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LEGAL UPDATE

March 20, 2020

To: Superintendents/Presidents/Chancellors, Member Community College Districts

From: Kaitlyn Schwendeman, Schools Legal Counsel *KAS*
Carl D. Corbin, General Counsel *CDC*

Subject: Executive Order N-33-20, Statewide Stay in Place
Memo No. 13-2020(CC)

On Thursday, March 19, 2020, Governor Newsom announced Executive Order N-33-20,¹ which set forth the State Public Health Officer’s “Stay at Home” Order, effective immediately.

Such Order, while similar to Shelter in Place Orders issued across the area, uses different criteria for determining whether a business may remain open. Nevertheless, there is no change in application to colleges, which are still exempt.

Educational institutions, including K-12 schools and higher education, remain exempt under this Order as a “critical infrastructure sector whose assets, systems, and networks, whether physical or virtual, are considered so vital to the United States that their incapacitation or destruction would have a debilitating effect on security, economic security, public health or safety, or any combination thereof.”²

Therefore, colleges may continue to operate as necessary to continue to provide services as described within Executive Order N-26-20, and are not required to shut down due to the statewide Order.

Please contact our office with questions regarding this Legal Update or any other legal matter.

The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.

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¹ The text of the Executive Order may be found at: <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.19.20-attested-EO-N-33-20-COVID-19-HEALTH-ORDER.pdf>

² See “Education Facilities Subsector” under “Government Facilities Sector,” definition available at: <https://www.cisa.gov/government-facilities-sector>