



STATE OF CONNECTICUT
STATE DEPARTMENT OF EDUCATION



TO: Superintendents of Schools

FROM: Jessa Y. Mirtle, Legal Director

DATE: April 6, 2020

SUBJECT: Governor Lamont's Executive Order 7R Regarding School Board Funding, Employees, and Contractors

Commissioner Cardona and the State Department of Education (SDE), in consultation with the Office of the Governor and the Office of Policy and Management (OPM), and municipal and education stakeholders, supported Executive Order 7R to address the effects of the COVID-19 pandemic on school staff and communities.

Funding for school boards and their staff is anticipated in existing state and local budgets approved prior to this crisis. Continuing to use those funds to, at a minimum, offer staff pay and health insurance will maintain support to communities that are instrumental to furthering the educational interests of our state. Therefore, Executive Order 7R anticipates board of education staff be paid to the greatest extent practicable, and mirrors the Federal CARES Act language about payment of employees and contractors during the period of any disruptions related to COVID-19.

School staff

Stability for board of education staff, including uncertified or hourly workers who may rely on a regular paycheck and health insurance to keep their households running, is a fundamental goal of this order. This national crisis was unforeseeable to those families.

Questions have arisen about what employees the executive order covers. If but-for the COVID-19 pandemic, an employee of a board of education would have remained in employment for the remainder of the school year, the spirit of the Governor's EO is that the district should continue that, to the greatest extent practicable. Staff should also continue to be available to provide services and support the students and school district in these new circumstances, consistent with safety precautions.

Interpreting the order related to specific employees requires individualized consideration at the local level, with the input of human resources, fiscal staff, and board counsel. For example, the district will need to address what is practicable for their schools, consider the anticipated duration and the nature of the relationship between the individual and the board, and determine if the person would have been separated for other reasons.

Bus and Special Education Contracts

School communities, including transportation and special education providers, will need to continue to provide services, or to promptly and with short notice resume services when public health and safety restrictions allow it. Municipal, board of education, and contractor feedback was considered in drafting Executive Order 7R, and the consensus was that these parties needed flexibility and the opportunity for individualized negotiation to best address the unique circumstances for specific communities. The direction to negotiate amendments (where necessary) with identified goals should ensure staff members are supported, safeguard tax-payer monies by avoiding unnecessary costs for items such as unused fuel, but allow smaller companies to prepare to get back up and running as soon as students return to in-school classes.

We are hopeful that in light of this unprecedented crisis all parties will make unique efforts to collaborate and confirm prompt solutions to support our school communities. If you have any questions on this guidance, please contact Jessa.Mirtle@ct.gov.