

CREATING
OPPORTUNITIES
FOR STUDENTS TO
KEEP WYOMING
STRONG



JILLIAN BALOW
Superintendent of Public Instruction

DICKY SHANOR
Chief of Staff

SHELLEY HAMEL
Chief Academic Officer

KARI EAKINS
Chief Policy Officer

TRENT CARROLL
Chief Operations Officer



CHEYENNE OFFICE
122 W. 25th St. Suite E200
Cheyenne, WY 82002
307-777-7675

RIVERTON OFFICE
320 West Main
Riverton, WY 82501
307-857-9250



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MEMORANDUM NO. 2020-070

TO: School District Superintendents

FROM: Jillian Balow, Superintendent of Public Instruction

DATE: May 6, 2020

SUBJECT: Adapted Learning Plans, Updated Health Orders, and Re-openings

ADAPTED LEARNING PLANS, UPDATED HEALTH ORDERS, AND RE-OPENINGS

The messaging during this COVID-19 pandemic has been quite challenging to say the least. I have aspired from the beginning to provide you with timely and clear guidance. Unfortunately, while we have been effective at the timely part, clarity has been difficult. I recognize how incredibly challenging this situation is for you and will continue to do everything I can to help all of us through this.

The following is my attempt at articulating in a succinct and direct manner where we are with school closures, adapted learning plans, addenda to learning plans, limited in-person instruction variances and exceptions, countywide variances, and re-opening/SmartStart plans:

1. Closures: There are two distinct components to the state school closures. The first is that schools have been closed by the State Health Officer (SHO), subject to some exceptions. Concurrent to her closing schools, I used my authority as State Superintendent under W.S. 21-13-307(a)(ii)(B)) to hold districts harmless from pro rata funding reductions due to the closures that would otherwise be required by law. My decisions on funding are in effect through the remainder of this school year, subject to Adapted Learning Plans (ALP) being fully implemented. That means every district, as long as the ALP is being followed, is to be fully funded for the remainder of the year. This is so even if a variance or exception to the SHO's orders granted by a County Health Officer (CHO) results in one or all kids returning for in-person instruction during this school year. All that is required to

be submitted to the WDE in that instance is an addendum to your ALP. Many of you have already submitted those so thank you.

2. Adapted Learning Plans (ALPs): I have an obligation to ensure that school foundation dollars are being used to provide an adequate and equitable education to all students despite the closures. The method for confirming that was to review, revise, and approve all of your ALPs. My review evidenced that you all are taking reasonable steps to ensure all of your students are receiving the best possible education under the circumstances. Our follow-up calls continued to evidence this fact. Again, all ALPs have been approved through this school year. That approval is not altered by your decision to bring in students to school facilities during this school year.

3. ALP Addenda: If you have already, or intend to during this school year, let students into your school facilities for in-person instruction, please send us an addendum to your ALP so we can keep a record. Of course, the ability to let students in your facilities is contingent upon you submitting a plan to your CHO and receiving approval from your CHO and the SHO to do so. The addendum is to be submitted whether you let one student in or all students in. There is no different “reopening” plan required during this school year, just an ALP addendum.

4. Limited In-Person Instruction Variances and Exceptions: On April 28, the State Health Officer updated her state closure orders. Paragraphs 9, 11, and 12 of the [Third Continuation of Order 1](#) and the updated COVID-19: [Guidance for Educational Institutions](#) from the Wyoming Department of Health are the most pertinent to schools.

- *Third Continuation Order 1 (starting on page 6)* - Paragraph 9, states that “All K-12 school shall not hold in person classes until no sooner than May 18, 2020, unless an exception is granted under paragraph 11 or a Countywide Variance Order is granted under paragraph 12.”
 - *Paragraph 11* - Specific “exceptions” to the closure order may be granted at the discretion of the CHO (final approval by SHO) if demonstrated in writing by the school district that effective cleaning and safety measures are implemented.
 - *Paragraph 12* - Countywide “variances” to the closure order may be granted by the CHO (final approval by SHO).
- *Guidance for Educational Institutions* - Schools may work with their CHOs on “exceptions” to the closure orders to provide limited in-person instruction to certain student s.

These differing levels of exceptions and variances provide flexibility to you and your CHO to conduct in-person instruction during this school year. But again, regardless of whether you choose to exercise this flexibility or not, **your ALP is in effect through this school year and funding will be intact.**

5. Reopening/SmartStart Plans: While the updated state health closure orders allow for the possibility of in-person instruction of all students in your district through variance or exception, the primary language of the order is still that schools are closed, at least to May 18. While it is seemingly contradictory to have a significant number of students in your facilities while technically closed, it

is an attempt to provide you with opportunities to address the unique needs in your district. It also means that you can have as many students in your facilities as your CHO will let you (with SHO approval) but your funding remains constant as if you were still delivering all education through your ALP. It is prudent to consider utilizing the flexibility in the state health orders now to begin piloting best practices necessary for next school year. We have appreciated seeing the addenda submitted so far and look forward to seeing more as you all explore this flexibility.

There are a significant amount of logistical and legal issues to sort through before we are all ready to embark on the process of substantial reopenings in late summer/fall. We are sorting through those at the state level and will continue to do so throughout the summer. At some point, when the SHO either lets her school closure orders expire or continue with even broader exceptions, we will need to work together on state and local plans for reopening schools. I will want to know your plans for reopening (or your "SmartStart" plan as others across the country are calling them) but that is not necessary now. The more we can understand what you are doing, the better we can adapt our rules, policies, and procedures to accommodate.
