

Your Question:

A department of education staff member asked for information on whether states are identifying school employees, including teachers, as essential workers. There was also an interest in which governmental entity is responsible for identifying essential workers (e.g., local education agencies, governors, state education agencies (SEAs), etc).

Our Response:

The determination of essential workers is an ongoing process and federal and state guidance continues to develop in response to the COVID-19 pandemic. Building off of the [essential worker research](#) conducted by National Conference of State Legislatures, this document provides information specific to education essential worker policy. At this time, most guidance is centered around sectors or job sectors, but does not usually specify which roles within a sector are essential. Guidance around sectors rather than specific positions may be to allow greater flexibility for schools, school districts and SEAs to determine which school employees to consider essential workers.

Alabama: Alabama’s governor included education in the list of essential operations. The [executive order](#) (April 2020) includes “educators supporting public and private K-12 schools, colleges and universities or other educational institutions, for purposes of facilitating distance learning and education continuity plans approved by the State Superintendent of Education, performing critical research or other essential functions, including public schools preparing and transporting distance-learning materials and meals to eligible students and colleges providing lodging for students” as essential. However, in-person classes were not permitted unless they were classified as daytime special activities provided by local boards of education to certain children of essential workers.

Alaska: Alaska [determined](#) (May 2020) that educational institutions that facilitate distance learning are essential. The policy was released by the governor, commissioner of the Alaskan Department of Health and Social Services, and the state chief medical officer.

California: In response to Gov. Newsom’s [executive order](#) (March 2020), the state public health officer released a [list of essential workers](#) (April 2020). The list includes “workers supporting public and private childcare establishments, pre-K establishments, K-12 schools, colleges, and universities for purposes of distance learning, provision of school meals, or care and supervision of minors to support essential workforce across all sectors” as essential workers if remote work is not practical. [S.B. 275](#) (pending 2020) would provide a statutory definition of essential workers that includes primary and secondary school workers.

Colorado: Colorado Department of Public Health and Environment issued [an order](#) (March 2020) stating that K-12 and postsecondary institutions are considered essential businesses. The order states:

“K-12 public school and private schools for the purpose of providing meals, housing, facilitating or providing materials for distance learning, and providing other essential services to students, provided that Social Distancing Requirements are observed. Postsecondary institutions, including private and public colleges and universities, for the purpose of facilitating distance learning or performing essential functions, provided that Social Distancing Requirements are observed, such as security, medical and mental health services, housing, food services, and critical research.”

Illinois: While the [executive order](#) (March 2020) from Gov. Pritzker lists educational institutions as an essential operation, it does not provide further details. However, the Illinois State Board of Education issued [guidance](#) (April 2020) addressing the role of essential workers in schools. The guidance states that “Personnel who are preparing and distributing learning materials to students and personnel who are providing janitorial services are performing essential functions and are exempt from the stay at home mandate.”

Montana: In Montana, an [executive order](#) (March 2020) from Gov. Bullock included educational institutions as essential businesses. Specifically, the executive order states “Educational institutions—including public and private pre-K-12 schools, colleges, and universities—for purposes of facilitating remote learning, performing critical research, or performing other essential functions consistent with prior Directives on school closures and the continued provision of certain services, provided that social distancing of six-feet per person is maintained to the greatest extent possible.” In a previous [executive order](#) (March 2020), Gov. Bullock specified that workers providing meal services to children were exempt from closure guidelines.

Pennsylvania: According to the governor’s [list of industries](#), education services were not permitted to resume in-person activities. [Guidance](#) (June 2020) from the department of education states that decisions around essential staff in schools should be made locally. The department notes that essential staff include but are not limited to “administration, food preparation and distribution, housing, information technology, building maintenance, and operations (e.g., payroll).”

Washington: Gov. Inslee designated essential workers as part of his [executive order](#) and included “workers supporting public and private childcare establishments, licensed pre-K establishments, K- 12 schools, colleges, and universities for purposes of distance learning, or the provision of school meals, or child care for the children of essential workers across all sectors and for uniquely vulnerable children.”

Wyoming: The Wyoming Department of Health issued guidance around essential businesses and positions. In the [memo](#) (March 2020) the department states that staff and teachers of K-12 schools may be allowed to continue work in school buildings to facilitate distance learning, with the permission of their superintendents. The memo also instructed superintendents to facilitate food service. Colleges, universities and trade schools were instructed to not hold in-person classes, but staff and teachers could work in buildings to facilitate distance learning and food could still be prepared. In a [press release](#) (March 2020), the state superintendent and governor encouraged district leaders to determine which services were essential.

[Additional Resource:](#)

Council of Chief State School Officers (CCSSO) recently published its [Restart and Recovery](#) guidance. CCSSO’s guidance around [system conditions](#) contains a section on staffing that you may find useful.