instruction or the equivalent number of hours. School

districts may count hours of instruction provided during distance learning toward the requisite number of instructional hours required by A.R.S. § 15-901 under EO 2020-51.

While school districts are encouraged to provide synchronous learning (meaning in real time), this is not required by the Executive Order. Distance learning plans may range from paper and packet learning to real time instruction via a remote platform.

Tips/Ideas:

Districts may wish to have the governing board approve the distance learning plan submitted to ADE. Districts must define the minimum amount of contact needed from a student to count that student as attending for average daily membership (ADM) purposes.

### **Section 3: Free On-Site Learning**

What EO 2020-51 says:

Beginning on August 17, 2020, school districts must provide free on-site support services for students who need a place to go during any time of distance learning. Each school district may develop procedures to ensure it can maintain its mitigation plan, such as social distancing, but such procedures must not limit the availability of, or result in a refusal to provide such services. The services may be provided at specific schools or facilities. Schools districts are encouraged to partner with community organizations to provide the requisite services.

What EO 2020-51 means:

ADE's FAQ published July 24, 2020 states as follows regarding this issue:

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

A: Free on-site 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. On-site 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).

There is no requirement that school districts transport students to the on-site support services.

ADE's additional Guidance issued on August 3, 2020 includes the following statements:

- School districts can prioritize and manage where and how these on-site services are provided by communicating with their communities to assess students' needs, and determining the school district's available resources, funding sources, partnerships and collaborations to meet that demand.
- On-site support services must begin no later than August 17, 2020.
- Schools must make a physical space available to students who need a place to go during the day and can identify which students "meet this threshold criteria" by asking parents/guardians to identify their evolving needs on an on-going basis, including the targeted service their student requires and their scheduling needs.
- Schools are not required to provide all available support services on-site daily to every student who expresses a need.
- On-site support services must be offered the same number of days each week as school was in session last school year (unless a calendar change was approved for 2020-2021).

ADE's August 3, 2020 Guidance contains a section entitled, "Prioritizing Available Opportunities for On-Site Support Services. It appears to provide schools with flexibility in the scheduling of on-site support services to be able to meet the District's mitigation protocols. For example, the Guidance provides:

- Schools districts and charters have flexibility to determine how to comply with the requirement to provide on-site support services during distance learning.
- Schools are not required to provide all available services to every student who expresses a particular need.
- Schools can implement scheduling and utilization mechanisms to allow them to plan for the anticipated on-site capacity on any given day.

Tips/Ideas:

Neither ADE nor the Governor's office have defined how school districts are to meet the operational requirements of free on-site support services. School districts may employ non-certificated staff to supervise. Schools operating "learning labs" may do so at limited school locations. School districts may set building capacity limits based on need to mitigate the spread but are also charged with not turning students with need away.

There is no requirement that school districts transport students to the on-site support services.

One of the first orders of business will be to determine how many students will be attending on-site support services and what the needs of those students are to appropriately determine staffing needs and facility capacity.

Districts should consider whether choosing not to provide transportation for the on-site support services will impact the receipt of ADM funding, based upon the student's ability to meet the minimum contact requirements under the distance learning plan if the student is unable to get to the site. If school districts choose to provide transportation, districts may wish to seek guidance from ADE regarding funding for those transportation routes.

Schools may partner with community facilities so that the services are provided at an off-site location and may be creative in such partnerships, such as sending staff to the community partner to meet the student needs at that site.

#### **Section 4: Notification to Parents/ Guardians**

##### What EO 2020-51 says:

School districts must post on their websites their distance learning plans, mitigation plans, and plans for on-site support services. Districts must notify parents of the attendance requirements to participate in distance learning and of the availability of the on-site support services during distance learning.

Districts must make "direct contact" with certain subsets of its student population: special education students, English language learners, students who qualify for free and reduced lunch and those in the care of the Arizona Department of Child Safety.

##### What EO 2020-51 means:

The Executive Order does not define what "direct contact" means. Districts should use increased efforts to contact the more vulnerable populations of students. Direct mailing, e-mail, or phone contact are all appropriate.

ADE's updated FAQ indicates that districts must post the following items by the first day of distance learning instruction: distance learning plan; mitigation plan; and plan for on-site support services.

##### Tips/Ideas:

[A template for a notice letter to parents \(Appendix I\)](#) is included in this document. ADE is charged with monitoring school districts' efforts to contact and inform parents. It will be important that district staff create and maintain good documentation to prove that direct contact was made or attempted (e.g. phone logs, emails).

## Section 5: Face Coverings

### What EO 2020-51 says:

EO 2020-51 requires all students over the age of five (5) to wear face coverings until ADHS determines face coverings are no longer necessary. School districts must develop and implement policies regarding face coverings in schools. Districts may incorporate restrictions and exceptions consistent with Centers for Disease Control and Prevention (CDC) guidance. Policies must grant students breaks from wearing the face coverings when they can socially distance (e.g. on the playground with distancing) and allow breaks to take their face coverings off in a safe environment.

### What EO 2020-51 means:

The State has ordered face coverings to be implemented on all school campuses. If a student requests an exemption due to a medical condition, the district should follow a process under Section 504 of the Rehabilitation Act to determine if an accommodation may be granted. For example, accommodations offered could include use of a face coverings other than a tight mask (such as a face shield or a bandana) or the option to attend on-line school.

### Tips/Ideas:

The Arizona School Board Association is expected to issue sample policy language.

Some considerations for individualizing for each district include:

- To what extent will the district provide face coverings?
- Who will process any request for an accommodation regarding the face coverings?
- Who will enforce face covering requirements (teachers, administrators, etc.) and how will the requirement be enforced?

## Section 6: Employees

### What EO 2020-51 says:

EO 2020-51 recognizes the public benefit to maintain a school district's work force during school closures for future in-person teacher led instruction. A school district must determine that it has sufficient funds and that the payments are necessary. To be eligible for payment, District employees must remain committed and available to work during the employee's normal work hours during periods of school closures, whether the work is to be performed in-person or remotely or is alternative work for which the employee is qualified to perform *as determined by the District*.

### What EO 2020-51 means:

School districts retain the option to furlough employees or reduce their workforce as per policies and state law. However, EO 2020-21 provides school districts with the latitude to continue to pay their employees *even if there is no work for them to do*, so long as the employees commit to working when work is available for them to do.

Tips/Ideas:

Governing boards that exercise the discretion afforded by EO 2020-51 to pay employees may want to maintain data and artifacts that demonstrate the public purpose of continuing to pay staff during periods of closure (e.g. maintaining a properly trained qualified and experienced workforce, avoiding the expense of recruiting and training new staff, risk of staff shortages).

This document contains [a sample Governing Board Resolution \(Appendix II\)](#) that contains a sample resolution provision relating to this portion of EO 2020-51 and other provisions that are designed to address EO 2020-51 and other contingencies that may arise. We would encourage school districts to document the direct and indirect costs associated with reducing and then replacing its workforce if the district chooses to adopt a resolution that allows employees to remain in an on-call status.

Also provided are sample forms for [exempt \(Appendix III\)](#) and [nonexempt \(Appendix IV\)](#) employees that school districts can choose to use to have employees affirm their commitment to work if work is available during periods that in-person instruction is not possible due to building closures.

**Section 7: Developmental Preschools**

What EO 2020-51 says: School districts may begin immediate operation of developmental preschools to provide in-person services for children with disabilities, as long as the district follows CDC's public health recommendations for childcare facilities. This activity may occur prior to August 17, 2020.

What EO 2020-51 means:

A developmental preschool program typically serves both students with and without disabilities. Often, an individualized education plan for a preschooler with disabilities will include interactions with typical peers to enable learning via peer modeling. EO 2020-51 does not seem to limit school districts from including typical peers within the developmental preschool programs.

Tips/Ideas:

Districts will need to follow all CDC mitigation measures and all licensure requirements in operating developmental preschools. The provisions of EO 2020-51 specifically supersede any conflicting provisions in the two prior executive orders. Please direct any specific questions to Trust counsel.

We will continue to watch for new information from the Governor's Office, ADE and other relevant sources and update our communications accordingly.

**Disclaimer:** This document has been prepared for general informational purposes only and is not intended as legal advice or a substitute for legal advice.

## APPENDICES



APPENDIX I: SAMPLE LETTER TO PARENTS TO COMPLY WITH EO 2020-51

**NOTE:** All information in [red] should be filled in appropriately by the district. Districts may want to consult legal counsel before distributing the complete edited letter.

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[Parent/Guardian Name]  
[Address]

[Date]

Dear [Parent/Guardian Name]:

[INSERT: personal introduction.]

We are providing you the following information in accordance with Governor Ducey’s Executive Order 2020-51 issued on July 23, 2020. Please carefully read the following information below regarding the 2020-21 School Year.

**Distance Learning Plan**

Our Distance Learning Plan can be found on the District’s website, available at [Distance Learning Plan web address].

**Mitigation Plan**

Our mitigation plan to address measures to combat the spread of COVID-19 can be found on the District’s website, available at: [Mitigation Plan web address].

**School Calendar**

Distance learning will begin on [INSERT: first date of instructional calendar submitted to Arizona Department of Education]. Attached to this notice is a current copy of the District’s school calendar for the 2020-21 School Year.

[OPTION 1] Pending guidance from the Arizona Department of Health Services, we are currently anticipating beginning in-person, teacher-led classroom instruction on [start date]. This date is only an estimate and may be revised by the District at any time.

OR

[OPTION 2] Pending guidance from the Arizona Department of Health Services, we will set a projected date to begin in-person, teacher-led classroom instruction. This date is only an estimate and may be revised by the District at any time.

### **Attendance Requirements**

Your child will need to participate in the District's distance learning in order to be counted as present and attending. The District's distance learning plan requires the following minimum level of contact: [\[insert attendance or contact requirements from your distance learning plan\]](#).

Please note that state law (A.R.S. § 15-802) requires as follows:

- Every child between six and sixteen years of age must attend a school and be provided instruction in at least the subjects of reading, grammar, mathematics, social studies and science.
- The child's parent or guardian must enroll the child in a school and ensure that the child attends the school for the full time that school is in session. Our District is currently anticipating conducting 180-days of instruction during the 2020-21 school year (see attached school calendar).
- Certain exceptions apply to these attendance requirements, such as medical necessity. If you believe your child qualifies for such an exception, please contact your local school's attendance clerk.

### **Free On-Site Learning Opportunities and Support Services**

Beginning on August 17, 2020, we will begin offering free on-site learning opportunities and support services for students who need a place to go during the school day.

- Please be advised that free on-site learning opportunities and support services **are not** teacher-led classroom instruction. However, free on-site learning opportunities and support services will include in-person support services such as student supervision and strategic support for students in need during standard school hours, and may include teacher-led or paraprofessional support for students engaging in distance learning instruction.
- If you believe your child needs a place to go during the day, please contact [\[district representative\]](#) at [\[phone\]](#) or [\[email\]](#) to discuss whether your child qualifies for this service. **[OPTIONAL INSERT:** The Arizona Department of Education currently describes this service as a "safe learning space for students who are at-risk, in special education programs or who are the students of essential workers." For more information on this service and qualifications, please visit our website at [\[insert free-onsite learning web address\]](#).
- Please be advised that free on-site learning opportunities and support services may be suspended or terminated if the District or the Arizona Department of Health Services advises closing the premises for public health reasons or in the best interests of the staff and students.

To learn more about our free-onsite learning opportunities and support services, please visit the District's website at [\[insert free-onsite learning web address\]](#). The details of these services may be modified based on additional guidance from ADE. Updates will be posted on the District website [\[insert district web address\]](#).

[INSERT: personal closing statement.]

If you have any questions or concerns about the information in this letter, or if you need additional assistance, please contact us at: [district representative] at [phone] or [email]. The information contained in this letter may change as the situation changes, and in accordance with any applicable law, regulation, order or Governing Board policy. *Please continue to regularly review the websites listed below for important updates.*

Thank you,  
[Superintendent]

***Attached:***

[District's 2020-21 School Calendar]  
Arizona Revised Statute § 15-802

**Important Websites**

- District's 2020-21 School Calendar: [District's 2020-21 School Calendar web address]
- Distance Learning Plan: [Distance Learning Plan web address]
- Mitigation Plan: [Mitigation Plan web address]
- On-site Learning Opportunities and Services Plan: [free-onsite learning web address]
- Arizona Revised Statute § 15-802, available at: <https://www.azleg.gov/ars/15/00802.htm>
- Governor Ducey's Executive Order 2020-51, available at: <https://azgovernor.gov/executive-orders>

**APPENDIX II: SAMPLE GOVERNING BOARD COVID-19 REOPENING RESOLUTION**

**ABC SCHOOL DISTRICT NO.00  
OF [ ] COUNTY, ARIZONA**

**RESOLUTION RE: COVID-19**

WHEREAS, the ABC School District (“the District”) closed schools effective March 16, 2020, pursuant to orders from the Governor of Arizona (the “Governor”) and the Arizona Superintendent of Public Instruction; and

WHEREAS, subsequent orders and legislation called for the closure of schools for the remainder of the 2019-2020 academic year due to the outbreak of COVID-19 in Arizona; and

WHEREAS, the Governor’s Executive Orders 2020-18, 2020-24 and 2020-33 (the “Closure Orders”) established certain restrictions on public activities in response to the COVID-19 outbreak; and

WHEREAS, the Governor’s Executive Order 2020-36 (the “Return Order”) was issued outlining requirements for businesses and other Arizona entities to assist in mitigating the spread of COVID-19 as they reopened;

WHEREAS, Executive Order 2020-41 (2020-2021 School Year Prioritizing Kids and Schools During COVID-19) was issued on June 24, 2020 and Executive Order 2020-44 (Protecting Public Health for Students and Teachers) was issued on June 29, 2020;

WHEREAS, Executive Order 2020-51 (Arizona: Open for Learning), was issued on July 23, 2020, outlining the Governor’s plan for the reopening of schools for the 2020-2021 school year; and

WHEREAS, the Governing Board wishes to resume educational activities and business operations for the 2020-2021 school year in a manner that is consistent with existing Executive Orders but with recognition that there are many unknowns about future conditions that affect the District’s ability to conduct its educational mission and other activities and that current Executive Orders may be superseded or modified by future Executive Orders or federal or state laws;

NOW, THEREFORE be it resolved by the Governing Board of the ABC School District of \_\_\_\_\_ County, Arizona that:

The Governing Board hereby takes the following action and/or directs and/or authorizes the District’s Superintendent or his designees, to take the following actions to ensure

that the District complies with Executive Order 2020-51 and the provisions of Executive Orders 2020-41 and 2020-44 still in effect:

1. In conformity with Order 1 of Executive Order 2020-51,
  - a. The Governing Board has considered the public health benchmarks developed by the Arizona Department of Health Services for the safe return of in-person, teacher led instruction issued on August [REDACTED], 2020, as well as guidance from [REDACTED] County health officials, community needs and available resources;
  - b. **ALTERNATIVE 1: IF THE BOARD PREVIOUSLY DETERMINED A DATE TO REOPEN AND WANTS TO AFFIRM:** Based upon the Governing Board's consideration of the information and factors set forth in paragraph 1.a above, the Governing Board affirms its prior action on [REDACTED], 2020 to approve the return to in-person, teacher led classroom instruction on [REDACTED], 2020, if the District can do so in a manner consistent with the Arizona Department of Health Services public health benchmarks and guidance from [REDACTED] County health offices in effect at that time, and with consideration for community needs and available resources.
  - c. **ALTERNATIVE 2: IF THE BOARD IS TAKING INITIAL ACTION TO CHOOSE A DATE:** The Governing Board approves the return to in-person, teacher led classroom instruction beginning on [REDACTED], 2020, if the District can do so in a manner consistent with the Arizona Department of Health Services public health benchmarks and guidance from [REDACTED] County health offices in effect at that time, and with consideration for community needs and available resources;
  - d. If the District is unable to begin in-person, teacher led instruction beginning on [REDACTED], 2020 as anticipated in paragraph 1.b above, the Governing Board shall reconvene to consider the Superintendent's recommendation for a new proposed date for the District to return to in-person, teacher led classroom instruction; and
  - e. The District will adopt a mitigation plan that refers to mitigation strategies as outlined by the Centers for Disease Control and Prevention prior to opening its school buildings for on-site support services or in-person instruction.
2. In conformity with Order 2 of Executive Order 2020-51, the Governing Board directs and/or authorizes the District's Superintendent or his designees, to take the following actions:
  - a. Ensure that teacher-led distance learning instruction begins by the first day of the District's instructional calendar submitted to the Arizona Department of Education; and
  - b. Submit the District's distance learning plan to the Arizona Department of Education no later than the start date of distance learning instruction or

August 14, 2020, whichever is earlier.

3. In conformity with Order 3 of Executive Order 2020-51, the Governing Board directs and/or authorizes the District's Superintendent or his designees, to take the following actions:
  - a. Arrange for free on-site learning opportunities and support services for students who need a place to go during the school day, beginning on August 17, 2020;
  - b. Develop procedures to help ensure that social distancing and other mitigation strategies are implemented for the free on-site programs;
  - c. Pursuant to Order 3.d of Executive Order 2020-51, authorize the Superintendent to apply for a waiver of the requirement to provide free on-site learning if the County Health Department, in conjunction with the Arizona Department of Health Services (ADHS), advises the District to close due to a COVID-19 outbreak.
4. In conformity with Order 4 of Executive Order 2020-51, the Governing Board directs and/or authorizes the District's Superintendent or his designees to comply with the posting and notification requirements described in Order 4.a – d.
5. In conformity with Order 5 of Executive Order 2020-51, the Governing Board directs and/or authorizes the District's Superintendent or his designees to develop, recommend and implement a policy relating to face coverings, and revise the same as needed to comport with new guidance or requirements from the ADHS and/or the Centers for Disease Control and Prevention (CDC).
6. In conformity with Order 6 of Executive Order 2020-51, the Governing Board has determined that it will continue to pay its employees or classes or employees, including hourly employees, during periods of school building closures based upon data and information provided by the Superintendent and other sources that affirms that such payments:
  - a. Are necessary to preserve a properly trained, qualified and experienced workforce;
  - b. Serve the public purpose of protecting the District's investment in its workforce;
  - c. Are feasible because the District has sufficient revenues to continue such payments; and

To be eligible for payment, District employees must remain committed and available to work during the employee's normal work hours during periods of school closures, whether the work is to be performed in-person or remotely or is alternative work for which the employee is qualified to perform.

7. The Governing Board authorizes the Superintendent to work with relevant

governmental authorities to comply with all laws, regulations, Orders and guidelines designed to prevent the spread of COVID-19 as the District resumes its operations and activities. The Superintendent may implement regulations or protocols to support such compliance.

8. The District's regular practices, protocols and procedures, as set forth in Governing Board Policies, Administrative Regulations, Board adopted Employee Agreements or otherwise, may not be reasonable, feasible or advisable to implement during the COVID-19 outbreak. Therefore, the Governing Board authorizes the Superintendent to temporarily suspend compliance with or implementation of the same as needed to comply with applicable laws, regulations, Orders and guidelines, and/or to promote the health, safety and welfare of the school community and/or to efficiently and effectively operate District programs and services during the COVID-19 pandemic. Should the Superintendent exercise the discretion authorized by this Section, the Superintendent shall provide the Governing Board with prompt notice of the actions taken.
9. The Governing Board authorizes the Superintendent execute any further documentation to effectuate this Resolution, including but not limited to any requisite documentation required by the Arizona Department of Education or legal authorities with jurisdiction over the District.
10. To the extent that any provision in this Resolution conflicts with or is superseded by enacted federal or state legislation or local ordinances, the District shall comply with those laws or ordinances.

This Resolution was adopted at a properly noticed meeting of the Governing Board on \_\_\_\_\_, 2020. The Governing Board hereby authorizes the Governing Board President to sign this Resolution on behalf of the Governing Board.

**ABC SCHOOL DISTRICT**

By: \_\_\_\_\_, 2020  
Governing Board President

## APPENDIX III: EXEMPT EMPLOYEE FORM

### ABC SCHOOL DISTRICT

#### EMPLOYEE ACKNOWLEDGMENT OF RESPONSIBILITIES FOR MAINTENANCE OF PAY

#### EXEMPT EMPLOYEES

Pursuant to the Governor’s Executive Order 2020-51, paragraph 6, ABC School District’s Governing Board has determined that I will continue to be paid at my regular salary for my regular work schedule during school building closure because it has determined that such payments are necessary to preserve a properly trained, qualified and experienced workforce.

To receive such pay during periods of school building closures, I hereby commit to the following terms:

1. I will remain committed and available to work during my normal work hours or during periods of school building closures, whether the work is to be performed in-person or remotely, or if I am given an alternative work assignment for which I am qualified;
2. If I am unavailable at any time during my normal work hours, I will request leave pursuant to normal procedures and will be available if leave is not available or granted;
3. I acknowledge that any leave taken will be deducted per normal procedures from my accrued leave, unless as otherwise required under the Families First Coronavirus Response Act (“FFCRA”); and
4. I affirm that I will not apply for unemployment benefits for which I am not lawfully entitled.

I understand that the Governing Board may revoke its decision to continue payment of my wages or reduce pay and/or hours worked if necessary for the efficient operation of the District. If so, I will be provided prior notice of the Governing Board’s decision.

**Employee name (printed):**

\_\_\_\_\_

Date: \_\_\_\_\_

**Employee signature:**

\_\_\_\_\_

Work site: \_\_\_\_\_



## APPENDIX IV: NONEXEMPT EMPLOYEE FORM

### ABC SCHOOL DISTRICT

#### EMPLOYEE ACKNOWLEDGMENT OF RESPONSIBILITIES FOR MAINTENANCE OF PAY

#### NON-EXEMPT EMPLOYEES

Pursuant to the Governor’s Executive Order 2020-51, paragraph 6, ABC School District’s Governing Board has determined that I will continue to be paid at my regular hourly rate for my regular work hours during school building closure because it has determined that such payments are necessary to preserve a properly trained, qualified and experienced workforce.

To receive such pay during periods of school building closures, I hereby commit to the following terms:

1. I will remain committed and available to work during my normal work hours or during periods of school building closures, whether the work is to be performed in-person or remotely, or if I am given an alternative work assignment for which I am qualified;
2. If I am unavailable at any time during my normal work hours, I will request leave pursuant to normal procedures and will be available if leave is not available or granted;
3. I acknowledge that any leave taken will be deducted per normal procedures from my accrued leave, unless as otherwise required under the Families First Coronavirus Response Act (“FFCRA”); and
4. I affirm that I will not apply for unemployment benefits for which I am not lawfully entitled.

I understand that the Governing Board may revoke its decision to continue payment of my wages or reduce pay and/or hours worked if necessary for the efficient operation of the District. If so, I will be provided prior notice of the Governing Board’s decision.

**Employee name (printed):**

\_\_\_\_\_

Date: \_\_\_\_\_

**Employee signature:**

\_\_\_\_\_

Work site: \_\_\_\_\_

**Disclaimer:** This document and all appendices have been prepared for general informational purposes only and are not intended as legal advice or a substitute for legal advice.