

Arizona Charter Schools Planned Re-Opening

By [William Gelm](#) and [Shaleen Brewer](#)

On July 23, 2020, Arizona Governor Doug Ducey, Superintendent of Public Instruction Kathy Hoffman and Arizona Department of Health Services Director, Dr. Cara Christ held a news conference to discuss certain executive orders of the Governor regarding re-opening of Arizona businesses and public district and charter schools in Arizona. While merely suggesting that a detailed plan would be forthcoming regarding the re-opening of public schools in Arizona for in-person instruction, the Governor and the Superintendent appear to have moved away from the previously announced hard date for re-opening public schools for in-person instruction on August 17, 2020. The Superintendent of Public Instruction announced that local governing boards will now have discretion when to begin in-person instruction at their specific schools based upon guidance from their local county health and state health departments. Nonetheless, public district and charter schools must commence instruction virtually for all students by the date each school reported to the Arizona Department of Education as its school opening date, and for students with special needs or students who are children of persons deemed to be essential workers, in-person instruction by the same date. The Superintendent of Public instruction announced that additional guidance regarding the re-opening of public and charter schools for in-person instruction will be announced by the Governor and the Superintendent on August 7, 2020 after consultation with the Arizona Department of Health Services and the respective county departments of health. Unfortunately, that guidance will come after many charter schools in Arizona must commence their school year.

To date, neither the Governor nor the Superintendent of Public Instruction have offered any comfort regarding the liabilities of charter school operators in the event of an exposure or a diagnosis at their school. Based upon our discussions with our clients, this is the stuff that keeps charter operators up at night right now.

We at Buchalter have been working tirelessly to assist our clients in formulating re-opening plans, mask policies, social distancing policies taking into account the best information we have available from state and federal scientific authorities, the legal expectations of you as charter operators and, quite frankly, common sense. We have also been advising clients regarding their obligations to disclose an on-campus exposure to Coronavirus or a diagnosis of Covid-19 to the school community while observing all applicable individual privacy laws and assisting charter operators in drafting policies that balance these concerns.

There are certain actions your governing board can take now to adopt policies to inform your parents, students, faculty and staff of the details your school's specific re-opening plan, requirements for self-reporting of any exposure, and your school's plan for response in the event of an exposure or diagnosis. We are here to help and provide guidance regarding certain steps you can take to both inform your charter school community of your policies and to assist your school as we navigate these uncharted waters.

Buchalter attorneys advise clients on complex issues such as these with a broad range of relevant expertise. Please contact one of the following attorneys with follow up questions or advice as you are formulating your re-opening plans. We will be happy to talk with you.



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