

## 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 Relevant to Pandemic Planning for Schools

- [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)

- **California** [A.B. 2887](#). This bill would, among other things, alter considerations for the calculation of average daily attendance, and continue the provision and distribution of free or reduced-price meals to qualifying students.
- **Iowa** [S.F. 2408](#). This bill would, among other things, waive instructional time and minimum school day requirements for schools that close or on or before April 12, 2020 to prevent or contain the spread of the coronavirus.
- **Kentucky** [H.B. 461](#). This bill would allow districts to increase the number of allowed non-traditional instruction days for a public health emergency.
- **Kentucky** [S.J.R. 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.”
- **Louisiana** [S.C.R. 22](#). This resolution would request the state board to suspend statewide standardized assessments for the 2019-2020 school year.

- **Louisiana [S.C.R. 23](#)**. This resolution would direct the state board to apply to the U.S. Department of Education for waivers to certain student assessment related requirements in the state’s ESSA plan, and to suspend such provisions if the waiver application is granted.
- **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.”
- **Massachusetts [H.D. 4936](#)**. This bill would establish a COVID-19 Public Institutions of Higher Education Emergency Fund to provide financial assistance grants in high impact areas affected by the coronavirus. This fund would consist of a \$125 million transfer from the general fund.
- **Massachusetts [H.D. 4937](#)**. This bill would establish a COVID-19 Economic Stabilization Emergency Fund for host communities of institutions of higher education. This fund would be no less than \$125 million.
- **Minnesota [S.F. 4369](#)**. This bill, among other things, provides conditions for coronavirus-related school closures and requires compensation for hourly employees for school days canceled because of the coronavirus.
- **New Jersey [A. 3840](#)**. This bill would implement a program to distribute meals to students enrolled in the district who qualify for free or reduced-price school meals, in the event of a school closure related to the coronavirus. Includes provisions for distribution sites, and distribution to student homes or bus stops if the site is not within walking distance for a student, as well as an option to convert to a food voucher system if necessary.
- **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.
- **Washington [H.B. 2965](#)**. This bill would, among other things, allow for the alteration of graduation requirements in consideration of coronavirus-related disruptions for students who were otherwise on track to graduate.
- **Washington [S.B. 6189](#)**. This bill would, among other things, allow for the maintenance of employee eligibility for employer contributions toward benefits, despite certain disruptions caused by the coronavirus response.

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

- Gov. Mike DeWine of **Ohio** announced that all K-12 schools in the state [will be closed](#) from March 16 to April 3, and has stated [elsewhere](#) that the closure could last until the end of the school year.
  - Additional information on the Ohio state government’s response to the coronavirus can be found [here](#); and more information can be found on the Department of Education [website](#), including this School-Building Closure [FAQ](#) and the Ohio Emergency Feeding Application Process for Schools and Sponsors [resource](#).
- Gov. Jay Inslee of **Washington** has issued several proclamations impacting education. Proclamation [20-09](#) expanded a previous closure of schools in certain counties to include a closure of schools throughout the state. Proclamation [20-12](#) prohibited postsecondary programs from conducting in-person classes throughout the state, with an exception for labs and clinics that practice social distancing and/or are in alignment with

public health guidelines. Both proclamations will be in effect until April 24, unless extended beyond that date.

- Additional information on the Inslee’s coronavirus response can be found [here](#), and additional guidance and resources from the Washington Office of Superintendent of Public Instruction can be found [here](#).
- 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 Guidance and FAQs**

**Alabama:** The state closed all public schools, starting March 18. The Alabama State Department of Education released a [Frequently Asked Questions](#) document addressing questions about the length of the closure, student absences and how they will relate to school accountability; whether school staff will be required to work during the closure; whether employees will be charged annual leave during the closure; and food services. The state has also released an [LEA Guide](#) and a [Parent Guide](#). Both guides include information regarding expectations for schools, student attendance, online learning and testing.

**Arizona:** All Arizona schools are closed from March 16 to March 27. The Arizona Department of Education’s Office of Communications has posted [Guidance to Schools on COVID-19](#). The guidance includes information on pandemic preparedness for schools, school meals, statewide testing, special education considerations and graduation requirements. The state also provided a [Frequently Asked Questions](#) document that addresses which schools are impacted by the closure, online learning, graduation, statewide assessments and student meals.

**Illinois:** The Illinois State Board of Education released [Mandatory Statewide School Closure Guidance for Illinois Schools and School Districts](#), last updated on March 14. The document answers questions related to assessments and accountability; board meetings; calendar and instruction/continuity of education; nutrition, meals, and food service; the scope of school closures; special education; and staffing. See [here](#) for extensive ISBE updates and guidance.

**Michigan:** With the state’s schools closed until April 5, the Michigan Department of Education has released a [series of memos](#) addressing potential concerns. The memos include information about [feeding children during school](#)

[closures](#), [an update on student assessments](#) and [compliance requirements of the Individuals with Disabilities Education Act during a public health emergency](#).

**North Dakota:** All public and private schools in the state are closed from March 16-20. The North Dakota Department of Public Instruction has posted [School Guidance](#) that includes expectations and general guidance for schools, information on student well-being, how the closures impact special education, online learning, recommendations for public gatherings, makeup days for school closures, student attendance, assessment and accountability, school meals, notifications, and continued operations for the department of public instruction.

**Washington:** All public and private schools are closed March 13 to April 24, subject to extension. The Washington Office of Superintendent of Public Instruction released [Guidance for Long-Term School Closures](#) on March 13. The released bulletin addresses allowable building activities, rulemaking, state and federal funding, assessments, federal accountability, special education, considerations for paid school staff, and meals and nutrition. It also includes contact information for any further questions individuals may have.

**Wisconsin:** All public and private schools in the state are closed from March 18 to April 6. The governor has released a [Frequently Asked Questions](#) document addressing questions about instructional hours, student meals, supports available for students with IEPs, testing requirements, athletics, graduation, parent conversations with their students, pay for hourly staff, and whether school staff are prohibited from reporting to work.

### **State Policy Regarding Emergency School Closures and Instructional Time Requirements**

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](#).

### **Additional External Resources**

#### **Federal guidance**

- Information on the federal government’s response to and resources regarding the coronavirus can be accessed at [coronavirus.gov](#), and a special landing page for schools and child care centers can be found [here](#).
- The U.S. Department of Education has a landing page with coronavirus-related information at [ed.gov/coronavirus](#). To highlight a couple of resources, see [here](#) for guidance on providing services to children with disabilities during the outbreak; and see [here](#) for guidance on assessments, accountability and ESSA.
- The U.S. Department of Agriculture released a statement addressing “proactive flexibilities to feed children when schools close.” It is available [here](#).

#### **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](#), Education Week, updated on an ongoing basis
  - Additionally, [this page](#) maintains a list of states that have shut down all schools in response to coronavirus. As of the March 17 update, this list includes 38 states, the District of Columbia and Puerto Rico.

- On March 17, Gov. Laura Kelly of Kansas became the first governor to close all K-12 school buildings through the end of May, in [Executive Order No. 20-07](#).

### **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](#), Education Week, March 9
- [The complexity of closing a school: Chicago families, educators search for answers, child care after coronavirus case](#), Chalkbeat, last updated March 8

### **Remote/Virtual/Distance Learning**

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. Below, we include some relevant ECS resources; provide examples of state policy; and include external resources regarding remote, virtual and/or distance learning.

- 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. 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.
- Although Education Commission of the States does 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.
- Here is an 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.”

### **External resources regarding remote/virtual/distance learning**

- [Coronavirus quarantines could rob poor, rural students of access to education](#), Politico, March 10
- [Feds relax online education rules for international students amid coronavirus threat](#), Education Dive, March 10, 2020
- [Ed Dept expands options for online learning in response to coronavirus](#), Education Dive, March 6, 2020
- [Many Districts Won’t Be Ready for Remote Learning if Coronavirus Closes Schools](#), Education Week, March 5
- In recognition of increased reliance on internet access for many students participating in online learning, [some internet service providers](#) have altered their policies, raised internet connection speeds and eliminated data caps.

### **State policies regarding virtual instruction and limited access to electronic devices/internet**

Of the states that allow for remote learning in lieu of school closures, the following examples include provisions specific to students with limited access to electronic devices and internet. State policy is limited in terms of specific accommodations districts must provide for students without internet access or a device, but these accommodations are required.

- **Kentucky allows** schools and districts to offer nontraditional instructional days in lieu of school cancellations. The policy requires districts that wish to participate in the NTI program to submit a plan to the Kentucky Department of Education for approval. For districts that have yet to receive approval for an NTI program, they are able to apply for emergency approval to operate a program for the rest of the year.
  - The Kentucky Department of Education released [guidance](#), last updated March 2020, highlighting three popular instructional approaches (p. 17-18) for NTI days, including:
    - Digital.
    - Project-Based.
    - Lesson Packet.
  - The guidance also outlined key methods districts can implement for students who do not have access to the internet or a device:
    - Allowing students to check out or borrow a device.
    - Pre-loading content onto a device or jump drive.
    - Parking a Wi-Fi bus in the community.
    - Using an internet switch than can be activated at the district.
    - Opening school buildings for computer lab use.
    - Sending staff to community locations that have internet/devices.
    - Having agreements with a local utility company or internet service provider.
    - Assigning project-based work.
    - Alternating assignments/paper packets.
- **Minnesota requires** districts that wish to offer e-learning days in place of school closures to submit an implementation plan for approval by the Minnesota Department of Education that includes accommodations for students without internet or device access. According to guidance from the Minnesota Department of Education on accommodating students without a device or internet access: “All students must have similar learning experiences in terms of subject matter, task difficulty, and interaction with peers and their



teacher(s). Tasks must be completed during the regular hours of the eLearning day. Students without access cannot be required to make-up the work on another day. Students may use physical texts or books and may handwrite their work, but those resources would have to be available at home. Teachers must contact students by telephone to conference with students, assess and support their learning.”

- **New Jersey S.B. 2027** (pending) directs the commissioner of education to provide guidance to school districts on providing instruction to students who may not have access to a computer or to sufficient broadband when offering remote instruction in light of school closures.
  - According to [Chalkbeat](#), Newark schools are preparing work packets that consist of “15 days of take-home assignments in each subject for every grade level” to send home with students in the event of school closures. The packets will also be made available online.
- **Pennsylvania** allows for [flexible instruction days](#) that can be online or offline. For districts that opt to use technology to offer remote instruction, [they must outline](#) accommodations for students and staff who do not have access to technological devices or internet in order to receive plan approval.

### **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. Last updated March 18, 2020.
  - <https://gist.github.com/jessejanderson/09155afe313914498a32baa477584fae>
- [The Coronavirus is Upending Higher Ed. Here are the Latest Developments](#), The Chronicle of Higher Education, last updated March 17
- [Planning for Coronavirus with Fewer Resources](#), Inside Higher Ed, March 11
- [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

### **General Resources**

- [Resources for Early Childhood Policymakers on Preventing and Preparing for Novel Coronavirus \(COVID-19\)](#), National Institute for Early Education Research
- [Latest COVID-19 Resources by State](#), Alliance for Early Success
- [State Action on Coronavirus \(COVID-19\)](#), National Conference of State Legislatures