EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

Executive Order N-45-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency in California as a result of the threat of COVID-19; and

WHEREAS on March 17, 2020, I signed SB 117 (Chapter 3, Statutes of 2020), which ensures continuity of funding for state-subsidized child care providers impacted by the COVID-19 pandemic and authorizes the State Superintendent of Public Instruction to develop informal directives and bulletins to address contractual, attendance, and reporting requirements applicable to these providers for the 2019-20 fiscal year; and

WHEREAS child care is essential for working families, and in particular, for low-income and other parents who are considered essential critical infrastructure workers during this emergency, including health care workers; emergency response personnel; key governmental staff; law enforcement; food and agriculture workers, including grocery workers; and education and care providers; and

WHEREAS the COVID-19 emergency has created an increased need for child care for families who may not have previously needed child care, or who may now require additional hours of child care; and

WHEREAS the federal government has provided additional flexibility to the states for the use of funding provided by the Child Care and Development Fund; and

WHEREAS there is a temporary need for administrative flexibility for child care programs, to reduce barriers to care while ensuring the health and well-being of children, families, and providers; and

WHEREAS the federal government has provided flexibility to the data-sharing allowances for State educational agencies and school food authorities administering school lunch programs under the Richard B. Russell National School Lunch Act to release information necessary to administer the Pandemic Supplemental Nutrition Assistance Program (SNAP); and

WHEREAS the COVID-19 pandemic and related physical distancing requirements have impacted governmental agencies' ability to adhere to certain statutory deadlines; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. In order to facilitate the continued provision of child care during the COVID-19 outbreak, any provision in Articles 1 through 11, 12, 15.5 through 18, 20, and 21 of Chapter 2 of Part 6 of Division 1 of the Education Code and implementing regulations in Chapter 19 and 19.5 of Division 1 of Title 5, California Code of Regulations, that restricts a child care and development program impacted by COVID-19 from serving children of essential critical infrastructure workers, defined consistent with Executive Order N-33-20 and as described in the document posted at https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf, is suspended for a period of 60 days, provided that services are provided consistent with an informal directive or bulletin issued by the State Superintendent of Public Instruction pursuant to SB 117 (Chapter 3, Statutes of 2020) and that costs associated with all services provided pursuant to the informal directive or bulletin are within the budget authority of the California Department of Education.

2. In order to ensure that essential critical infrastructure workers can obtain necessary child care to continue working to assist the State's response to COVID-19, the eligibility requirements in Education Code section 8263(a) and any accompanying regulations and the enrollment priorities in Education Code section 8263(b)(2) and (3) are waived with respect to non-CalWORKS early learning and care services provided to children of essential critical infrastructure workers, defined consistent with Executive Order N-33-20 and as described in the document posted at https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf.

3. The California Department of Education and the California Department of Social Services shall, by April 7, 2020, jointly develop and issue guidance on prioritizing enrollment for children of essential critical infrastructure workers, as authorized by Paragraph 2. This guidance shall include, but need not be limited to, provisions intended to ensure that neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, retain first priority for services as specified in Education Code section 8263(b)(1).

4. The California Department of Education and the California Department of Social Services shall, by April 7, 2020, jointly develop and issue guidance on group size, physical distancing, food safety, and other healthy practices in child care settings that reflects the best practices contained in current guidance from federal, state, and local public health officials related to COVID-19.

5. The requirements in Education Code section 8273 and any accompanying regulations or other written policies or procedures related to assessment of fees for families using preschool and child care and development services pursuant to Chapter 2 of Part 6 of Division 1 of the Education Code are suspended for a period of 60 days.

6. Any provision in Article 22.5 of Chapter 2 of Part 6 of Division 1 of the Education Code and any accompanying regulations related to the After School Education and Safety Program that restricts a program funded pursuant to that Article from operating during the hours that school is ordinarily in session while a school is closed to address COVID-19 or from serving school-age children of essential critical infrastructure workers, defined consistent with Executive Order N-33-20 and as described in the document posted at https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf, is suspended for a period of 60 days. The California Department of Education may waive any of the reporting, auditing, or other requirements specified in Education Code section 8482.3(f) for the period covered by this suspension.

7. To the extent that any provision in Article 22.6 of Chapter 2 of Part 6 of Division 1 of the Education Code and any accompanying regulations related to 21st Century Community Learning Centers grant includes requirements beyond the requirements imposed by federal statutes or regulations, those requirements are suspended for a period of 60 days.

8. The calculations applicable to calendar year 2019 required by Education Code sections 8483.7(a)(1)(C) and 8483.7(a)(1)(D) for recipients of the After School Education and Safety grant are suspended.

9. The calculations applicable to calendar year 2019 required by Education Code section 8426(d)(2) and (3) for recipients of the 21st Century High School After School and Enrichment for Teens (ASSETs) are suspended, to the extent such suspension is consistent with applicable federal statutes and regulations (including, but not limited to, any applicable federal statutes or regulations with which compliance is required as a condition for the receipt of federal funds).

10. In order to allow California to take advantage of flexibility provided under Public Law 116-127 to provide Pandemic SNAP benefits to children, Education Code sections 49076, 49558 and 49557.3 and any accompanying regulations are waived for the limited purpose of authorizing the sharing of data between the California Department of Social Services and the California Department of Education to identify students who may be eligible for the Pandemic SNAP benefit.

11. The California Department of Social Services may, for the next 60 days and in consultation with the California Department of Education, waive any of the licensing, contractual, and payment requirements specified in Education Code section 8351 and any accompanying regulations, or other written policies or procedures related to CalWORKs Stage One Child Care; in Welfare and Institutions Code

section 11461.6 and any accompanying regulations, or other written policies or procedures related to the Emergency Child Care Bridge for Foster Children; and in Chapter 3.35 of Division 2 of the Health and Safety Code and any accompanying regulations, or other written policies or procedures related to Child Care Provider Registration.

12. The deadline specified in Water Code section 85200(d) for an appointing authority to fill a vacancy on the Delta Stewardship Council is extended for a period of 60 days.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 4th day of April 2020.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State