



Arizona Department of Education Office of the State Superintendent

Guidance on On-site Learning Opportunities and Support Services, and District or Charter Waivers

The guidance below describes requirements and considerations for the implementation of Executive Orders (EOs) [2020-51](#), [2020-44](#), and [2020-41](#) for the 2020-2021 school year (SY) as it pertains to on-site learning opportunities and support services, and district or charter waivers. For additional information about the provision of services to students with disabilities, please consult [the guidance](#) issued by ADE Exceptional Student Services.

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Terms used in this document:

“In-person instruction” refers to a traditional congregate setting with face-to-face teacher-led instruction that occurs in a physical classroom.

“On-site learning opportunities and support services” or **“on-site support services”** means targeted support services offered directly to students when the school is not open for in-person instruction.

“Distance learning” means the delivery of instruction to students who may not be physically present in a school building. This may include synchronous or asynchronous lessons provided through online instruction, delivery of instructional materials and supplies, independent study, or project-based instruction.

Introduction

When public health conditions necessitate that a school district or charter school utilize distance learning, the dual priorities are preventing the spread of the virus, and ensuring all students have access to the resources they need to safely engage in productive learning. EO 2020-51 requires schools to provide on-site support services so that students who need a place to go or who have specific needs are well-supported, and schools are enabled to continue effective distance learning successfully for all students.

School districts and charters can prioritize and manage where and how these on-site support services are provided by communicating with their school communities to assess students' needs, and determining the school district or charter school's available resources, funding sources, partnerships, and collaborations to meet that demand.

Although on-site options must be available beginning August 17, 2020, school districts and charter schools are not required to return to in-person classroom instruction by a specific date, but should use the public health criteria adopted by the Arizona Department of Health Services (ADHS) to determine when it is safe to do so. While community spread of COVID-19 remains prevalent, school districts and charter schools should offer remote options for students and staff at higher risk for

severe illness to limit their potential exposure risk (e.g., telework, modified job responsibilities, virtual learning opportunities).

On-site Support Services General Requirements

Under EO 2020-51, all school districts and charter schools are required to make a physical space available to students who need a place to go during the day. Schools can identify which students meet this threshold criteria by asking parents and guardians to identify their evolving needs on an ongoing basis, including the targeted service their student requires and their scheduling needs. Schools can optimize the provision and utilization of services through robust communication about individual student needs and available capacity and targeting the specific service or resource to those specific students who have that expressed need. Schools are not required to provide all available support services on-site daily to every student who expresses any need and can optimize resource utilization by ensuring parents and guardians have the opportunity to identify which specific service their student needs.

- School districts and charters must begin providing on-site support services no later than **August 17, 2020**.
- A school district or charter must post a health mitigation plan on its website prior to beginning on-site support services.
- On-site support services must be offered the same number of days each week as school was in session in Fiscal Year (FY) 2019-2020, per EO 2020-41, but districts or charters may switch to a different schedule for SY 2020-2021 if the change was approved prior to the EO 2020-41 (June 24, 2020).
- School districts and charter schools that wish to move to a four-day calendar and were not approved prior to the EO may do so. However, they must still meet the requirement to make a physical space available the same number of days as last school year.

Notification requirement

Prior to August 17, 2020, a school district or charter school must post on its website the details of its plan to provide free on-site support services and notify all parents. A school district and charter school must also make direct contact with and notify parents or guardians of children enrolled in free and reduced priced lunch programs, students with disabilities, English learners, and those in care of the Arizona Department of Child Safety, including foster care.

Prioritizing Available Opportunities for On-Site Support Services

School districts and charters have flexibility to determine how to comply with the requirement to provide on-site support services during distance learning. Schools should be transparent with their school communities about the importance of optimizing the use of available resources so that critical health protocols can be safely maintained to prevent the spread of the virus. Through establishing a cadence for ongoing communication specific to on-site support services, schools can ensure they have the most current information about the specific needs of each student so that resources can be aligned to best meet those targeted needs safely, when they cannot be met adequately through distance learning technologies. Schools are not required to provide all available services to every student who expresses any particular need and can implement scheduling and utilization mechanisms to allow them to plan for the anticipated on-site capacity on any given day.

School districts and charters should consider the following as they operationalize on-site support services:

- A school district or charter may adopt procedures, including advance scheduling of targeted resources to facilitate planning, to ensure that the number of students present for on-site support services does not exceed recommended physical distancing and mitigation strategies, as outlined by the Centers for Disease Control and Prevention.

- A school district or charter should communicate with parents or guardians prior to August 17 to determine their capacity to support distance learning at home, as well as any targeted on-site support services or transportation their student might need.
- A school district or charter should develop a cadence for ongoing communication about on-site support services to support planning and optimize service utilization.
- A school district or charter should survey its staff to understand the extent of staff capacity and disposition to serve in an on-site support services role.
- A school district or charter should consider utilizing eligible CARES Act recovery dollars and other available funds to expand the availability of devices, connectivity, and learning materials to students and families in order to support distance learning at-home to whatever extent possible if in-person classroom instruction is suspended due to COVID-19 spread in a community.
- A school district or charter school with multiple facilities may choose in which building or buildings they will provide on-site support services, so long as there is capacity to follow mitigation strategies and public health guidelines.
- A school district or charter school may partner with community-based organizations (e.g. Boys and Girls Club or YMCA) to meet this requirement and use CARES Act recovery dollars to support this partnership. All academic and attendance reporting requirements under an approved distance learning plan still apply in this scenario.
- School districts and charters are encouraged to explore options for local partnerships with childcare providers, as well as the Arizona Department of Economic Security Child Care Administration, to expand opportunities for students in need.
- A school district or charter should consider developing procedures for reaching out to parents/guardians on a weekly or bi-weekly basis to estimate how many students will be utilizing on-site support services in a given week, in order to properly plan and budget for operational needs.
- A school district or charter should consider implementing flexible sick leave policies and practices that enable staff to stay home when they are sick, have been exposed, or are caring for someone who is sick.

District or Charter Waivers

“**Outbreak**” is defined by: Two or more laboratory-confirmed COVID-19 cases among students or staff with onsets within a 14-day period, who are epidemiologically linked, do not share a household, and were not identified as close contacts of each other in another setting during standard case investigation or contact tracing. Alternatively, an outbreak can be defined by public health as a localized increase in COVID-19 incidence in a defined community within the county requiring the closure of the charter school or school district.

EO 2020-51 requires schools to provide on-site support services so that students who need a place to go or who have specific needs are well-supported, which allows schools to offer successful distance learning for all students. A waiver is only required and permitted if all on-site services will cease due to an outbreak. A district or charter may apply for a waiver of the requirement to make on-site support services available if:

1. The local county health department, in conjunction with ADHS, has advised closing the entire district or charter as the result of an outbreak of the virus; or

2. A tribal sovereign nation issues a “stay-at-home” order impacting an entire school district or charter school on or adjacent to a reservation.

Waivers requests will be considered for districts or charter schools that are experiencing an outbreak and are unable to provide on-site services. District or charter schools must provide documentation from their county health department and the Arizona Department of Health Services advising them to close or the tribal sovereign nation that issued the stay-at-home order with their waiver request for on-site support services.

Waiver requests will be considered independently of the public health benchmarks. ADE will review submitted waiver requests and supporting documentation on a rolling basis.

If ADE grants a school district or charter school a waiver of the requirement to provide on-site support services under EO 2020-51, the district or charter school remains obligated to provide a Free Appropriate Public Education (FAPE) as outlined in the student’s Individualized Education Program (IEP). Compensatory educational services may be necessary if a FAPE cannot be provided through distance learning.

To apply for a waiver, please complete the [On-Site Learning and Services Waiver Request form](#).