



## GOVERNING BOARD AGENDA ITEM AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10

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**DATE OF MEETING:**      **March 24, 2020**

**TITLE:**            **Approval of Resolution to Direct Actions of District Personnel During School Closures Related to COVID-19 Coronavirus**

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**BACKGROUND:**

On January 31, 2020, the United States Department of Health and Human Services declared a Public Health Emergency related to the COVID-19 coronavirus outbreak. On March 11, 2020, the World Health Organization declared the spread of COVID-19 to constitute a pandemic. Thereafter, on that same date, the Governor of the State of Arizona declared that a State of Emergency exists in Arizona due to the COVID-19 outbreak. Two days later, the President of the United States proclaimed the COVID-19 outbreak a national emergency in the United States.

On March 15, 2020, the Governor of Arizona and the Arizona Superintendent of Public Instruction closed all brick and mortar schools in Arizona due to COVID-19. They initially closed schools for two weeks, from March 13-27, 2020, to assist with slowing the spread of the coronavirus. Amphitheater Public Schools was only affected by that initial school closure during the week of March 23-27 since its schools were already scheduled to be closed for spring break from March 13-20, 2020. However, on Friday, March 20, 2020, the Governor of Arizona and the Arizona Superintendent of Public Instruction extended the school closures at least through April 10, 2020.

On March 16, 2020, President Trump and the Center for Disease Control and Prevention issued their “Coronavirus Guidelines for Americans: 15 Days to Slow the Spread” These guidelines are in effect through at least March 30, 2020. They include guidance to avoid social gatherings of more than ten (10) people; avoid eating and drinking at bars and restaurants, avoid discretionary travel and social visits, and following the directives of state and local authorities related to COVID-19. They also recommend that states with evidence of community transmission of COVID-19 close bars, restaurants, food courts, gyms, and other indoor and outdoor venues where people congregate. Following that advice, the governing authorities of Pima County, the City of Tucson, and the Town of Oro Valley all issued proclamations declaring a local emergency in connection with the COVID-19 outbreak.

On March 18, 2020, President Trump signed the Families First Coronavirus Relief Act (“Federal Act”) which makes sweeping changes to an employer’s legal obligations related to the COVID-19 outbreak. The Federal Act applies to public school districts like Amphitheater. Among other things, the Federal Act imposes mandates on Amphitheater to provide a paid sick and safe leave (“PSL”) for its employees for COVID-19-related reasons, it temporarily expands coverage for school and child care closures associated with COVID-19, and it imposes a paid leave requirement under the Family and Medical Leave Act (“FMLA”) for qualified employees. Qualified employers are obligated to comply with the Federal Act no later than April 2, 2020, and the Federal Act expires by its own terms at the end of the 2020 calendar year.

On that same date, identical Arizona bills SB1693 and HB2910 were simultaneously introduced in the Arizona State Legislature to address the school closures related to the COVID-19 outbreak. Since joined into the single bill known as “HB2910”, the Arizona bill has been approved by the House and, as of the date of this agenda item, is currently before the Senate for consideration. If approved by the Senate and signed into law by the Arizona Governor, HB2910 will provide the following enactments related to the school closures:

- Instructional time requirements lost due to the school closures from March 15-27, 2020 will be waived and will not need to be made up.
- Beginning March 30, 2020, each public school will be required to offer general education to students through “alternative formats” (as determined by the public school) for the duration of the closure, and if applicable, thereafter until the end of the 2019-2020 school year.
- The State Board of Education will be required to adopt rules for high school graduation.

- The Move on When Reading requirements for the 2019-2020 school year for third grade students' promotion will be removed.
- State-mandated assessments for the 2019-2020 school year will be cancelled.
- School districts will be authorized to pay employees, including hourly employees, for the duration of the statewide school closure, subject to the following:
  1. Employees who can work remotely may do so beginning March 30, 2020 until the closure is lifted; and
  2. Employees who cannot perform tasks remotely may be reassigned to other tasks beginning March 30, 2020 through the duration of the closure.
- School buses may be used to perform school operations necessary to support students and their families during the closure as determined by the school.
- The Arizona Department of Education will be directed to apply to the U.S. Department of Education for waivers of federal food and nutrition, assessment and accountability requirements.

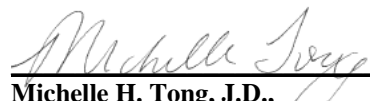
With these recent events related to the COVID-19 outbreak, and associated changes in the law that may be forthcoming, it is recommended that the Governing Board adopt a resolution directing Administration to implement changes to District operations for compliance with applicable federal, state and local laws related to the COVID-19 outbreak. This agenda item is proposed to permit the Governing Board to consider a proposed Resolution for this purpose.

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**RECOMMENDATION:** Administration recommends that the Board approve the proposed Resolution as presented.

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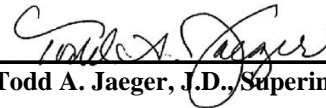
**INITIATED BY:**




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**Michelle H. Tong, J.D.,**  
Associate to the Superintendent and General Counsel

**Date: March 23, 2020**




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**Todd A. Jaeger, J.D., Superintendent**