

# Frequently Asked Questions



## Executive Order 20-59

Updated August 6, 2020

Review Executive Order 20-59 at <https://governor.kansas.gov/wp-content/uploads/2020/07/EO-20-59-Signed.pdf>

### **Do county commissioners or local boards of education have the authority to amend or overturn the requirements in Executive Order 20-59?**

Legal opinions differ on this question. The Kansas State Department of Education recommends at a minimum that schools implement the *Navigating Change 2020* guidance.

### **Where should K-12 public and private schools require that all students, faculty, staff, vendors and other visitors cover their mouth and nose with a mask?**

K-12 public and private schools shall require all students, faculty, staff, vendors and other visitors cover their mouth and nose with a mask or other face covering as defined in Executive Order 20-59 in all public or private K-12 school attendance centers. This includes any location where students attend school – whether the building is owned and operated by the district or not. This does not include locations where students may visit for field trips. Executive Order 20-59 outlines eight exceptions to this requirement.

### **Does Executive Order 20-59 apply to 3- and 4-year-old pre-k students?**

Yes, if those students are enrolled in a location that is a K-12 attendance center. Preschool students are students, so they must wear masks while in public or private K-12 school attendance centers. Children who are NOT students and who are 5 years of age or under are exempt from this requirement.

If the pre-k student is enrolled in a separate building that is only used for early childhood programming (does not include any elementary students), Executive Order 20-59 does not require them to wear a mask.

Early childhood administrators may consider resources to engage families, such as <https://consciousdiscipline.com/e-learning/webinars/four-ways-to-help-with-mask-wearing/>. Administrators might also connect with community Head Start programs and other early



childhood programs that have continued providing services during the pandemic to discuss successful strategies and lessons learned.

### **Are masks required while students attend physical education class or engage in physical activity?**

1(c) exempts the wearing of masks while engaged in an activity during which it is unsafe or impossible to wear a mask or other face covering.

### **Are students with special health care needs required to wear masks?**

1(e) exempts persons with a medical condition, mental health condition, or disability that prevents wearing a face covering – this includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance. 1(f) exempts persons who are deaf or hard of hearing, or communicating with a person who is deaf or hard of hearing, where the ability to see the mouth is essential for communication.

For further frequently asked questions pertaining to special education legal requirements and this exemption, please consult [School Year 2020-21 KSDE Guidance on Compliance with the Individuals with Disabilities Education Act and the Kansas Special Education for Exceptional Children Act for Re-Opening Schools during the COVID-19 Pandemic](#).

### **Can students remove masks in classrooms if they are six feet apart?**

No, Executive Order 20-59 does not provide for a time to not wear the masks while in a classroom unless one of the eight exemptions apply. Paragraph 2 requires individuals to maintain a 6-foot distance from other individuals with only infrequent or incidental moments of close proximity EXCEPT during in-person instruction in classrooms when masks or other face coverings are worn.

### **Are students still required to social distance while eating?**

Yes.

### **Is there a difference between hand washing and using hand sanitizer?**

Executive Order 20-59 does not specify how hands must be sanitized. Students and faculty shall sanitize their hands at regular intervals throughout the school day and no less than once per hour.



**Can we take students' temperatures prior to boarding a bus?**

Yes, temperatures can be taken at any time prior to entering the building for the first time each day.

Districts may consider providing thermometers to families and educate them about screening for COVID-19 symptoms to avoid requiring parents to come pick up students exhibiting symptoms.

**Can we take students' temperatures in the hallway prior to entering the classroom?**

No, temperatures must be taken prior to entering the building for the first time each day.

**Are schools required to maintain records of students' temperatures?**

No, there is no requirement to document the students' temperatures.

The Kansas State Department of Education does not discriminate on the basis of race, color, national origin, sex, disability or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following person has been designated to handle inquiries regarding the nondiscrimination policies: KSDE General Counsel, Office of General Counsel, KSDE, Landon State Office Building, 900 S.W. Jackson, Suite 102, Topeka, KS 66612, (785) 296-3201.