



Arizona Department of Education

Executive Order 2021-04: Frequently Asked Questions

The Arizona Department of Education (ADE) will work closely with Governor Ducey's office and the Arizona Department of Health Services (ADHS) to answer any outstanding questions regarding [Executive Order 2021-04](#).

Q: What is the process for notifying ADE about compliance with EO 2021-04?

A: To notify ADE of compliance with EO 2021-04, public schools/LEAs must complete this form. You'll receive a confirmation receipt after completing the [form](#).

Q: What is the penalty or potential penalty for not being in compliance with EO 2021-04?

A: There are no punitive measures attached to Executive Order 2021-04, but as an Executive Order it does carry the weight of the law. Research from the CDC has shown that schools can safely operate in-person learning when mitigation strategies are layered and enforced. For these reasons, The Governor's office has stated clearly that they expect public schools to make a good faith attempt to meet the requirements laid out in the EO 2021-04.

Q: Is there any flexibility on when schools must offer in-person learning to all students? For example, some schools have planned on opening a week later, while others may need more time to operationalize in-person learning with mitigation strategies in place.

A: The Arizona Department of Education acknowledges that there are significant concerns with operationalizing EO 2021-04 in the short window of time ahead of March 15th. Currently, there are no accommodations for plans decided by school boards prior to the release of EO 2021-04 on March 3, 2021.

We encourage school leaders to consider local factors when deciding how they will offer in-person learning to all students by the first Monday after their scheduled Spring Break, **or** by March 15th if the LEA does not have a Spring Break. If there are significant concerns, we encourage schools to work with the Governor's office.

Q: If public schools cannot socially distance under full in-person learning, are they allowed to offer hybrid learning? Can schools limit the number of in-person students to maintain social distancing in the classroom?

A: Hybrid instruction continues to be an option if all students have an in-person option and on-site support services are available to students when in-person instruction is not offered. The in-person option must be offered to all elementary students, but middle and high schools in counties with substantial community spread can limit or cap in-person instruction to reduce attendance.



Arizona Department of Education

Using guidance from the Center for Disease Control and Prevention (CDC), the Arizona Department of Education recommends a layered approach to mitigation strategies using the following key strategies:

- Use of masks (masks are still mandated in schools per [EO 2020-51](#))
- Social distancing of six feet where possible
- Regular hand washing and frequent disinfecting
- Use of contact tracing

More information on CDC strategies for safely reopening, including a toolkit of schools, are available on the [ADE COVID-19 webpage](#).

Q: Are public schools/LEAs required to offer virtual/remote learning? Does hybrid model alone satisfy the EO?

A: Public schools are not required to begin offering virtual/remote instruction if they were not already offering that option. However, in accordance with CDC guidance, families of students who are at risk for severe illness if exposed to COVID-19, or who live with people at increased risk, should be given the option of virtual/remote instruction regardless of the mode of learning offered.

A hybrid model alone may satisfy the EO as long as all students have an in-person option and on-site support services are available to students when in-person instruction is not offered.

Q: If a public school/LEA sits on tribal land and they have a stay-at-home order until further notice, are they required to comply with EO 2021-04?

A: Tribal stay-at-home orders stand and shall not be impacted by EO 2021-04. Arizona public schools must honor tribal sovereignty and accommodate students and families required and encouraged by sovereign Tribal Nations to stay in distance learning much like they would need to accommodate a child that has health issues and cannot attend in person.

Q: Are public schools/LEAs required to offer in-person instruction to all students every day of the week?

A: All elementary schools are required to provide full in-person instruction to families that request it. Middle and high schools located in counties with low or moderate transmission are required to provide in-person instruction to families that request it. In addition to the requirements to provide in-person options, schools are permitted to continue to offer hybrid and virtual/remote options.

For example, if a school typically operates on a 4-day week calendar schedule, then they should offer four full days of in-person instruction with virtual or remote options for families. If they typically operate a 5-day week calendar schedule, then they should offer five full days of in-person instruction with virtual or remote options for families.

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Arizona Department of Education

Q: For school finance, does this EO have implications for the calculation of Average Daily Membership (ADM)?

A: No, there is no impact to the calculation of ADM. There are no financial penalties associated with compliance of the executive order.

Q: What if the majority of parents have requested virtual learning?

A: Public schools still must offer all students an in-person learning option, even if the demands for in-person learning is limited.

Q: Executive order 2021-04 refers to both "reduced attendance" and "hybrid learning." How are these terms different?

A: "Reduced attendance" and "hybrid learning" are not essentially the same. "Reduced attendance" indicates that a school has the ability to cap or limit the number of students choosing in-person learning due to substantial transmission. In-person learning would not be an option to all students at "reduced attendance". In "hybrid learning", all students who want access to in-person learning must have access, even if alternating between remote learning.

Middle and high schools located in counties with substantial transmission may take measures to reduce attendance, which may include capping in person student attendance and/or offering a hybrid option that limits the number of days or hours a student is participating in person.

Q: How should public schools/LEAs proceed if they have internal professional development days scheduled for the week of March 15th?

A: Schools should follow their approved and published school calendar, including maintaining internal professional development days, as approved by their school board.

Q: If public schools/LEAs have already surveyed families to establish in-person and distance learning options, do they need to offer that survey again ahead of March 15th?

A: No, if a school has already surveyed parents to establish in person and virtual options, then they don't have to do so again.

Q: Do the AzM2 guidelines from the ADE change under the EO?

A: ADE's assessment guidelines, including those for AzM2 are not impacted by the EO. For more information on assessments, [please visit our ADE Assessments page](#).

Q: What changes were made to the ADHS benchmarks?

A: The ADHS benchmarks were changed to align with updated CDC guidance. Additionally, ADHS data is now reported on the week prior, not two weeks prior. [Please visit the ADHS COVID-19 and Schools page for more information](#).



Arizona Department of Education

Q: What happens if a teacher, staff or student needs to quarantine?

A: Public schools should follow quarantine policies issued by ADHS and local health departments to determine next steps for teacher, staff or students. Please visit the [ADHS website](#) for more information and/or reach out to your local county health department. A list of county health department contacts can be found on the [ADE COVID-19 webpage](#).

Q: When a county moves to low or moderate transmission, is it the expectation that middle schools and high schools will be open for all in-person learners, per a parent's request?

A: For counties in low or moderate spread, all schools (including middle and high schools) will offer in-person instruction. In accordance with CDC guidance, families of students who are at risk for severe illness if exposed to COVID-19, or who live with people at increased risk, should be given the option of virtual/remote instruction regardless of the mode of learning offered.

Q: What guidance can be provided for districts that are in a county with a vaccine shortage and many of the staff want vaccines but haven't been able to get them?

A: The EO does not provide consideration for access to vaccines. With that said, the CDC considers vaccines to be just one part of a successful mitigation strategy. For schools with a limited number of vaccinated staff, we highly encourage them to lean on other mitigation strategies like mask wearing and social distancing.