



## Arizona Department of Education

### Frequently Asked Questions

This FAQ intends to answer questions related to Governor Ducey's most recent Executive Orders pertaining to K12 public education. The two orders are Executive Order [2020-44](#) which was released on June 29, 2020 and Executive Order [2020-41](#) which was released June 24, 2020. The Arizona Department of Education will work closely with our legal staff and Governor Ducey's office to provide additional clarity on questions arising from these orders.

*This document was last updated on July 15, 2020 at 12:38pm (mst)*

#### General

**Q: How does Executive Order [2020-44](#) impact the funding and flexibilities outlined in Executive Order [2020-41](#)?**

A: Executive Order 2020-44 classifies distance learning students as Arizona Online Instruction (AOI) for the purposes of funding which makes them subject to the 5 or 15% reduction based on full-time or part-time status. However, when the Governor announced Executive Order 2020-41, their office additionally announced a \$200 million grant that public districts and charters, otherwise known as local education agencies (LEAs), can tap into to make up the difference in funding. LEAs can use monies from that fund to be made whole from the reduction due to classifying students as AOI.

**Q: Will local education agencies (LEAs) need approval from the Arizona Department of Education (ADE) to start distance learning?**

A: LEAs will not need to wait for approval from ADE. Once LEAs submit a distance learning plan, they are eligible to begin participating in distance learning per Executive Order 2020-41.

Public school districts must submit their distance learning plans prior to their planned start date or no later than August 14, 2020 and ADE will review for completeness. Charter organizations submit their plans to the Charter Board. ADE must then evaluate a sample of the implementation of school district plans and report findings to the State Board of Education, and the Charter Board staff will do the same for charters by Nov 30th.



## Arizona Department of Education

**Q: Does [Executive Order 2020-44](#) impact teachers who have required on-site trainings before August 17, 2020?**

A: While the delayed start date only applies to the start of instruction for students, we encourage schools to be mindful of COVID19 guidelines issues by the [Arizona Department of Health Services](#) (ADHS) and the [Center for Disease Control and Prevention](#) (CDC).

**Q: Are preschools and childcare programs required to delay in-person learning until August 17, 2020?**

A: Preschools operated on district and charter campuses are required to delay in-person learning until August 17<sup>th</sup>. Childcare programs that operate on public school campuses and were already open must continue to provide the same services.

**Q: If local education agencies (LEAs) delay opening in-person per [Executive Order 2020-44](#), will certified staff be paid according to their contract? Will contracts need to be re-negotiated?**

A: Continuity of educator and staff pay will be decided by LEAs. ADE encourages LEAs to communicate with both their educators and their legal representatives to discuss pay and contracts. It's important to note that there is flexibility with CARES Act Elementary and Secondary Emergency Relief (ESSER) funds to address staff pay.

**Q: Does Section B of Executive Order [2020-41](#), Section B require local education agencies (LEAs) to provide daily in-person instruction? If local education agencies (LEAs) only provide distance learning after August 17, 2020, must they also provide a physical option for students?**

A: Section B of Executive Order 2021-41 requires that all brick and mortar public LEAs must keep a physical building open for students to attend in-person if necessary. An LEA with multiple facilities can choose to open one building for this purpose rather than each school having to be physically open, if there is sufficient capacity and coordination with public health guidance from ADHS and CDC.

Schools, where students attend school in-person while the school uses a distance learning or hybrid model, are not required to provide in-person instruction. For example, a small subset of students without computer access at home working with an aide on a school computer.

LEAs may develop procedures to operationalize this requirement and help determine how many staff need to be on-site to provide supervision. LEAs can partner with community-based organizations (e.g., Boys and Girls Club) to meet this requirement and all requirements for academic instruction and attendance under an LEA's distance learning plan and use CARES Act dollars to support this partnership. The critical part of this provision is that schools must have an option for students to attend a LEA



## Arizona Department of Education

sanctioned facility, physically should any unexpected circumstance arise for parents or families.

Please note that Executive Order 2020-44 delayed the start of in-person learning until August 17, 2020. Due to that, all physical requirements from Executive Order 2020-41 are waived until LEAs can resume in-person or hybrid instruction.

**Q: Do local education agencies (LEAs) have to provide transportation for students who will be physically attending school even though they are technically participating in distance learning?**

A: The Executive Order does not require transportation to be provided; however, LEAs are encouraged to plan for transportation for those students that need to physically attend school facilities. LEAs may utilize their Cares Act funds to support added costs for transportation due to COVID related circumstances.

**Q: How does Executive Order 2020-44 affect hospital schools?**

A: Executive Order 2020-44 applies to all private and public schools.

**Q: Do Career and Technical Education Districts (CTEDs) required to provide benchmark testing?**

A: CTEDs are not required to provide benchmark testing.

### School Finance

**Q: Will schools still have to meet the 180-day requirement if they have chosen to delay the start date to August 17, 2020 or can a school meet the required number of instructional hours in less than 180 days?**

A: At this time, there is no waiver available for the requirements in A.R.S. § 15-901. Part of Executive Order 2020-44 requires ADE to conduct an analysis of the need to provide a waiver for the 180-day requirement by August 31, 2020. This analysis will be a tool to determine potential future action.

If a school has been approved to have a calendar of fewer than 180 days, then they must still meet the instructional hour requirements as outlined in A.R.S. § 15-901 for “full-time” or “part-time” status.



## Arizona Department of Education

**Q: Will schools be paid as an AOI before August 17, 2020 according to Executive Order 2020-44?**

A: Yes, all average daily membership (ADM) generated in a distance learning (DL) setting will be subject to a 5% Base Support Level (BSL) reduction for full-time students or a 15% BSL reduction for part-time students.

These funds may be reimbursed with monies from the Governor's Enrollment Stabilization Grant. School districts and charters must submit a distance learning plan (DLP) to be eligible for the Enrollment Stabilization Grant.

**Q: What qualifies as attendance tracking under a distance learning plan?**

A: School districts and charter schools have flexibility to design attendance tracking procedures to connect their unique distance learning models to existing attendance systems. In designing attendance tracking procedures, districts and charters should consider which activities best represent student participation/engagement in DL instruction, the ability of staff to track and record this information, and the extent to which chosen activities demonstrate the appropriate amount of instructional time for the day.

Attendance tracking will be identified in a district's or charter's DLP and may include methods such as:

- Communication with a teacher via telephone, ZOOM, Microsoft Teams, or other digital meeting software;
- Student participation in a virtual meeting or classroom session (ZOOM, Microsoft TEAMS, Google Meets, etc.);
- Daily assignments completed and submitted by the student; or
- A parental attestation or documentation of time spent on educational activities assigned by the school.

While attendance will look different than it would in a brick and mortar school, under this guidance, it is meant to serve the same purpose for school financing. Attendance tracking does not require districts and charters to report minutes logged for each student.

**Q: Are all students participating in distance learning to be reported as 1.0 full-time enrollment (FTE) regardless of the instructional time provided?**

A: Students should be reported with an FTE of 0.00, 0.250, 0.500, 0.750, or 1.000 based on the annual hours of instruction enrolled in the school district or charter school in a DL setting, in-person setting, or combination of the two. For high school students, the number of subjects in which a student is enrolled must also be considered.



## Arizona Department of Education

Students participating in DL will still be considered enrolled in their school district or charter school and generate funding based on enrollment over the first 100 days of instruction.

### **Q: Do students have to meet AOI instructional hour requirements or Brick and Mortar (B&M)?**

A: Students participating in DL will still be considered enrolled in their B&M school and must meet the instructional hours required in A.R.S. § 15-901 for “full-time” or “part-time” status.

In order to be considered full-time, a student must be enrolled in enough instructional hours to meet the instructional hour requirement for full-time status, pursuant to A.R.S. § 15-901, by the end of the year. Please refer to the attendance portion of the [School Finance Guidance](#) for more information and examples of how to provide enough instructional hours in DL.

### **Q: How are hybrid students supposed to be handled and when are they funded as an AOI? Can they be reported as solely B&M or a combination of B&M/AOI?**

A: Hybrid students will continue to be enrolled in their B&M school; however, schools will need to track the percentage of time spent in DL and report absences to School Finance.

DL percentage of time will be reported in aggregate for students, except students who qualify for a Group B weight which will be reported in aggregate for the percentage of time spent in DL by Group B weight. Further information will be provided on how to report the percentage of time spent in DL.

Percentages must be reported for days 1 through 40 and days 1 through 100 for K-3, 4-8, and 9-12. Percentage of DL time must also be reported for the two periods for each of the Group B Add-On groups, except for K-3 and K-3 reading. The purpose of this report is for School Finance to provide the correct BSL reduction in accordance with the classification of DL students as AOI students for funding purposes.

### **Q: Do absences need to be reported?**

A: Yes, absences for DL and in-person instruction must be reported through usual attendance reporting methods.

For in-person instruction, if a student misses an entire in-person instruction day, an absence of 1.000 should be reported for that day. If less than a full day is missed, a partial absence must be reported in increments of 0.250.



## Arizona Department of Education

For DL, absences or partial absences must be reported for students who do not meet the criteria, or the full criteria as described in the attendance tracking portion of the DLP. Schools should look to existing absence tracking procedures within the LEA to determine how to report absences

**Q: Will attendance need to be done on a daily basis or could it be evaluated weekly through student submitted sheets that parents fill out?**

A: Attendance and absences must be recorded daily and reported to ADE at least monthly. School districts and charter schools with a DLP that does not call for student contact each day must still disaggregate attendance data by day in reports to ADE for computing the percentage of time spent in DL.

**Q: How will Day 1 attendance be submitted under this scenario of starting distance learning prior to August 17 since some parents opted for B&M?**

A: If the schools' calendars start prior to August 17, enroll the student as of the first day of instruction. In order for a student to be counted in enrollment since the first day of instruction, the student needs to participate at least once in the first 10 days.

Schools will enroll students and use the identified methods of attendance tracking to determine a student's attendance or absence for the day.

**Q: Will schools still be penalized for 10 or more consecutive unexcused absences?**

A: Yes, A.R.S. § 15-901 requires students who generate 10 consecutive unexcused absences to be dropped, retroactive to the last day of attendance. If a student in DL generates 10 consecutive days of unexcused absences, they must be dropped retroactively and reenrolled once a day of attendance is generated.