Your Question

How are states responding to the coronavirus outbreak?

Our Response

Below, we include state policy action specifically responding to the coronavirus and public schools, a sampling of state policies regarding emergency school closures and online or distance education that may be relevant, and a list of relevant resources regarding the coronavirus and schools that may be useful. Because the situation is changing minute by minute, this information should not be considered all-inclusive; rather, it is a snapshot of what we know today.

State Policy in Response to the Coronavirus

- As COVID-19 spreads, most states have laws that address how schools should respond to pandemics, ChildTrends, March 11
  - This resource “provides the text of state statutes and regulations—as well as noncodified guidance from state health and education agencies—that relates to pandemic planning for schools.” The majority of these policies fall into the following categories:
    - “Mandatory notification by the school to the health department when a student is suspected of having a contagious disease.
    - Authorizations to exclude students from school and guidelines related to when they can be readmitted.
    - Authorization for school closures.
    - Provisions for teacher paid time off or paid medical leave in the event of school closures.
    - Provisions for how schools can adjust attendance calculations for state and federal accountability purposes and/or adjust school schedules by adding days or hours.”

Pending State Policy in Response to the Coronavirus (this list should not be considered all-inclusive)

- **New Jersey** S. 2027. This bill would permit the use of virtual or remote instruction to meet a minimum 180-day school year requirement under certain circumstances, including an epidemic.
- **New York** S. 07996. This bill would provide that school districts are entitled to an apportionment of state aid for schools closed in response to coronavirus, even if no state of emergency has been declared.
- **New York** S. 08014. This bill would provide that 853 schools — operated by private agencies for students with disabilities — would continue to receive funding during an outbreak-related school closure.
- **Maryland** H.B. 187. This bill would require public higher education institutions to create an outbreak response plan for instances where there is “an outbreak of a contagious disease at a public institution of higher education.”
- **Kentucky** SJR 246. This joint resolution would direct the Cabinet for Health and Family Services to create a report that includes “strategies to prevent the spread of COVID-19 in long-term care facilities, schools, and places of employment.”
According to this article from the Courier Journal, a bill is being considered in an emergency Kentucky House Education Committee meeting that would allow districts to use up to 20 non-traditional instruction days for a public health emergency. An updated version of the bill that contains these provisions is not yet available on the Kentucky General Assembly’s website.

Governors’ Executive Actions in Response to the Coronavirus (this list should not be considered all-inclusive)

- On Feb. 3, Gov. Phil Murphy of New Jersey issued this executive order to create a Coronavirus Task Force, which must include the head of the department of education or their designee. A March 9 executive order declared a state of emergency in New Jersey, which included an authorization for the department of education to “take appropriate steps to address the public health hazard of COVID-19, including increasing access and eliminating barriers to medical care, protecting the health and well-being of students, and protecting the health and well-being of State, county, and municipal employees while ensuring the continuous delivery of State, county, and municipal services.”
- On March 7, Gov. Andrew Cuomo of New York issued an executive order that declared a state of emergency. This included a suspension of certain laws “to the extent necessary to allow elementary and secondary schools to procure and use cleaning and maintenance products in schools” and to waive school requirements regarding “existing procurement policies and procedures.”
- Gov. Jared Polis of Colorado issued an executive order on March 10, declaring a state of emergency, which included his directions to ensure that workers in education “can get paid sick leave to miss work if they exhibit flu-like symptoms and have to miss work awaiting testing results for COVID-19.”
- Other gubernatorial declarations of emergency include California (March 4), Maryland (March 5) and Washington (February 29).

State Policy Regarding Emergency School Closures and/or Virtual Education

- While Education Commission of the States has not completed a 50-state scan on this issue, this Virtual School Policy Snapshot provides an overview of state legislative activity from 2017 to 2019 and may be useful to you. The snapshot provides information in three primary areas: attendance and engagement, authorizing and governance, and funding.
- This 50-state scan on charter school policies provides information on virtual charter schools.
- This 50-state resource on instructional time offers information that includes minimum day, hour or minute requirements. Although we do not specifically capture information regarding exceptions or waivers to these requirements because of emergencies (such as for an epidemic), many states make mention of such emergency provisions in similar or adjacent sections of code to those cited on this page.
- Although we do not have a comprehensive resource on states that permit e-learning during extenuating circumstances (for instance, snow days or a health emergency), below we provide several examples of related state policies. Note that while these states have a policy permitting e-learning for snow days, none appear to require it — so it may or may not be implemented at the district level in these states.
  - Illinois passed legislation creating a pilot program to understand the merits of an e-learning policy. Based on a scan of news sources, activity around e-learning appears to concentrate at the local level.
  - While it is not in state law, the department of education in Indiana has adopted formal rules and regulations for its e-learning day program.
Kentucky has a program that allows districts to have a “non-traditional instructional program” that allows students to continue their learning on days when school is canceled. The Legislature passed a bill during the 2018 session that directs the state department of education to adopt guidance regarding the program.

Ohio has a law that allows districts to adopt a plan addressing online learning programs (“e-learning”) in the event of school closure.

It also appears Pennsylvania had a pilot program to allow districts to permit students to complete work at home on snow days. It is not clear if the program continued beyond the 2017-18 school year.

Additional External Resources

Federal guidance regarding the coronavirus

- [COVID-19 (“Coronavirus” Information and Resources for Schools and School Personnel](https://www2.ed.gov), U.S. Department of Education, updated as information and resources become available.
- [Resources for K-12 Schools and Childcare Programs](https://www.cdc.gov), Centers for Disease Control and Prevention (CDC), last updated March 9
- [Resources for Institutes of Higher Education](https://www.cdc.gov), CDC, last updated March 8
- [Meal Service During Unanticipated School Closures, USDA Food and Nutrition Service Policy Memo](https://www.fns.usda.gov), November 5, 2019

School closings

Many schools and districts have been closing in response to the coronavirus and in an effort to reduce the disease’s spread. Below we have gathered some resources that document and comment on such closures.

- [Map: Coronavirus and School Closures](https://www.edweek.org), Education Week, last updated March 11
  - Education Week is continuing to update this map documenting closures due to coronavirus.
- [COVID-19 School Closures: Practical Actions to Prepare for Continued Student Learning](https://www.instructionpartners.org), Instruction Partners, March 10
- [To close or not to close: As schools weigh tradeoffs in light of coronavirus, here’s what research says](https://www.chalkbeat.org), Chalkbeat, March 9
- [What’s at Stake When Schools Close for the Coronavirus? A Bioethicist Weighs In](https://www.edweek.org), Education Week, March 5
- [Schools Should ‘Minimize Disruption’ Over Coronavirus, CDC Official Says](https://www.edweek.org), Education Week, March 3
- [Amid coronavirus fears, the CDC told schools to plan for remote learning. That’s harder than it sounds.](https://www.chalkbeat.org), Chalkbeat, March 3
- [Coronavirus and School Closures: What Are the Legal, Logistical Issues?](https://www.edweek.org), Education Week, February 28

Continuity of lunches/services during closing or a switch to online learning

Although many are considering shutting down schools or extending spring breaks as a method to prevent spread of the coronavirus, school closures can also bring about unintended consequences for students who rely on other services provided in schools, such as free or reduced-price lunches.

- [Shut Down by Coronavirus, Schools Scramble to Feed Students](https://www.edweek.org), Education Week, March 9
Remote/virtual/distance learning
Similarly, switching to virtual education may be one method to reduce the spread of coronavirus, but this move also can cause challenges for students who are not able to access internet-based education.

- Many Districts Won’t Be Ready for Remote Learning if Coronavirus Closes Schools, Education Week, March 5
- Coronavirus quarantines could rob poor, rural students of access to education, Politico, March 10
- Example of virtual education used in response to the coronavirus:
  - Florida Virtual School
    - “As the state’s online public school district, Florida Virtual School (FLVS) is prepared and available in the event of any impact or school closures due to COVID-19, and will support families and school districts to ensure students are able to continue their education.”

Postsecondary
Many postsecondary institutions are also closing or switching to online class delivery as a method to prevent the spread of the coronavirus. Below we have compiled some resources relevant to this topic.

- Crowdsourced, updating list of higher education school closures and/or transitions to online-only classes
  - https://gist.github.com/jessejanderson/09155afe313914498a32bba477584f4e
- The Coronavirus is Upending Higher Ed. Here are the Latest Developments, The Chronicle of Higher Education, last updated March 11
- Coronavirus Hits Campus: Special Report, The Chronicle of Higher Education, March 5
- Planning for Coronavirus with Fewer Resources, Inside Higher Ed, March 11
- Higher ed groups share guides to help prep for the coronavirus, Education Dive, March 5
- OLC Continuity Planning and Emergency Preparedness, Online Learning Consortium
- Ed Dept expands options for online learning in response to coronavirus, Education Dive, March 6
- Access and Equity for All Learners in Blended and Online Education, Aurora Institute (formerly iNACOL), October 2014
- Funding and Policy Frameworks for Online Learning, Aurora Institute (formerly iNACOL), July 2009