



August 13, 2020

The Honorable Douglas Ducey, Governor  
State of Arizona  
1700 West Washington Street  
Phoenix, Arizona 85007

Re: **State requirements for students returning to onsite services**

Dear Governor Ducey,

While we share your commitment to the safety of residents of Arizona as we face this pandemic, we are concerned that there is a disconnect between your stated policies and the requirements dictated by Executive Order 2020-51 which lays out the requirements for students returning to onsite services.

The primary problem with the State guidance related to at-risk youth returning to schools is that there is no recognition that there may be an actual limit on the number of students that can safely return to a particular school or school site, given physical distancing standards and other well-established principles to reduce the spread of COVID-19. This recognition should be stated in the guidance. Given the large number of at-risk students that may be attending some school districts, it is obvious that a prioritizing process among at-risk students must occur to accommodate students in district facilities that have physical space limitations. This simply means that once physical capacity is determined based on physical distancing requirements designed to minimize the spread of COVID-19, the district should undergo a process to rank their at-risk students to ensure those most at-risk can be accommodated within the available space. Clarity in your guidance would go a long way to eliminate the current concerns of school districts, particularly those that have high percentages of at-risk students in their respective districts.

As an example, the Nogales Unified School District (NUSD) is unable to meet the requirements of Executive Order 2020-51 and we ask that you revise the Executive Order.

While the Executive Order does allow for waivers, the benchmarks are so high that NUSD will essentially not be able to qualify for the waivers. With an enrollment of 5,600 students, the make-up of the student body is so diverse and at such high levels of need that in the end, even with the waivers, NUSD will still be required to onsite services, five days a week, for approximately 90% of the student body, or over 5,000 students.

The NUSD student body is comprised as follows: free and reduced population at 82%, students with disabilities at 11%, English learners at 21%, and foster students at

approximately 2%. We are hearing this situation is being repeated in district after district with low-income populations throughout the state.

Local governing school boards are committed to providing the best educational outcomes for the students in their district. But it is the local school boards that best know their capabilities and resources, along with in-depth knowledge of the facilities available at the schools, so they are best-equipped to define and implement the optimal plan to move forward during the pandemic. School boards are committed to fulfilling the educational requirements such as instruction time, while ensuring the safety of students, faculty and school community that includes the family members for each student.

Executive Order 2020-51 has tied the hands of school boards throughout the state and puts students, faculty and their families at risk of falling prey to COVID-19. Certainly, schools need more resources, but there must be consideration for the needs of poor districts. Many schools have a very high percentage of the student body that either lacks or has very low-quality broadband service. We ask for assistance from the State in helping provide greater access to broadband in order to integrate remote learning as part of the educational plan.

Our request is that local school boards be given flexibility in determining the best alternatives, protocols and systems to meet mandates for instruction time but with adherence to guidelines as dictated by the Centers for Disease Control.

The example of your Executive Order that permitted local governments to consider mandating the use of face coverings - an effort that has greatly contributed to the reduction in positivity rates statewide - shows that success comes with local jurisdictions determining the best way forward for their communities. We request that you provide that same consideration and allowance for our school districts and the education of our children.

Respectfully,

Arizona Border Counties Coalition



The Honorable Sharon Bronson  
Pima County Representative  
Arizona Border Counties Coalition



The Honorable Ann English  
Cochise County Representative  
Arizona Border Counties Coalition



The Honorable Bruce Bracker  
Santa Cruz County Representative  
Arizona Border Counties Coalition



The Honorable Tony Reyes  
Yuma County Representative  
Arizona Border Counties Coalition