

**Arizona Department of Education
Authority for School Closure during Influenza Pandemic**

Citation	Summary	Interpretation
Military Affairs and Emergency Management		
A.R.S. § 26-303(D) & -(E)	State of emergency, Governor authority over agencies and police power	The Governor does not have authority over public schools. However, the State may take action to mitigate the damage that would be caused by an epidemic.
A.R.S. § 26-301.15	“State of emergency” includes epidemic and allows the Governor, or a designee, to direct all state agencies to utilize state personnel, equipment and facilities to perform activities to prevent or alleviate actual and threatened damage due to the emergency	The Department of Health may perform necessary activities to mitigate potential damage that would be caused by an epidemic. This would include school closure for public and private schools.
Public Health and Safety		
A.R.S. § 36-624	County health department authority to quarantine and sanitary measures to prevent contagion	School closure is a mitigation strategy that can be considered sanitary measures.
Globe District v. Board of Health, 1919	County health department authority to close schools	Allows the county health dept. and the department of health services to close schools (and many other institutions) for pandemic.
ARS § 36-787	Health department authority during state of emergency for planning and executing public health...mitigation...coordination of local authorities	Authority over local authorities includes schools.
ARS § 36-788	Health department authority in isolation and quarantine	Authority already provided by 36-787.
Education		
A.R.S. § 15-183(E)(1)	Charters must comply with health and safety rules, regulations and statutes	If a school closure order is issued pursuant to A.R.S. § 36-624 to prevent a contagion, a Charter Operator must comply with orders from a county health department.

Order of authority:

1. Governor → State of Emergency → Health Dept. → direction to counties and schools to close in order to mitigate potential damage of an epidemic
2. County Health Department → direction to some or all schools to close
3. Charter Operator → may choose to close one or more of its charter schools under A.R.S. § 15-183.