

COVID-19 Workplace Plan

Effective April 15, 2020, Updated April 24, 2020

INTRODUCTION

Global Heights Public School Academy (hereinafter “PSA”) takes the health and safety of our workers very seriously. With the spread of the coronavirus or “COVID-19,” a respiratory disease caused by the SARS-CoV-2 virus, the PSA must remain vigilant in mitigating COVID-19’s impact. In order to promote safety and maintain operations, we have developed this COVID-19 Preparedness and Response Plan (“Plan”) to be implemented effective as of April 15, 2020 throughout the PSA.

This Plan is based on information available from the U.S. Department of Health and Human Services’ Centers for Disease Control and Prevention (“CDC”), the U.S. Department of Labor’s Occupational Safety and Health Administration (“OSHA”), Mich. Exec. Order No. 2020-36 (Apr. 3, 2020), https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-524136--,00.html (“Order 2020-36”), and Mich. Exec. Order No. 2020-42 (Apr. 9, 2020), https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-525182--,00.html (“Order 2020-42”) at the time of its development, and is subject to change based on further information provided by the CDC, OSHA, and other public officials. The PSA may also amend this Plan based on operational needs.

The PSA will use good faith, at all times, in employing the safety measures and procedures of the Plan.

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RESPONSIBILITIES OF THE SCHOOL LEADERS OR OTHER ADMINISTRATORS WORKING FOR OR ASSIGNED TO WORK AT THE ACADEMY

The school leaders or other administrators working for or assigned to work at the academy must be familiar with this Plan and be ready to answer questions from employees. The school leaders or other administrators working for or assigned to work at the academy must follow this Plan at all times at work. The school leaders or other administrators working for or assigned to work at the academy must require this same behavior from all employees.

RESPONSIBILITIES OF EMPLOYEES

In our efforts to protect the health and safety of our employees, the PSA is asking every one of our employees to play their part. As set forth in this Plan, the PSA has instituted various practices, which all employees must follow at work. If employees have specific questions about this Plan or COVID-19, such employees should ask the PSA's workplace coordinator responsible for COVID-19 issues or the school leaders or other administrators working for or assigned to work at the academy.

BASIC INFECTION PREVENTION MEASURES

The PSA has implemented the following basic infection prevention measures.

The school leaders or other administrators working for or assigned to work at the academy, and employees of the PSA (collectively, "workers") must:

- Frequently and thoroughly wash their hands with soap and water for at least 20 seconds.
 - Use an alcohol-based hand rub with at least 60% alcohol if soap and running water are not immediately available.
- Avoid touching their eyes, noses, or mouths with unwashed hands.
- Follow appropriate respiratory etiquette, which includes covering coughs and sneezes.
- Stay home if they are sick.
- Refrain from using other workers' phones, desks, offices, or other work tools and equipment, when possible.
- Adhere to social distancing practices recommended by the CDC, including but not limited to:
 - Remaining at least six feet from people from outside the workers' households to the extent feasible under the circumstances.
 - Wearing cloth masks outside their homes where other social distancing practices are difficult to follow, and especially in areas of significant community-based transmission.

The PSA must:

- Provide workers, customers, and worksite visitors with a place to wash their hands.
 - Provide them an alcohol-based hand rub with at least 60% alcohol if soap and running water are not immediately available.

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- Provide customers and the public with tissues and trash receptacles.
- Share resources with the school community to help them understand COVID-19 and steps they can take to protect themselves, including, but not limited to, resources, such as:
 - CDC's health communication resources, available at <https://www.cdc.gov/coronavirus/2019-ncov/communication/index.html>.
 - CDC information on stigma and COVID-19, available at <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/reducing-stigma.html>.
 - CDC information on COVID-19 and children, available at <https://www.cdc.gov/coronavirus/2019-ncov/faq.html>.
 - Handwashing resources that include tips for families to help children develop good handwashing habits.
 - CDC's information on helping children cope with emergencies, <https://www.cdc.gov/childrenindisasters/helping-children-cope.html>.

Pursuant to Executive Order 2020-35, the PSA must:

- Restrict PSA employees or contractors to only those necessary to conduct minimum basic school operations, including those employees or contractors necessary to facilitate alternative modes of instruction, such as distributing materials and equipment, or performing other necessary in-person functions, are permitted to be physically present in PSA buildings, as determined by the school leaders or other administrators working for or assigned to work at the academy.
- Establish policies and practices to promote remote work to the fullest extent possible, such as flexible worksites (e.g., telecommuting) and flexible work hours (e.g., staggered shifts) to increase the physical distance among workers and between workers and others in accordance with Michigan state authorities' mandatory social distancing measures.
- Restrict the number of workers present on the premises to those who are necessary to perform the PSA's critical infrastructure functions or its minimum basic operations.
 - The PSA must designate workers who are necessary to perform the PSA's critical infrastructure functions or its minimum basic operations in compliance with Order 2020-42, including but not limited to:
 - Determining if a worker is excepted from designation based on the worker's business.
 - Informing designated workers of their designation.
 - Making such designations in writing, whether by electronic message, public website, or other appropriate means.
- Keep workers, customers, and worksite visitors who are on premises at least six feet from one another to the maximum extent possible.
- Modify the layout of lobbies, break rooms, lunch rooms, and other common areas to reduce the number of tables, chairs, and other furniture to maintain proper social distancing practices.
- Enhance regular housekeeping practices, including increasing the frequency and thoroughness of routine cleaning and disinfecting of surfaces, equipment, and other elements of the work environment, and use U.S. Environmental Protection Agency ("EPA")-approved disinfectants with claims against emerging viral pathogens and follow

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the manufacturer's instructions for use of all cleaning and disinfection products (e.g., concentration, application method and contact time, and Personal Protective Equipment ("PPE")).

- Follow the CDC's Interim Recommendations for U.S. Community Facilities with Suspected/Confirmed Coronavirus Disease 2019 (COVID-19) in the event of a positive COVID-19 case in the workplace.
- PSA employees and contractors must report to the PSA if they display respiratory symptoms or have had contact with a person who is known or suspected to have contracted COVID-19 and may be denied access to a PSA building if they make a report as indicated of display such symptoms or are otherwise suspected to have had such contact. The PSA reserves the right to verify any information. False information is prohibited.
- Permit parents and guardians of pupils to visit school property for the purpose of obtaining materials and equipment, but require parents and guardians to use the same social distancing and other mitigation measures required for PSA employees and contractors.
- Permit any child care workers at a child care located within a PSA building (including workers at disaster relief child care centers), to be physically present in PSA buildings.
- Require PSAs to complete IEPs and Section 504 plans online, either by telephone conference or video conference, if the parents or guardians involved have access to the technology and agree to the alternative means of participation. If a parent or guardian elects not to participate in an otherwise due IEP online, a PSA should be permitted to extend the deadline for completion of the IEP for up to 30 school days after the school closure period prompted by the COVID-19 state of emergency and/or state of disaster ends.
- Require PSAs to complete annual or otherwise due IEPs online, either by telephone conference or video conference, with those IEPs being considered timely if they are completed by the end of the 2019-2020 school year.

Pursuant to Executive Order 2020-59, the PSA must:

- Effective on April 26, 2020 at 11:59 pm: (a) Any individual able to medically tolerate a face covering must wear a covering over his or her nose and mouth—such as a homemade mask, scarf, bandana, or handkerchief—when in any enclosed public space. (b) All businesses and operations whose workers perform in-person work must, at a minimum, provide non-medical grade face coverings to their workers. (c) Supplies of N95 masks and surgical masks should generally be reserved, for now, for health care professionals, first responders (e.g., police officers, fire fighters, paramedics), and other critical workers who interact with the public. (d) The protections against discrimination in the Elliott-Larsen Civil Rights Act, 1976 PA 453, as amended, MCL 37.2101 et seq., and any other protections against discrimination in Michigan law, apply in full force to persons who wear a mask under this order.

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Pursuant to Executive Order 2020-48, the PSA must:

- To the extent that the PSA must hold a meeting pursuant to the Open Meetings Act, 1976 PA 267, as amended, MCL 15.261 to 15.272 (“OMA”), the meeting shall be held electronically, including by telephonic conferencing or video conferencing, in a manner in which both the general public and the members of the public body may participate by electronic means.
 - The PSA will offer two-way communication technology so that members of the public body can hear and be heard by other members of the public body and so that general public participants can hear members of the public body and can be heard by members of the public body and other participants during a public comment period.
 - Members of a public body and of the general public participating electronically will be considered present and in attendance at the meeting and may participate in the meeting as if physically present at the meeting.
 - The notice will be posted in advance of a meeting held electronically on a portion of the public body’s website that is fully accessible to the public. The public notice on the website must be included on either the homepage or on a separate webpage dedicated to public notices for non-regularly scheduled public meetings or electronic meetings and accessible through a prominent and conspicuous link on the website’s homepage that clearly describes its purpose for public notification of those non-regularly scheduled or electronic public meetings. Notice of a meeting of a public body that will be held electronically must include all of the following.
 - An explanation of the reason why the public body is meeting electronically.
 - Detailed procedures by which the public may participate in the meeting electronically, including a telephone number, internet address, or both.
 - Procedures by which persons may contact members of the public body to provide input or ask questions on any business that will come before the public body at the meeting.
 - Procedures by which persons with disabilities may participate in the meeting.
 - Not require a person as a condition of participating in a meeting of the public body held electronically to register or otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attendance, other than mechanisms necessary to permit the person to participate in a public comment period of the meeting.
 - Require a person to address a meeting of a public body held electronically under rules established and recorded by the public body. A person must not be excluded from a meeting held electronically otherwise open to the public except for a breach of the peace actually committed during the meeting.
 - Utilize roll call to take all votes to avoid any questions about how each member of the public body votes.
 - Exclude members of the general public otherwise participating in a meeting of a public body held electronically from participation in a closed session of the public

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body held electronically during that meeting if the closed session is convened and held in compliance with the requirements of the OMA applicable to a closed session.

WAYNE COUNTY SPECIFIC LOCAL REQUIREMENTS

The PSA must:

- Daily screen all workers as provided in the section for ***POLICIES AND PROCEDURES FOR PROMPT IDENTIFICATION AND ISOLATION OF SICK PEOPLE*** as well as the following:
 - Ask if the worker has symptoms of fever, cough, shortness of breath, sore throat, or diarrhea.
 - Ask if the worker has had close contact in the last 14 days with an individual diagnosed with COVID-19; and
 - Ask if the worker has travelled via airplane internationally or domestically in the last 14 days.
- If an worker answers “yes” to any of the screening questions, the worker is not permitted on the work site and should self-isolate/self-quarantine at home for the following time periods:
 - If symptoms are present, a minimum of 7 days since symptoms first appeared. To return to work, an individual must also have 3 days without a fever and improvement in respiratory symptoms;
 - 14 days if the worker had close contact with an individual diagnosed with COVID-19; or
 - 14 days following international or domestic travel.
- Post of a copy of the Wayne County Local Order 20-02 (See Appendix) at all entrances of the buildings.

To the extent the PSA continues to operate child care facilities, the PSA must:

- Daily screen all staff, children, parents, guardians, and essential visitors as provided in the section for ***POLICIES AND PROCEDURES FOR PROMPT IDENTIFICATION AND ISOLATION OF SICK PEOPLE*** as well as the following:
 - Asking if the child or individual has symptoms of fever, cough, shortness of breath, sore throat, or diarrhea;
 - Conducting a temperature check with a touchless/contactless thermometer, if available, is strongly recommended in lieu of verbal confirmation of all children and individuals entering the premises;
 - Noting the presence of any symptoms in children and individuals shall be taken as an issue of great concern;
 - Asking if the child or individual has had close contact in the last 14 days with an individual diagnosed with COVID-19; and
 - Asking if the child or individual has traveled via airplane internationally or domestically in the last 14 days.

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- If the screening measures determine that there are COVID-19 symptoms, exposure, or risk of exposure, prohibit the child or individual from entering the childcare center until they have self-isolated/self-quarantined for the following number of days:
 - If symptoms are present, a minimum of 7 days since symptoms first appeared. The individual or child must also have 3 days without a fever and three days with an improvement in respiratory symptoms;
 - 14 days following close contact with an individual diagnosed with COVID-19; or 14 days following international or domestic travel.
- All non-essential visitors must be restricted from entering the childcare center.
- Post of a copy of the Wayne County Local Order 20-01 (See Appendix) at all entrances of the childcare center.

POLICIES AND PROCEDURES FOR PROMPT IDENTIFICATION AND ISOLATION OF SICK PEOPLE

Prompt identification and isolation of potentially infectious individuals is a critical step in protecting workers, customers, visitors, and others at a worksite.

The PSA has implemented the following policies and procedures for prompt identification and isolation of sick people:

- Workers must self-monitor for signs and symptoms of COVID-19 if they suspect possible exposure.
- Workers exhibiting signs and symptoms of COVID-19 or suspecting exposure to COVID-19 are prohibited from entering any PSA premise or client-worksites.
- Workers testing positive for COVID-19 or demonstrating principal symptoms of COVID-19, such as fever, atypical cough, or atypical shortness of breath must not come into work.
 - Instead, such workers must notify the school leaders or other administrators working for or assigned to work at the academy right away.
 - Such workers may only come into work after three (3) days have elapsed since their symptoms resolved, and fourteen (14) days have passed since their symptoms first appeared or since they were swabbed for the test that yielded the positive result.
- Workers must not come into work if they have had close contact with an individual who tests positive for COVID-19 or with an individual who displays one or more of the principal symptoms of COVID-19 (fever, atypical cough, or atypical shortness of breath).
 - Instead, such workers must notify their school leaders or other administrators working for or assigned to work at the academy right away.
 - Such workers may only come into work after either fourteen (14) days have passed since the last close contact with the sick or symptomatic individual, or the symptomatic individual receives a negative COVID-19 test.
- The PSA will designate and train certain workers as point persons for how to immediately isolate a person who shows symptoms of COVID-19 at work.
 - In such a case, while maintaining proper social distancing, the point person should take the potentially infectious person to a location away from workers, customers, and other visitors.

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- Although most worksites do not have specific isolation rooms, designated areas with closable doors may serve as isolation rooms until a potentially sick person can be removed from the worksite.
- The PSA must take steps to limit spread of the respiratory secretions of a person who may have COVID-19, including providing a face mask, if feasible and available, and asking the person to wear it.
- If possible, the PSA must isolate people suspected of having COVID-19 separately from those with confirmed cases to prevent further transmission—particularly in worksites where medical screening, triage, or healthcare activities occur, using either a permanent (e.g., wall/different room) or temporary barrier (e.g., plastic sheeting).
- The PSA must restrict the number of workers and others entering isolation areas.
- The PSA must protect workers in close contact with (i.e., within 6 feet of) a sick person or who have prolonged/repeated contact with such persons by using additional engineering and administrative controls, safe work practices, and PPE.
- If a worker is confirmed to have COVID-19 or has been determined to be presumptively positive for COVID-19, the PSA must inform fellow workers of their possible exposure to COVID-19 in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (“ADA”). The PSA will instruct fellow workers about how to proceed based on the CDC Public Health Recommendations for Community-Related Exposure.
- If a sick worker is suspected or confirmed to have COVID-19, the PSA will follow the CDC cleaning and disinfection recommendations.

WORKPLACE FLEXIBILITIES AND PROTECTIONS

The PSA has implemented the following workplace flexibilities:

- Unless other leave or payments required and/or permitted by law are available, the PSA will treat a worker who is absent from work because that worker is at particular risk of infecting others with COVID-19 as if he or she were taking medical leave under the Michigan Paid Medical Leave Act, 2018 PA 338, as amended, MCL 408.961 et seq. Thus, the PSA may debit any hours that a worker stays home from work from the worker’s accrued paid leave (such as vacation, sick leave, or PTO), and any additional, required hours beyond paid leave will be unpaid.
- *The PSA will not discharge, discipline, or otherwise retaliate against a worker for staying home when that worker is at particular risk of infecting others with COVID-19 but only as provided under then-current and applicable governmental directives.*
 - However, those workers who are allowed to return to work but decline to do so may face discipline up to and including termination of employment.
 - Furthermore, workers who return to work, if they test positive for COVID-19 or who display one or more of the principal symptoms of COVID-19, before three (3) days have elapsed since their symptoms resolved, or before fourteen (14) days have passed since their symptoms first appeared or since they were swabbed for the test that yielded the positive result, or before fourteen (14) days have passed since the last close contact with the sick or symptomatic individual, or the symptomatic individual receives a negative COVID-19 test may be disciplined up to and

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including termination of employment because such behavior places other workers and their families at an increased risk of contracting COVID-19.

- Although the PSA will not require a healthcare provider's note for workers who are sick with COVID-19, unless otherwise permitted by law, to validate their illness or to return to work, the PSA expects workers to utilize honest, good-faith and honorable conduct when making decisions regarding COVID-19 related sick leave and returning to work.
- In the event leave is related to the care of a family member who is sick with COVID-19 while the worker is not, the PSA will try, to the extent possible, to utilize the worker in a remote working capacity in order to reduce the leave necessary for the worker to expend. However, there are circumstances and worker-titles that do not support remote working and cannot possibly be accommodated.

The PSA is first and foremost concerned about the health and safety of its workers. The PSA has developed policies and procedures to protect its workers and their families. Thus, the PSA has implemented the following workplace protections:

- The PSA will communicate with any businesses that provide the PSA with contract or temporary workers about the importance of sick workers staying home and encourage the businesses to develop non-punitive leave policies that comply with applicable law.
- The PSA's policies and procedures pertaining to COVID-19 are contained in this guide. Such policies and procedures and other best practices will be disseminated via electronic communication, and posted at all worker entrances, exits, and common areas.
- Facilities Department and, specifically, Rushdi Issa will have the complete compilation of the PSA's workplace protections and other related policies. These policies and procedures can be reviewed at any point during business hours.
- Benefits Department and, specifically, Gadeer Dari will have information specific to the medical insurance plan offered by the PSA. Workers should contact the aforementioned with questions about medical care in the event of a COVID-19 outbreak.
- Rushdi Issa will be the workplace coordinator who will be responsible for COVID-19 issues and their impact at the workplace.
 - The workplace coordinator will be responsible for designating and training workers as point persons to help manage COVID-19 issues and their impact at the workplace.

EXISTING OSHA STANDARDS

While there is no specific OSHA standard covering exposure to COVID-19, existing OSHA standards may apply to protect workers from such exposure. Hence, the PSA must follow all existing OSHA standards.

CONTINGENCY PLANS

The PSA must follow federal and state, local, tribal, and/or territorial recommendations regarding development of contingency plans for situations that may arise as a result of outbreaks, such as:

- Increased rates of worker absenteeism.

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- The need for social distancing, staggered work shifts, downsizing operations, delivering services remotely, and other exposure-reducing measures.
- Options for conducting essential operations with a reduced workforce, including cross-training workers across different jobs in order to continue operations or deliver surge services.
- Interrupted supply chains or delayed deliveries.

LEVEL OF RISK OF OCCUPATIONAL EXPOSURE

The PSA must determine the level(s) of risk of occupational exposure to COVID-19 associated with various worksites and job tasks workers perform at those sites. During an outbreak, the levels may vary from very high to high, medium, or lower (caution) risk. The level of risk depends in part on the industry type, need for contact within 6 feet of people known to be, or suspected of being, infected with SARS-CoV-2, or requirement for repeated or extended contact with persons known to be, or suspected of being, infected with SARS-CoV-2.

Very High Exposure Risk

Very high exposure risk jobs are those with high potential for exposure to known or suspected sources of COVID-19 during specific medical, postmortem, or laboratory procedures. Workers in this category include:

- Healthcare workers (e.g., doctors, nurses, dentists, paramedics, emergency medical technicians) performing aerosol-generating procedures (e.g., intubation, cough induction procedures, bronchoscopies, some dental procedures and exams, or invasive specimen collection) on known or suspected COVID-19 patients.
- Healthcare or laboratory personnel collecting or handling specimens from known or suspected COVID-19 patients (e.g., manipulating cultures from known or suspected COVID-19 patients).
- Morgue workers performing autopsies, which generally involve aerosol-generating procedures, on the bodies of people who are known to have, or suspected of having, COVID-19 at the time of their death.

High Exposure Risk

High exposure risk jobs are those with high potential for exposure to known or suspected sources of COVID-19. Workers in this category include:

- Healthcare delivery and support staff (e.g., doctors, nurses, and other hospital staff who must enter patients' rooms) exposed to known or suspected COVID-19 patients. (Note: when such workers perform aerosol-generating procedures, their exposure risk level becomes very high.)
- Medical transport workers (e.g., ambulance vehicle operators) moving known or suspected COVID-19 patients in enclosed vehicles.
- Mortuary workers involved in preparing (e.g., for burial or cremation) the bodies of people who are known to have, or suspected of having, COVID-19 at the time of their death.

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Medium Exposure Risk

Medium exposure risk jobs include those that require frequent and/or close contact with (i.e., within 6 feet of) people who may be infected with SARS-CoV-2, but who are not known or suspected COVID-19 patients. In areas without ongoing community transmission, workers in this risk group may have frequent contact with travelers who may return from international locations with widespread COVID-19 transmission. In areas where there is ongoing community transmission, workers in this category may have contact with the general public (e.g., schools, high-population-density work environments, some high-volume retail settings).

Lower Exposure Risk (Caution)

Lower exposure risk (caution) jobs are those that do not require contact with people known to be, or suspected of being, infected with SARS-CoV-2 nor frequent close contact with (i.e., within 6 feet of) the general public. Workers in this category have minimal occupational contact with the public and other coworkers.

At this time, the PSA has determined that its workers who continue to operate are in the Lower exposure risk category, and the PSA has established its procedures accordingly.

PROTECTING WORKERS WITH JOBS AT LOWER EXPOSURE RISK (CAUTION)

Engineering Controls

The PSA has implemented and/or must implement the following engineering controls:

- Ensure appropriate air-handling systems are installed and maintained pursuant to normal safety procedures and policies to protect workers from work-related hazards.

Administrative Controls

Administrative controls require action by the worker or PSA. Typically, administrative controls are changes in work policy or procedures to reduce or minimize exposure to a hazard.

The PSA has implemented and/or must implement the following administrative controls:

- Monitoring public health communications about COVID-19 recommendations and ensuring workers have access to necessary information.
- Frequently checking the CDC COVID-19 website: www.cdc.gov/coronavirus/2019-ncov.
- Collaborating with workers to designate effective means of communicating important COVID-19 information.

Personal Protective Equipment

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Examples of PPE include: gloves, goggles, face shields, face masks, and respiratory protection. During an outbreak of COVID-19, recommendations for PPE specific to occupations or job tasks may change depending on geographic location, updated risk assessments for workers, and information on PPE effectiveness in preventing the spread of COVID-19.

The PSA will check the OSHA and CDC websites regularly for updates about recommended PPE.

Workers should continue to use the PPE, if any, that they would ordinarily use for other job tasks.

ADDITIONAL LEGAL REQUIREMENTS AND EXCEPTIONS

The PSA has to date and/or must:

- Follow the CDC's Interim Guidance for Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19, attached as **Appendix 1**, to the extent practicable and applicable to the PSA's business.
- Follow Executive Order 2020-51, attached as **Appendix 2**, to the extent practicable and applicable to the PSA's business.

For additional legal requirements and exceptions under Michigan law as well as CDC guidance applicable for Schools, please see the following:

- Executive Order 2020-35 and 48, attached as **Appendix 3 and 4**.
- Interim Guidance for Businesses and Employers at <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/guidance-for-childcare.html>.

For Wayne County COVID-19 local orders, please see the following:

- For child care, Local Order 20-01, attached as **Appendix 5**.
- For essential businesses, Local Order 20-02, attached as **Appendix 6**.

4844-7955-8842 v2 [14409-5]

Interim Guidance for Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19

To ensure continuity of operations of essential functions, CDC advises that critical infrastructure workers may be permitted to continue work following potential exposure to COVID-19, provided they remain asymptomatic and additional precautions are implemented to protect them and the community.

A potential exposure means being a household contact or having close contact within 6 feet of an individual with confirmed or suspected COVID-19. The timeframe for having contact with an individual includes the period of time of 48 hours before the individual became symptomatic.

Critical Infrastructure workers who have had an exposure but remain asymptomatic should adhere to the following practices prior to and during their work shift:

- ▶ **Pre-Screen:** Employers should measure the employee's temperature and assess symptoms prior to them starting work. Ideally, temperature checks should happen before the individual enters the facility.
- ▶ **Regular Monitoring:** As long as the employee doesn't have a temperature or symptoms, they should self-monitor under the supervision of their employer's occupational health program.
- ▶ **Wear a Mask:** The employee should wear a face mask at all times while in the workplace for 14 days after last exposure. Employers can issue facemasks or can approve employees' supplied cloth face coverings in the event of shortages.
- ▶ **Social Distance:** The employee should maintain 6 feet and practice social distancing as work duties permit in the workplace.
- ▶ **Disinfect and Clean work spaces:** Clean and disinfect all areas such as offices, bathrooms, common areas, shared electronic equipment routinely.

If the employee becomes sick during the day, they should be sent home immediately. Surfaces in their workspace should be cleaned and disinfected. Information on persons who had contact with the ill employee during the time the employee had symptoms and 2 days prior to symptoms should be compiled. Others at the facility with close contact within 6 feet of the employee during this time would be considered exposed.

Employers should implement the recommendations in the Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 to help prevent and slow the spread of COVID-19 in the workplace. Additional information about identifying critical infrastructure during COVID-19 can be found on the DHS CISA website or the CDC's specific First Responder Guidance page.

INTERIM GUIDANCE

This interim guidance pertains to critical infrastructure workers, including personnel in 16 different sectors of work including:

- ▶ Federal, state, & local law enforcement
- ▶ 911 call center employees
- ▶ Fusion Center employees
- ▶ Hazardous material responders from government and the private sector
- ▶ Janitorial staff and other custodial staff
- ▶ Workers – including contracted vendors – in food and agriculture, critical manufacturing, informational technology, transportation, energy and government facilities

ADDITIONAL CONSIDERATIONS

- ▶ Employees should not share headsets or other objects that are near mouth or nose.
- ▶ Employers should increase the frequency of cleaning commonly touched surfaces.
- ▶ Employees and employers should consider pilot testing the use of face masks to ensure they do not interfere with work assignments.
- ▶ Employers should work with facility maintenance staff to increase air exchanges in room.
- ▶ Employees should physically distance when they take breaks together. Stagger breaks and don't congregate in the break room, and don't share food or utensils.



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Executive Order 2020-51 (COVID-19)

EXECUTIVE ORDER

No. 2020-51

Expanding child care access during the COVID-19 pandemic

Rescission of Executive Order 2020-16

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To respond effectively to the urgent and steep demands created by this pandemic, providers of health care, emergency medical services, law enforcement, and other essential services require child care services for their children, particularly when schools are closed. The general public needs expanded access to child care during this crisis as well. Meeting this critical need requires swiftly but safely expanding access to child care services. To that end, it is reasonable and necessary to provide temporary and limited relief from certain regulatory restrictions regarding child care services, and to facilitate the use of certain property for those services.

Executive Order 2020-16 provided that expanded access. This order clarifies the scope of that expansion and extends its duration, as it remains reasonable and necessary to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents. With this order, Executive Order 2020-16 is rescinded.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Strict compliance with section 7a of the Child Care Organizations Act, 1973 PA 116, as amended, MCL 722.117a, is suspended as follows:
 - a. A provisional license may be issued without submission to the Department of Licensing and Regulatory Affairs ("LARA") of an acceptable plan to overcome the deficiency present in the child care organization within the time limitations of the provisional licensing period.
 - b. A provisional license may be issued with an expiration date no earlier than one month after the date of issuance and no later than six months after the date of issuance, and may be renewed at the discretion of LARA until the end of the declared states of emergency and disaster.
2. Strict compliance with subsection (2) of section 5m of the Child Care Organizations Act, 1973 PA 116, as amended, MCL 722.115m(2), is suspended, as follows:
 - a. An employer may establish and maintain a disaster relief child care center without a license from LARA.
 - b. A school district or a nonpublic school may establish and maintain a disaster relief child care center in a school building without a license from LARA.

3. LARA must issue rules and/or orders governing disaster relief child care centers.

a. A disaster relief child care center must comply with the requirements imposed by any LARA rules and orders governing disaster relief child care centers.

b. Such rules and/or orders must, at a minimum, require that disaster relief child care centers follow the safe sleep guidelines, including appropriate sleeping equipment for children under 12 months of age; follow applicable guidelines for diapering, handwashing, and sanitizing; provide porta-cribs, cots, or mats for children older than twelve months to sleep or rest; and solicit information about, and communicate with parents and guardians regarding, a child's medicine, allergies, including food allergies; and other special needs.

4. Disaster relief child care centers may operate in any school facilities operated by a school district or nonpublic school that are closed and are approved for student use. Early childhood staff, student teachers, teachers, and individuals who provide before and after care may provide child care in these settings. The Michigan Department of Education ("MDE") is authorized to credit the hours that student teachers work toward teacher preparation graduation requirements and MDE licensure requirements.

5. Rule 400.8110(5) of the Michigan Administrative Code is suspended for disaster relief child care centers. Notice of any change in capacity and age groups must be provided to LARA.

6. A disaster relief child care center operated by a school district in accordance with section 2(b) of this order, including its employees, is designated as a disaster relief force under subsection (f) of section 2 of the Emergency Management Act, 1976 PA 390, as amended ("EMA"), MCL 30.402(f), and is entitled to the

immunities set forth in subsections (1) through (3) of section 11 of the EMA, MCL 30.411(1)-(3).

7. Disaster relief child care centers operated by school districts constitute a pilot program under the Public Employment Relations Act, 1947 PA 336, MCL 423.201 et seq., and they have authority to charge for reasonable and customary services.
8. School districts and nonpublic schools should first identify employees who voluntarily elect to become a disaster relief child care center participant before reassigning other employees to work in these centers, to the extent authorized under applicable contracts and laws. School districts and nonpublic schools may not require an employee to work in a disaster relief child care center if the employee: has a confirmed diagnosis of COVID-19; is displaying the symptoms of COVID-19; is 60 years or older; has an underlying condition that places the employee at an elevated risk of serious illness from COVID-19; or has been in contact with someone with a confirmed diagnosis of COVID-19 in the last 14 days.
9. A disaster relief child care center must perform a health evaluation of all individuals who enter the center each time the individual seeks to enter the center, and must deny entry to those individuals who do not meet the evaluation criteria. The evaluation criteria must include: symptoms of a respiratory infection, such as fever, cough, or shortness of breath; and contact in the last 14 days with someone with a confirmed diagnosis of COVID-19.
10. For purposes of this order:
 - a. "Disaster relief child care center" means a child center offering child care pursuant to this order. A disaster relief child care center must give priority for its services to the essential workforce, but may also provide child care services to the general public as space and governing rules and/or orders permit.

- b. "Essential workforce" includes health care workers, home health workers, direct care workers, emergency medical service providers, first responders, law enforcement personnel, sanitation workers, child care workers (including any employees acting as child care workers in disaster relief child care centers), personnel providing correctional services, postal workers, public health employees, key government employees, court personnel, and others providing critical infrastructure to Michiganders, including any individuals performing (remotely or in person) critical infrastructure work, necessary government activities, or minimum basic operations under Executive Order 2020-42 or any order that may follow from it.
 - c. "Critical infrastructure" includes utilities, manufacturing, mass transit, and groceries or other essential supplies, goods, or equipment.
 - d. "Key government employees" includes child protective services workers, child welfare workers, foster care workers including those from contracted agencies, recipient rights workers, employees of the Executive Office of the governor, cabinet officers and their designees, Department of Health and Human Services field office staff, Unemployment Insurance Agency employees, and other employees identified by the Department of Technology, Management, and Budget.
11. Nothing in this order shall be construed to diminish or relax in any way the restrictions and requirements imposed by Executive Order 2020-42 or any order that may follow from it.
12. This order is effective immediately and continues through May 13, 2020.
13. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.

14. Executive Order 2020-16 is rescinded.

Given under my hand and the Great Seal of the State of Michigan.



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Executive Order 2020-35 (COVID-19)**EXECUTIVE ORDER****No. 2020-35****Provision of K-12 education during the remainder of the 2019-2020 school year**

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. In response to the widespread and severe health, economic, and social harms posed by the COVID-

19 pandemic, I issued Executive Order 2020-33 on April 1, 2020. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

The COVID-19 pandemic has already required, among other things, the closure of elementary and secondary schools throughout the state. Given virus’s aggressively persistent spread and potentially fatal consequences, in-person instruction in our schools is too dangerous to resume in the near future, and very likely for the remainder of the 2019-2020 school year. Nonetheless, as section 1 of article 8 of the Michigan Constitution provides, “schools and the means of education shall forever be encouraged.” In the face of this pandemic, the education of K-12 students must continue as fully and effectively as possible. While there is no substitute for a highly trained and experienced teacher interacting with students in a classroom, schools must continue to provide, and students must continue to receive, the highest level of educational opportunities possible under the difficult circumstances now before us. To do so, schools and students alike must be enabled to innovate and adapt, and those efforts must not be unduly inhibited by requirements or restrictions that are misplaced in this time of unprecedented crisis.

Accordingly, to mitigate the spread of COVID-19, protect the health and safety of this state and its residents, and ensure the ongoing encouragement of education enshrined in this state’s constitution, it is reasonable and necessary to temporarily

suspend in-person instruction of K-12 students and provide limited and temporary relief from certain restrictions and requirements so that K-12 education may continue by the best alternative means possible.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

I. Suspension of in-person K-12 instruction for the remainder of 2019-2020 school year

A. Except as provided in section III of this order, in-person instruction for pupils in kindergarten through grade 12 ("K-12") is suspended for the remainder of the 2019-2020 school year and school buildings used for the provision of K-12 education must remain closed for the purpose of providing K-12 education in person for the remainder of the 2019-2020 school year, unless restrictions on public gatherings and use of school buildings are lifted before the end of the 2019-2020 school year. K-12 school sports activities and other in-person extracurricular school activities are suspended while any state of emergency or state of disaster prompted by COVID-19 is in effect. This section I.A applies to all public, nonpublic, and boarding schools in the state.

B. For a district implementing a Continuity of Learning and COVID-19 Response Plan ("Plan") pursuant to section II of this order, all of the following apply:

1. Strict compliance with rules and procedures under subdivisions (d) to (f) of subsection (3) of section 101 of the State School Aid Act of 1979 ("School Aid Act"), 1979 PA 94, as amended, MCL 388.1701(3)(d) to (f), is temporarily suspended for the period beginning on March 11, 2020 and ending on the last day of the 2019-2020 school year, so as to waive any requirement that a district have a minimum number of the district's membership in attendance on any day of pupil instruction and waive any requirement that a district report the percentage of the district's membership in attendance to the Department of Education ("Department").

2. Strict compliance with rules and procedures under sections 101(3)(a), 101(3)(b), 101(4), 101(6), and 101(10) of the School Aid Act, MCL 388.1701(3)(a), 388.1701(3)(b), 388.1701(4), 388.1701(6), and 388.1701(10), requiring a district to provide at least 1,098 hours and 180 days of pupil instruction, is temporarily suspended so as to provide for the following additional exceptions to the requirement to provide at least 1,098 hours and 180 days of pupil instruction that must be counted as hours and days of pupil instruction:

(a) In addition to counting as hours and days of pupil instruction under section 101(4) of the School Aid Act, MCL 388.1701(4), the first six days or the equivalent number of hours for which pupil instruction is not provided because of conditions not within the control of school authorities, the Department shall count up to 13 additional days or the equivalent number of hours for which pupil instruction is not provided due to a closure of schools pursuant to an executive order issued by the governor in response to the COVID-19 state of emergency and/or state of disaster.

(b) Under section 101(10) of the School Aid Act, MCL 388.1701(10), a district also may count an additional five days or the equivalent number of hours used for the purpose of preparing to provide and providing instruction by alternative modes of instruction pursuant to a Plan as days or an equivalent number of hours of pupil instruction.

3. Strict compliance with rules and procedures under section 101(9) of the School Aid Act, MCL 388.1701(9), is temporarily suspended so as to permit a district that has a Department-approved alternative education program or another innovative program approved by the Department under MCL 388.1701(9) and that does not use a 100% online model of delivery approved before the effective date of this order to use the additional exceptions provided for in section I.B.2 of this order in satisfying the number of days and hours of instruction required under a waiver granted by the Department under section 101(9).

4. Strict compliance with rules and procedures under section 101(9) of the School Aid Act, MCL 388.1701(9), is temporarily suspended so as to waive the minimum number of hours and days of pupil instruction required under section 101(3) of the School Aid Act, MCL 388.1701(3), for any district with a Plan approved under section II of this order. A district with a Plan approved under section II of this order will be considered to be operating a

Department-approved alternative education program or another innovative program approved by the Department for the remainder of the 2019-2020 school year only. A district with a Plan approved under section II of this order is not subject to forfeiture of money under section 101 of the School Aid Act, MCL 388.1701. If the district does not comply substantially with the terms of the Plan, the amount of any forfeiture under MCL 388.1701 will be calculated based upon a comparison of the number of hours and days of pupil instruction provided to the minimum number of hours and days of pupil instruction required under MCL 388.1701(3), as affected by this order. A district with a Plan approved under section II of this order is not required to report to the Center the pupils enrolled in a Department-approved alternative education program under MCL 388.1701(9).

C. A school of excellence that is a cyber school, as defined in section 551 of the Revised School Code ("School Code"), 1976 PA 451, as amended, MCL 380.551, and is in compliance with section 553a of the School Code, MCL 380.553a, may continue to educate pupils in a manner consistent with section I.A of this order, and continues to be exempt from the requirements of subsections (3) and (8) of section 101 of the School Aid Act, MCL 388.1701(3) and (8).

D. If before March 11, 2020, a district was providing nonessential elective courses to nonpublic school and/or homeschool pupils at either a district, intermediate district, or nonpublic school site pursuant to section 166b of the School Aid Act, MCL 388.1766b, and is able to continue to offer the nonessential elective courses through alternative modes of instruction, then the district may, to the extent feasible, provide for such courses in its Plan and continue to offer the nonessential elective courses to nonpublic school and/or homeschool pupils through alternative modes of instruction for the remainder of the 2019-2020 school year.

E. Nothing in this order alters the inapplicability of subsections (3) and (8) of section 101 of the School Aid Act, MCL 380.1701(3) and (8), to eligible pupils enrolled in a dropout recovery program that meets the requirements of section 23a of the School Aid Act, MCL 388.1623a. As used in this section I.E, "eligible pupil" means that term as defined in MCL 388.1623a.

F. The approval of the Superintendent of Public Instruction ("Superintendent") or the Department is not required for a district to make use of a waiver provided for under section I.B of this order.

G. Strict compliance with rules and procedures under section 6(7)(b) of the School Aid Act, MCL 388.1606(7)(b), is temporarily suspended to eliminate the requirement during the 2019-2020 school year for a district or intermediate district maintaining school during the entire school year to use the fourth Wednesday in April as a pupil membership count day.

H. Strict compliance with rules and procedures under sections 1284 and 1284a of the School Code, MCL 380.1284 and 380.1284a, is temporarily suspended as necessary to facilitate implementation of this section I.

I. Strict compliance with rules and procedures under 104b(4)(b) of the School Aid Act, MCL 388.1704b(4)(b), is temporarily suspended as necessary to permit a district to include each day that a pupil is deemed in attendance under this section I or pursuant to a Plan under section II of this order as a day the pupil was in attendance at school during the 2019-2020 school year for purposes of MCL 388.1704b(4)(b).

II. Continuity of Learning and COVID-19 Response Plans

A. By April 3, 2020, the Department, in collaboration with the Michigan Association of Intermediate School Administrators and the Michigan Council of Charter School Authorizers, shall develop and distribute a model template for a Plan provided for in this section II.

B. A Plan must include all of the following elements and be consistent with the requirements of this order:

1. A description of the methods a district will use to provide alternative modes of instruction other than in-person instruction and a summary of materials each pupil and the pupil's parents or guardians will need to meaningfully access the alternative modes of instruction included in the Plan. If the Plan relies on electronic instruction, the Plan must ensure to the extent feasible that pupils have access to a connected device capable of accessing the electronic instruction and must not penalize a pupil for the pupil's inability to fully participate.
2. A description of the methods a district will use to keep pupils at the center of educational activities, including outreach to continue building relationships and maintain connections, and to help pupils feel safe and valued.
3. A description of plans to deliver content in multiple ways so that all pupils can access learning.

4. A description of plans to manage and monitor learning by pupils.
 5. A budget outline estimating additional expenditures associated with the Plan and sources of revenue to pay for those expenditures.
 6. A description of the manner in which district administrators, board members, teachers, and any representatives of teachers collaborated in development of the Plan.
 7. A description of methods the district will use to notify pupils and parents or guardians of the Plan.
 8. A best estimate of the date on which the district will begin implementation of the Plan, which must be no later than April 28, 2020.
 9. Provide for assistance, to the extent feasible, to pupils enrolled in any postsecondary dual enrollment courses under the Postsecondary Enrollment Options Act, 1996 PA 160, as amended, MCL 388.511 to 388.524, and the Career and Technical Preparation Act, 2000 PA 258, as amended, MCL 388.1901 to 388.1913, in completing the courses during the 2019-2020 school year.
 10. Provide or arrange for continuation of food distribution to eligible pupils.
 11. Continue to pay school employees while redeploying staff to provide meaningful work in the context of the Plan, subject to any applicable requirements of a collective bargaining agreement.
 12. Provide for evaluation of participation in the Plan by pupils.
 13. Provide mental health supports to pupils affected by a state of emergency or state of disaster prompted by COVID-19.
 14. Provide for the district to support the efforts of the intermediate district in which the district is located to mobilize disaster relief child care centers as described in Executive Order 2020-16 or any executive order that may follow it.
- C. A Plan may provide for the adoption of a balanced calendar instructional program for the remainder of the 2019-2020 school year and planning for the adoption of a balanced calendar instructional program for the 2020-2021 school year.
- D. A district may contract with one or more providers for implementation of a Plan.

E. If a district lacks the capacity to implement a Plan on its own, a district may partner with one or more other districts or intermediate districts. A district may enter into one or more cooperative agreements under section 11a(4) of the School Code, MCL 380.11a(4), to provide for implementation of a Plan.

F. For a district that is not a public school academy, the district's Plan must be approved by the intermediate superintendent of the intermediate district in which the district is located. For a district that is a public school academy, the district's Plan must be approved by the authorizing body of the public school academy or the authorizing body's designee for the purpose of administering contracts with public school academies. For a public school academy that by agreement provides public educational services for the residents of a district that does not directly provide public educational services to the residents on its own, the public school academy's Plan must be approved by the intermediate superintendent of the intermediate district in which the public school academy is located. If an intermediate district educates K-12 students, the intermediate district may adopt a Plan for those activities and implement the Plan once adopted. A school of excellence that is a cyber school, as defined in section 551 of the School Code, MCL 380.551, and is in compliance with section 553a of the School Code, MCL 380.553a, may continue to educate pupils under its charter contract which will be that school's Plan.

G. An intermediate district or an authorizing body shall approve a Plan submitted by a district if the Plan complies with the requirements of this section II and if the intermediate district or authorizing body believes the Plan represents a good-faith effort to provide adequate alternative modes of instruction given the limitations resulting from the COVID-19 pandemic and accompanying response efforts. Intermediate districts and authorizing bodies must allow for flexibility and presume that a Plan submitted by a district will be implemented to the best of the district's ability.

H. Intermediate districts and authorizing bodies shall transmit copies of approved Plans to the Superintendent and to the State Treasurer. If a district or intermediate district maintains a public internet site, the district or intermediate district shall post its approved Plan on the internet site.

I. An intermediate district may enter into a cooperate agreement with one or more other intermediate districts for the purpose of reviewing and approving Plans under this order.

J. An intermediate district or authorizing body that reviews and approves or disapproves Plans on its own or with others pursuant to this section II will be eligible for any additional funding appropriated to support these activities. An intermediate district or authorizing body that does not review and approve or disapprove Plans will not be eligible for any additional funding appropriated.

K. Intermediate districts and authorizing bodies must be prepared to review and approve or reject Plans beginning on April 8, 2020.

L. A district with an approved Plan is eligible to receive continued payments from the State School Aid Fund for the 2019-2020 school year.

M. A district that is not a public school academy may amend its Plan with the approval of the intermediate superintendent of the intermediate district in which the school district is located. A district that is a public school academy may amend its Plan with the approval of its authorizing body or its designee. For a public school academy that by agreement provides public educational services for the residents of a district that does not directly provide public educational services to the residents on its own, the public school academy's Plan may be amended with the approval of the intermediate superintendent of the intermediate district in which the public school academy is located.

N. Decisions regarding the awarding of credit, the issuance of grades, and the use of pass or fail designations will be made at the district level by districts with due recognition of the impact of the COVID-19 pandemic.

O. State-approved nonpublic schools and parents and guardians homeschooling students are encouraged to do all of the following:

1. Offer all students electronic, other remote, or home-based instruction, to the extent feasible, for the remainder of the 2019-2020 school year, including course offerings provided by the Michigan Virtual School.
2. Coordinate with districts providing nonessential elective courses under section 166b of the School Aid Act, MCL 388.1766b, to any of their students for the remainder of the 2019-2020 school year.
3. Assist eligible nonpublic school students to complete postsecondary dual enrollment courses, to the extent feasible, under the Postsecondary Enrollment Options Act, 1996 PA 160, as amended, MCL 388.511 to 388.524, and the Career and Technical Preparation Act, 2000 PA 258, as amended, MCL 388.1901 to 388.1913.

4. Take actions necessary to continue to receive any federal funding previously allocated in a manner consistent with applicable federal law.

III. District employees permitted in district buildings

A. Notwithstanding the closure of school buildings under Executive Order 2020-11 or any executive order that may follow it, district employees or contractors necessary to conduct minimum basic school operations consistent with a Plan, including those employers or contractors necessary to facilitate alternative modes of instruction, such as distributing materials and equipment, or performing other necessary in-person functions, are permitted to be physically present in district buildings, as determined by district administrators. District employees and contractors performing these functions are considered to be performing necessary government activities for purposes of Executive Order 2020-21 or any executive order that may follow it. Districts must adopt social distancing practices and other mitigation measures to protect district employees and contractors, including all of the following:

1. Restricting the number of employees and contractors present in a district building to no more than is strictly necessary to perform the activities authorized by this section III.
2. Promoting remote work to the fullest extent possible.
3. Keeping employees and contractors in a district building at least six feet from one another to the maximum extent possible.
4. Increasing standards of district building cleaning and disinfection to limit employee and contractor exposure to COVID-19, as well as adopting protocols to clean and disinfect in the event of a positive COVID-19 case in a district building.
5. Adopting policies to prevent employees and contractors from entering the premises if they display respiratory symptoms or have had contact with a person who is known or suspected to have contracted COVID-19.
6. Any other social distancing practices and mitigation measures relating to COVID-19 recommended by the Centers for Disease Control and Prevention.

B. A district may permit parents and guardians of pupils to visit school property for the purpose of obtaining materials and equipment pursuant to a Plan and using the same social distancing and other mitigation measures required for district employees

and contractors under section III.A. Parents or guardians leaving their homes or residences for this purpose are considered to be obtaining necessary services or supplies for purposes of Executive Order 2020-21 or any executive order that may follow it.

C. Any child care workers at a child care located within a district building (including workers at disaster relief child care centers), are permitted to be physically present in district buildings, as determined by district administrators and to the extent permitted by Executive Order 2020-21 or any executive order that may follow it.

IV. Assessments

A. Plans are not required to address the following provisions of the Elementary and Secondary Education Act of 1965 ("ESEA") that have been waived by the United States Department of Education for the 2019-2020 school year pursuant to section 8401(b) of the ESEA, 20 USC 7861(b):

1. Assessment requirements under section 1111(b)(2) of the ESEA, 20 USC 6311(b)(2).
2. Report card provisions related to certain assessments and accountability in section 1111(h) of the ESEA, 20 USC 6311(h) based on data from the 2019-2020 school year, including all of the following:
 - (a) Section 1111(h)(1)(C)(i) of the ESEA, 20 USC 6311(h)(1)(C)(i) (accountability system description).
 - (b) Section 1111(h)(1)(C)(ii) of the ESEA, 20 USC 6311(h)(1)(C)(ii) (assessment results).
 - (c) Section 1111(h)(1)(C)(iii)(1) of the ESEA, 20 USC 6311(h)(1)(C)(iii)(1) (other academic indicator results).
 - (d) Section 1111(h)(1)(C)(iv) of the ESEA, 20 USC 6311(h)(1)(C)(iv) (English language proficiency assessment results).
 - (e) Section 1111(h)(1)(C)(v) of the ESEA, 20 USC 6311(h)(1)(C)(v) (school quality or student success indicator results).
 - (f) Section 1111(h)(1)(C)(vi) of the ESEA, 20 USC 6311(h)(1)(C)(vi) (progress toward meeting long-terms goals and measurements of interim progress).
 - (g) Section 1111(h)(1)(C)(vii) of the ESEA, 20 USC 6311(h)(1)(C)(vii) (percentage of

students assessed and not assessed).

(h) Section 1111(h)(1)(C)(xi) of the ESEA, 20 USC 6311(h)(1)(C)(xi), (number and percentage of students with the most significant cognitive disabilities taking an alternate assessment).

(i) Section 1111(h)(2) of the ESEA, 20 USC 6311(h)(2), with respect to all waived requirements in section 1111(h)(1)(C) of ESEA, 20 USC 6311(h)(1)(C).

(j) Section 1111(h)(2)(C)(i) to (ii) of the ESEA, 20 USC 6311(h)(2)(C)(i) to (ii) (information showing how students in a local educational agency ("LEA") and each school, respectively, achieved on the academic assessments compared to students in Michigan and the LEA).

B. Strict compliance with rules and procedures under section 1279g of the School Code, MCL 380.1279g, and section 104b of the School Aid Act, MCL 388.1704b, requiring a district to administer during the 2019-2020 school year the Michigan Merit Examination to pupils in grade 11 and to pupils in grade 12 who did not take the complete Michigan Merit Examination in grade 11, is temporarily suspended for the remainder of the 2019-2020 school year. Pupils currently in grade 11 will be administered the Scholastic Aptitude Test portion of the Michigan Merit Examination during the school day in the fall of the 2020-2021 school year as permitted by the College Board, with results from this test being used for college entrance purposes but not for school accountability purposes.

C. Strict compliance with rules and procedures under sections 503(6)(a), 523(2)(a), 553(5)(a), and 1311e(5)(a) of the School Code, MCL 380.503(6)(a), 380.523(2)(a), 380.553(5)(a), and 380.1311e(5)(a), and under section 104c of the School Aid Act, MCL 388.1704c, is temporarily suspended so as to suspend for the remainder of the 2019-2020 school year the obligation of a district to administer the state assessments described in those sections, including the Michigan Student Test of Educational Progress ("M-STEP"), or an alternative to M-STEP such as the MI-ACCESS assessment, or other assessment taken in conjunction with the M-STEP, including the Preliminary Scholastic Aptitude Test ("PSAT") developed by the College Board. Pupils otherwise scheduled to be administered the PSAT during the school day in the 2019-2020 school year will be administered the PSAT during the school day in the fall of the 2020-2021 school year as permitted by the College Board.

D. Strict compliance with rules and procedures under section 41 of the School Aid Act, MCL 388.1641, is temporarily suspended so as to suspend for the remainder of the 2019-2020 school year the obligation of a district to administer to English language learners the English language proficiency assessment known as the “WIDA ACCESS for English language learners” or the “WIDA Alternative ACCESS.”

E. Strict compliance with rules and procedures under section 1279g of the School Code, MCL 380.1279g, is temporarily suspended so as to suspend for the remainder of the 2019-2020 school year the obligation of a district, imposed by the Department or otherwise, to administer an assessment that assesses a pupil’s ability to apply reading and mathematics skills in a manner that is intended to allow employers to use the results in making employment decisions, including the WorkKeys assessment.

F. Strict compliance with rules and procedures under section 104 of the School Aid Act, MCL 388.1704, is temporarily suspended so as to suspend any requirement for a district to administer the Maryland-Ohio observational tool, which is also referred to as the Kindergarten Readiness Assessment.

G. Pupils enrolled in advanced placement courses and eligible to take examinations for advanced placement courses administered by the College Board must be permitted to take the examinations using the at-home testing option provided by the College Board. Districts shall facilitate, to the extent feasible, access to information relating to advanced placement courses and course schedules provided online by the College Board. For pupils without access to the internet or a device necessary to access the internet, districts shall facilitate, to the extent feasible, access to information regarding assistance provided by the College Board in completing examination requirements. Information relating to advanced placement courses and examinations is available at: apstudents.collegeboard.org/coronavirus-updates.

H. Strict compliance with rules and procedures under section 1249, 1249a, 1249b, and 1250(1) of the School Code, MCL 380.1249, 380.1249a, 380.1249b, and 380.1250(1), and under section 104 of the School Aid Act, MCL 388.1704, is temporarily suspended so as to waive any requirement for assessments or other performance evaluations of teachers and district administrators during the 2019-2020 school year.

I. Strict compliance with rules and procedures under subsections (3) and (4) of section 1250 of the School Code, MCL 380.1250(3) and (4), is temporarily suspended for the remainder of the 2019-2020 school year.

V. Pupils in grade 12

A. A district shall implement a process to issue grades to pupils in grade 12, award credits needed for graduation, provide for completion of the Michigan Merit Curriculum, issue diplomas to pupils in grade 12, and reflect continued learning by pupils in grade 12 pursuant to this order. When implementing this section V.A, a district may, without limitation, use one or more of the following options:

1. Award credits and grades for courses taken based on coursework through March 11, 2020.
2. Provide an optional final exam or other culminating activity to test pupil understanding of the subject matter of a course to the extent practicable.
3. Implement a process for pupils in grade 12 to be certified as eligible to graduate using a prior learning assessment, a portfolio, or a resume approach.
4. Offer an interdisciplinary culminating activity that encompasses essential standards missed by pupils due to the closure of schools.

B. Districts must provide a pupil in grade 12 who was failing a course as of March 11, 2020 an opportunity to the extent feasible to demonstrate learning in the subject matter of the course and receive credit for the course, as determined by the district.

C. Strict compliance with rules and procedures under section 1166(2) of the School Code, MCL 380.1166(2), is temporarily suspended for the remainder of the 2019-2020 school year so as to suspend the restriction on a high school from issuing a diploma to a pupil who has not completed a one-semester course of study of five periods per week in civics.

D. If before March 11, 2020, a district was providing a nonessential elective course to a nonpublic school pupil or homeschool pupil in grade 12 at either a district, intermediate district, or nonpublic school site pursuant to section 166b of the School Aid Act, MCL 388.1766b, and that course is required for the pupil to graduate and receive a diploma, the district must, to the extent feasible, continue to offer the nonessential elective course to the pupil through alternative modes of instruction for the remainder of the 2019-2020 school year.

VI. Special education

A. Districts shall strive in good faith and to the extent practicable, based upon existing resources, technology, training, and curriculum, as well as the circumstances presented by any state of emergency or state of disaster, to provide equal access to alternative modes of instruction to students with disabilities for the remainder of the 2019-2020 school year. This includes the provision of auxiliary services under section 1296 of the School Code, MCL 380.1296.

B. While the COVID-19 state of emergency and/or state of disaster continues, districts shall comply with guidance from the United States Department of Education ("USDOE"), including its Office of Civil Rights and Office of Special Education and Rehabilitative Services, and the Department concerning the delivery of alternative modes of instruction to students with disabilities in light of the impact of COVID-19.

C. Districts shall, to the extent practicable and necessary, make individualized determinations whether and to what extent compensatory services may be needed for pupils after the school closure period prompted by the COVID-19 state of emergency and/or state of disaster ends.

D. A district or a nonpublic school that has been allocated federal funds for the 2019-2020 school year for the purpose of providing special education services shall not be penalized or required to repay the funds by this state due to the inability to provide those services in person during the 2019-2020 school year after March 11, 2020.

E. Within five days of the effective date of this order, the Department and the Department of Civil Rights are strongly encouraged to submit requests for interpretation, guidance on implementation, flexibility, or waivers to USDOE that would permit districts and nonpublic schools to do one or more of the following during the remainder of the 2019-2020 school year:

1. Deliver instruction to all pupils, including students with disabilities, without having to reconvene or amend individualized education plans ("IEPs") or Section 504 plans.

2. Deliver direct and consultative related services such as therapies, including occupational therapy, physical therapy, speech language pathologist, social service worker, teacher consultant, and other special education services and supports, without having to reconvene or amend IEPs or Section 504 plans.
3. Complete IEPs and Section 504 plans online, either by telephone conference or video conference, if the parents or guardians involved have access to the technology and agree to the alternative means of participation. If a parent or guardian elects not to participate in an otherwise due IEP online, a district should be permitted to extend the deadline for completion of the IEP for up to 30 school days after the school closure period prompted by the COVID-19 state of emergency and/or state of disaster ends.
4. Complete annual or otherwise due IEPs online, either by telephone conference or video conference, with those IEPs being considered timely if they are completed by the end of the 2019-2020 school year.
5. Consider whether a pupil should be provided compensatory education for pupils after the school closure period prompted by the COVID-19 state of emergency and/or state of disaster ends, based on applicable law and guidance, no later than the first annual IEP meeting of the 2020-2021 school year.
6. Consider compensatory education for pupils who are more likely to qualify for compensatory education through IEP amendments, with the authority to complete those IEP amendments online, either by telephone conference, virtual meetings, or other existing technology.
7. Other requests the Department deems necessary to facilitate the delivery of alternative modes of instruction with equal access.

F. This order does not require that an IEP be amended.

VII. Temporary suspension of certain requirements relating to the suspension of administrative rules by the Superintendent

A. Strict compliance with rules and procedures under section 1281(3) of the School Code, MCL 380.1281(3), is temporarily suspended so as to suspend for the remainder of the 2019-2020 school year the requirement that a district, university school, or intermediate district apply for a limited time waiver from a Department rule interpreting or implementing a provision of the School Code

and so as permit the Superintendent to temporarily suspend a Department rule interpreting or implementing a provision of the Code to facilitate the implementation of this order or other orders or response efforts prompted by the COVID-19 state of emergency and/or state of disaster.

B. The Superintendent may not grant a waiver from the duty to comply with a provision of the School Code and may not grant a waiver from the duty to comply with another state statute unless and to the extent that a waiver is specifically allowed by that other state statute.

VIII. Temporary suspension of certain certification and continuing learning requirements

A. Strict compliance with rules and procedures under section 1531(2) of the School Code, MCL 380.1531(2), is temporarily suspended so as to permit the Superintendent to issue a temporary one-year teaching certificate to an otherwise qualified individual who is unable to take an appropriate subject area examination required by MCL 380.1531(2) due to COVID-19 or accompanying response efforts.

B. Strict compliance with rules and procedures under section 1531(3) of the School Code, MCL 380.1531(3), is temporarily suspended so as to permit the Superintendent to issue a temporary one-year teaching certificate to an individual holding a teaching certificate from another state or a teaching degree from an out-of-state teacher preparation institution who applies for a Michigan teaching certificate, is otherwise qualified, but is unable to take an appropriate subject area examination required by MCL 380.1531(3) because the examination is not offered due to COVID-19 or accompanying response efforts.

C. Strict compliance with rules and procedures under section 1531d of the School Code, MCL 380.1531d, is temporarily suspended so as to permit the Superintendent to temporarily waive the requirement that a person seeking a teaching certificate successfully complete a course approved by the Department in first aid and cardiopulmonary resuscitation and instruction approved by the Department in foreign body airway obstruction management when the person is unable to complete the course and/or the instruction because the course and/or the instruction is not offered due to COVID-19 or accompanying response efforts.

D. Strict compliance with rules and procedures under section 1531i(2)(c) of the School Code, MCL 380.1531i(2)(c), is temporarily suspended so as to permit the Superintendent to issue an interim teaching certificate to an otherwise qualified

individual who is unable to take an appropriate subject area examination required by MCL 380.1531i(2)(c) because the examination is not offered due to COVID-19 or accompanying response efforts.

E. Strict compliance with rules and procedures under Rule 390.1130(6) and (7) of the Michigan Administrative Code is temporarily suspended so as to permit the Superintendent to extend the duration of a 1-year temporary teacher employment authorization by an additional year if the holder of the 1-year temporary teacher employment authorization is unable to complete the requirements to obtain a Michigan teaching certificate because the requirements cannot be satisfied due to COVID-19 or accompanying response efforts.

F. Strict compliance with rules and procedures under section 1526 of the School Code, MCL 380.1526, is temporarily suspended so as to waive for any teacher within his or her third year of employment the requirement that the teacher receive at least 15 days of professional development within the teacher's first three years of employment if the requirement could not be completed due to COVID-19 or accompanying response efforts.

G. Strict compliance with rules and procedures under section 1527(1) of the School Code, MCL 380.1527(1), is temporarily suspended so as to waive the requirement for the 2019-2020 school year that a district or intermediate district provide at least five days of teacher professional development each year.

H. Strict compliance with rules and procedures under section 1233(6) of the School Code, MCL 380.1233(6), is temporarily suspended so as to permit the Department to renew an individual's school counselor credential regardless of whether the individual has completed at least 25 hours of professional development approved by the Department under MCL 380.1233(8) covering counseling about the college preparation and selection process and at least 25 hours of professional development approved by the Department under MCL 380.1233(8) covering career counseling.

IX. Implementation

A. Strict compliance with rules and procedures under section 21f of the School Aid Act, MCL 388.1621f, is temporarily suspended so as to permit a district pursuant to an approved Plan to enroll a pupil in more than 2 virtual courses, regardless of whether the virtual course is published in a catalog of courses or a parent or guardian

approves, and so as to suspend any requirement to comply with minimum requirements to count a pupil in membership established by the pupil accounting manual.

B. Strict compliance with rules and procedures under section 1278a(4) of the School Code, MCL 380.1278a(4), is temporarily suspended so as to permit a district to determine a pupil has completed a credit without using subject area content expectations or guidelines developed by the Department.

C. Strict compliance with rules and procedures under section 1280f(5) of the School Code, MCL 380.1280f(5), is temporarily suspended so as to relieve a district of the obligations imposed by that provision for the remainder of the 2019-2020 school year, including the obligation to retain a pupil in grade 3.

D. Strict compliance with rules and procedures under sections 162 and 163 of the School Aid Act, MCL 388.1762 and 388.1763, is temporarily suspended so as to prevent the forfeiture of funds resulting from the implementation of this order.

E. To mitigate the impact of COVID-19 on educational outcomes, a district may adopt year-round school or a year-round program for the 2020-2021 school year or start the 2020-2021 school year before the first Monday in September. Strict compliance with rules and procedures under sections 1284a and 1284b of the School Code, MCL 380.1284a and 380.1284b, is temporarily suspended so as to permit a district to adopt year-round school, a year-round program, or an early start for the 2020-2021 school year. Adoption of measures provided in this section IX.E may be included by a district as part of the district's Plan.

F. Mandatory closure of schools relating to COVID-19 shall not affect an employer contribution, employee contribution, or the accrual of service credit under the Public School Employees Retirement Act of 1979, 1980 PA 300, as amended, MCL 38.1301 to 38.1467.

G For a district with a collective bargaining agreement, this order must be implemented by the district in a manner consistent with the collective bargaining agreement.

H. Before the Department, the Superintendent, or the Department of Civil Rights seeks any guidance, issues a waiver, seeks a waiver relating to this order, or suspends an administrative rule pursuant to this order, the Superintendent or the director of the Department of Civil Rights, as applicable, shall provide the

governor in writing with a copy of the request or waiver and information relating to the request, waiver, or suspension, as required by section 8 of article 5 of the Michigan Constitution of 1963.

I. To ensure management of district and intermediate district affairs and property in ways that will assist the response to the COVID-19 state of emergency and/or state of disaster, districts and intermediate districts are authorized and encouraged to donate medical personal protective equipment and supplies to healthcare providers and other necessary personnel engaged in response efforts to COVID-19.

J. This order is effective immediately and continues through the end of the states of emergency and disaster declared in Executive Order 2020-33 or any other state of emergency or disaster declared in response to COVID-19 during the remainder of the 2019-2020 school year, with the exception of the provisions of this order relating to scheduling for the 2020-2021 school year, which will continue into the 2020-2021 school year for that purpose.

X. Definitions

As used in this order:

A. "Alternative modes of instruction" means modes of pupil instruction, other than in-person instruction, that may include, without limitation, partnerships with other districts or intermediate districts or community colleges or institutions of higher education, use of vendors, use of online learning, telephone communications, email, virtual instruction, videos, slideshows, project-based learning, use of instructional packets, or a hybrid of multiple modes of learning that still promote recommended practices for social distancing to mitigate the spread of COVID-19.

B. "Center" means the Center for Educational Performance and Information referenced in section 94a of the School Aid Act, MCL 388.1694a.

C. "District" means a school district established under the School Code or a public school academy. District does not include an intermediate district, except for an intermediate district that educates K-12 students.

D. "Intermediate district" means an intermediate school district established under part 7 of the School Code, MCL 380.601 to 380.705b.

E. "Intermediate superintendent" means the superintendent of an intermediate district.

F. "Membership" means that term as defined in section 6(4) of the School Aid Act, MCL 388.1606(4).

G. "Michigan Virtual School" means the Michigan Virtual School referenced in section 98 of the School Aid Act, MCL 388.1698.

H. "Public school academy" means that term as defined in section 5 of the School Code, MCL 380.5.

I. "Pupil" means that term as defined in section 6(6) of the School Aid Act, MCL 388.1606(6).

J. "Superintendent of Public Instruction" or "Superintendent" means the superintendent of public instruction described in section 3 of article 8 of the Michigan Constitution of 1963.

Given under my hand and the Great Seal of the State of Michigan.



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Executive Order 2020-48 (COVID-19)

EXECUTIVE ORDER

No. 2020-48

**Temporary authorization of remote participation in public meetings
and hearings and temporary relief from monthly meeting
requirements for school boards**

Rescission of Executive Order 2020-15

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the

Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders, it is crucial that all Michiganders take steps to limit in-person contact. These critical mitigation measures include social distancing and limiting the number of people interacting at public gatherings.

To that end, it is reasonable and necessary to temporarily suspend rules and procedures relating to physical presence at meetings and hearings of public bodies and other governmental entities in Michigan. These public bodies and entities must continue to conduct public business during this emergency, including actions to

respond to COVID-19, and the general public must be able to continue to participate in government decision-making without unduly compromising public health, safety, and welfare.

Executive Order 2020-15 provided this limited and temporary relief from certain rules and procedures. This order clarifies and extends the duration of that relief, as it remains reasonable and necessary to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents. With this order, Executive Order 2020-15 is rescinded.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. To the extent that the Open Meetings Act ("OMA"), 1976 PA 267, as amended, MCL 15.261 to 15.272, requires that a meeting of a public body be held in a physical place available to the general public or requires the physical presence of one or more members of a public body, **strict compliance with section 3 of the OMA, MCL 15.263, is temporarily suspended in order to alleviate any such physical-place or physical-presence requirements**, as follows:

(a) A meeting of a public body may be held electronically, including by telephonic conferencing or video conferencing, in a manner in which both the general public and the members of the public body may participate by electronic means.

(b) A meeting of a public body held electronically must be conducted in a manner that permits two-way communication so that members of the public body can hear and be heard by other members of the public body and so that general public participants can hear members of the public body and can be heard by members of the public body and other participants during a

public comment period. The public body also may use technology to facilitate typed public comments that may be read to or shared with members of the public body and other participants.

(c) Members of a public body and of the general public participating electronically will be considered present and in attendance at the meeting and may participate in the meeting as if physically present at the meeting.

(d) All persons must be permitted to participate in any meeting of a public body held electronically, except as otherwise provided in the OMA.

(e) If a public body directly or indirectly maintains an official internet presence, the public body must, consistent with and in addition to any other applicable notice requirements under the OMA, post advance notice of a meeting held electronically on a portion of the public body's website that is fully accessible to the public. The public notice on the website must be included on either the homepage or on a separate webpage dedicated to public notices for non-regularly scheduled public meetings or electronic meetings and accessible through a prominent and conspicuous link on the website's homepage that clearly describes its purpose for public notification of those non-regularly scheduled or electronic public meetings. Notice of a meeting of a public body that will be held electronically must include all of the following:

(i) An explanation of the reason why the public body is meeting electronically.

(ii) Detailed procedures by which the public may participate in the meeting remotely, including a telephone number, internet address, or both.

(iii) Procedures by which persons may contact members of the public body to provide input or ask questions on any business that will come before the public body at the meeting.

(iv) Procedures by which persons with disabilities may participate in the meeting.

(f) The right of a person to participate in a meeting of a public body held electronically includes the right to tape-record, to videotape, to broadcast live on radio, and to telecast live on television the proceedings of the public body at a public meeting. The exercise of this right does not depend on the prior approval of the public body. However, a public body may establish reasonable rules and regulations to minimize the possibility of disrupting the meeting.

(g) A public body may not require a person as a condition of participating in a meeting of the public body held electronically to register or otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attendance, other than mechanisms necessary to permit the person to participate in a public comment period of the meeting.

(h) A person must be permitted to address a meeting of a public body held electronically under rules established and recorded by the public body. A person must not be excluded from a meeting held electronically otherwise open to the public except for a breach of the peace actually committed during the meeting.

(i) During a meeting of a public body held electronically, members of the public body are urged to take all votes by roll call to avoid any questions about how each member of the public body votes.

(j) If a public body holding a meeting electronically directly or indirectly maintains an official internet presence, the public body is encouraged to make available to the general public through the public body's website homepage an agenda and other materials relating to the meeting.

(k) Members of the general public otherwise participating in a meeting of a public body held electronically may be excluded from participation in a closed session of the public body held electronically during that meeting if the closed session is convened and held in compliance with the requirements of the OMA applicable to a closed session.

2. A public body holding a meeting electronically as provided under this order is encouraged to do so in a manner that effectuates as fully as possible the purposes of the OMA, which include promoting government accountability and fostering openness in government to enhance responsible decision-making. Discussions or deliberations at an open meeting that cannot at a minimum be heard by the general public participating in the meeting are contrary to these

purposes. Accordingly, members of a public body must avoid using email, texting, instant messaging, and other such electronic forms of communication to make a decision or deliberate toward a decision, and must avoid “round-the-horn” decision-making in a manner not accessible to the public at an open meeting.

3. If a decision or other action of a public body is in compliance with the requirements of this order and the other requirements of the OMA, it is in compliance with the OMA.
4. If a statute or rule other than the OMA requires that public comments be permitted or a public hearing be held, including in conjunction with the issuance of a permit or a hearing required under the Uniform Budgeting and Accounting Act, 1968 PA 2, as amended, MCL 141.421 to 141.440a, a public body or department or agency may provide a means for remote public comment or participation through the use of any technology that would facilitate a member of the general public’s ability to participate remotely to the same extent as if the member of the general public appeared in person. If not expressly authorized by statute or rule, written comment, including by electronic means, also is permitted.
5. **Strict compliance with subsection 6 of section 11a, subsection 7 of section 384, and subsection 1 of section 418a of the Revised School Code, 1976 PA 451, as amended, MCL 380.11a(6), MCL 380.384(7), and MCL 380.418a(1), is temporarily suspended so as not to require school district boards to hold meetings at least once each month.**
6. Nothing in this order permits a public body to limit or restrict the rights of the press or other news media. Members of public bodies are encouraged to facilitate access by members of the press and other news media both to meetings held electronically and to members of public bodies.

7. As used in this order, the terms “decision,” “meeting,” and “public body” mean those terms as defined under section 2 of the OMA, MCL 15.262, except this order does not apply to state legislative bodies.
8. A provision of this order will prevail over any conflicting provision of a local charter, ordinance, or rule.
9. This order supersedes sections 2 and 3 of Executive Directive 2020-2.
10. This order is effective immediately and continues through May 12, 2020.
11. Executive Order 2020-15 is rescinded.

Given under my hand and the Great Seal of the State of Michigan.




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Warren C. Evans
Wayne County Executive

Wayne County Department of Health, Human & Veterans Services

WAYNE COUNTY LOCAL HEALTH DEPARTMENT

EMERGENCY PUBLIC HEALTH ORDER IN RESPONSE TO THE COVID-19 PANDEMIC UNDER MCL 333.2453

PROCEDURES FOR CHILDCARE CENTERS REMAINING OPEN UNDER STATE OF MICHIGAN EXECUTIVE ORDER 2020-21

ORDER # 20-01

On March 26, 2020, I, Carol Austerberry, the Health Officer of the Wayne County Local Health Department am issuing this Local Public Health Emergency Order # **20-01** for the Coronavirus Disease 2019 (COVID-19) pursuant to section 333.2453 of the Public Health Code of the State of Michigan, as it has been determined that it is necessary to protect the public health from further transmission of COVID-19 within Wayne County.

As evidence for the need for these measures, the State of Michigan issued an executive order that, as of March 24, 2020, places limitations on public activities to slow the transmission of COVID-19. This order by Governor Whitmer was issued as State of Michigan Executive Order 2020-21- “**Temporary requirement to suspend activities that are not necessary to sustain or protect life.**” https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-522626--,00.html

As part of that order, childcare centers may stay open only to the extent that they provide care for children or dependents of critical infrastructure workers. As COVID-19 is being spread by person to person contact, those childcare centers remaining open still pose a risk to furthering the spread of COVID-19 within the community. In addition to the measures detailed by the Governor in her Executive Order, certain procedures must be implemented at those childcare centers still operating in order to limit exposure in the community.

As such, the Wayne County Local Health Officer hereby **orders** the following to take effect on **March 26, 2020 at 7:00 p.m. EDT.**

Childcare centers in the Wayne County Local Health Department jurisdiction remaining open under Governor Whitmer’s Executive Order 2020-21 **must**:

- Develop and implement a daily screening procedure for all staff, children, parents, guardians and essential visitors.

Screening procedures **must** include the following:

- Asking if the child or individual has symptoms of fever, cough, shortness of breath, sore throat, or diarrhea;
- Conducting a temperature check with a touchless/contactless thermometer, if available, is strongly recommended in lieu of verbal confirmation of all children and individuals entering the premises;



Wayne County Department of Health, Human & Veterans Services

Warren C. Evans

Wayne County Executive

- Noting the presence of any symptoms in children and individuals shall be taken as an issue of great concern;
- Asking if the child or individual has had close contact in the last 14 days with an individual diagnosed with COVID-19; and
- Asking if the child or individual has traveled via airplane internationally or domestically in the last 14 days.

If a “yes” answer is provided to any of the screening questions, the child or individual cannot enter the childcare center until they have self-isolated/self-quarantined for the following number of days:

- If symptoms are present, a minimum of 7 days since symptoms first appeared. The individual or child must also have 3 days without a fever and three days with an improvement in respiratory symptoms;
- 14 days following close contact with an individual diagnosed with COVID-19; or 14 days following international or domestic travel.

All non-essential visitors must be restricted from entering the childcare center.

All childcare facilities remaining open under Governor Whitmer’s Executive Order **shall POST A COPY** of this order at all entrances to the childcare center so that it is visible to all employees and persons entering the center.

Such measures will be enforced, and any violations are subject to citation and penalties as outlined in the Michigan Public Health Code.

This Order will remain in effect until it is determined by the Health Officer of the Wayne County Local Health Department that the threat to the Public's Health and lives is no longer present.

This order may be revised as well as supplemented with specific procedures and orders per the Michigan Public Health Code.

This order is hereby effective as of March 26, 2020 at 7 PM EDT.

Carol Austerberry, RS, MS, MPA
Wayne County Dept. of Health, Human & Veterans Services
Division Director/Local Health Officer

Date: March 26, 2020



Warren C. Evans
Wayne County Executive

Wayne County Department of Health, Human & Veterans Services

WAYNE COUNTY LOCAL HEALTH DEPARTMENT

EMERGENCY PUBLIC HEALTH ORDER IN RESPONSE TO THE COVID-19 PANDEMIC UNDER MCL 333.2453

PROCEDURES FOR NON-CHILDCARE BUSINESSES & OTHER ENTITIES REMAINING OPEN UNDER STATE OF MICHIGAN EXECUTIVE ORDER 2020-21

ORDER # 20-02

On March 26, 2020, I, Carol Austerberry, the Health Officer of the Wayne County Local Health Department am issuing this Local Public Health Emergency Order # **20-02** for the Coronavirus Disease 2019 (COVID-19) pursuant to section 333.2453 of the Public Health Code of the State of Michigan, as it has been determined that it is necessary to protect the public health from further transmission of COVID-19 within Wayne County.

As evidence of the need for these measures, the State of Michigan issued an Executive Order that, as of March 24, 2020, places limitations on public activities to slow the transmission of COVID-19. This order by Governor Whitmer was issued as State of Michigan Executive Order 2020-21- "**Temporary requirement to suspend activities that are not necessary to sustain or protect life.**" https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-522626--,00.html

As part of the Executive Order, certain businesses and entities may remain open because they provide essential services for sustaining or protecting life. As COVID-19 is being spread by person to person contact, those businesses and entities remaining open still pose a substantial risk to fostering community spread. Besides the measures detailed by the Governor in her Executive Order, certain supplemental procedures must be implemented by those businesses and other entities still operating in order to limit exposure in the community.

As such, the Wayne County Local Health Officer hereby **orders** the following to take effect on **March 26, 2020 at 7:00 p.m. EDT.**

Non-childcare businesses and entities in Wayne County Local Health Department jurisdiction remaining open under Governor Whitmer's Executive Order 2020-21 must:

Develop and implement a daily screening procedure for all staff upon reporting to work sites. The screening procedures must include the following:

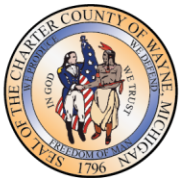
- Ask if the employee has symptoms of fever, cough, shortness of breath, sore throat, or diarrhea.
- Use of a touchless/contactless thermometer to conduct temperature checks is strongly recommended in lieu of verbal confirmation if one is available.
- Ask if the employee has had close contact in the last 14 days with an individual diagnosed with COVID-19; and
- Ask if the employee has travelled via airplane internationally or domestically in the last 14 days.

If an employee answers "yes" to any of the screening questions, the employee is not permitted on the work site and should self-isolate/self-quarantine at home for the following time periods:

- If symptoms are present, a minimum of 7 days since symptoms first appeared. To return to work, an individual

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must also have 3 days without a fever and improvement in respiratory symptoms;

- 14 days if the employee had close contact with an individual diagnosed with COVID-19; or
- 14 days following international or domestic travel.

NOTE: A 14-day quarantine period does not apply to hospitals, healthcare facilities, EMS, other organizations that employ healthcare workers in the inpatient or outpatient setting, or providers and support staff involved in patient care, and public health staffing actively involved in the COVID-19 response (local or state).

Develop and implement a social distancing plan (at least 6 feet from another person) for employees, customers, and authorized visitors such as service personnel. Social distancing shall be practiced by those employees working in shared spaces, as well as customers waiting both inside or outside of the facility.

Limit capacity inside facilities to allow for social distancing between customers and employees. This includes but is not limited to the use of signs, contact barriers, entrance limits and specialized hours.

All businesses and other entities remaining open as allowed for under Governor Whitmer's Executive order **shall POST A COPY** of this Order #20-02 at all entrances to their open facilities so that it is visible to all employees, customers, and other persons entering the facility.

Such measures will be enforced, and any violations are subject to citation and penalties as outlined in the Michigan Public Health Code.

This Order will remain in effect until it is determined by the Health Officer of the Wayne County Local Health Department that the threat to the Public's Health and lives is no longer present.

This Order may be revised as well as supplemented with specific procedures and orders per the Michigan Public Health Code.

This Order #20-02 is hereby effective as of March 26, 2020 at 7 PM EDT:

Carol Austerberry, RS, MS, MPA
Wayne County Dept. of Health, Human & Veterans Services
Division Director/Local Health Officer

Dated: March 26, 2020