**EXECUTIVE ORDER NO. 20-08**

**SCHOOL CLOSURES AND THE PROVISION OF SCHOOL-BASED AND CHILD CARE SERVICES IN RESPONSE TO CORONAVIRUS (COVID-19) OUTBREAK**

On March 8, 2020, I declared an emergency under ORS 401.165 *et seq.* due to the public health threat posed by the novel infectious coronavirus (COVID-19).

On March 11, 2020, the World Health Organization announced that COVID-19 is a global pandemic.

On March 12, 2020, I directed public schools to remain closed statewide, from March 16, 2020, through at least March 31, 2020, to help contain the spread of COVID-19 in communities across the state.

On March 13, 2020, the President of the United States declared the COVID-19 outbreak a national emergency.

On March 16, 2020, the Department of Human Services imposed its most recent protective measures to restrict visitors to long-term care facilities and other residential facilities. The Oregon Health Authority has adopted similar measures at the Oregon State Hospital and other behavioral health settings, and has limited admissions to the Oregon State Hospital. The Oregon Department of Corrections has suspended all visits to state prisons.

COVID-19 may cause respiratory disease leading to serious illness or death. The World Health Organization considers COVID-19 to be a global pandemic. COVID-19 spreads person-to-person through coughing, sneezing, close personal contact, including touching a surface with the virus on it and then touching your mouth, nose, or eyes.

State and local public health officials advise that the virus is circulating in the community and expect the number of cases to increase. The United States Centers for Disease Control and Prevention (CDC) reports that COVID-19 is most contagious when the individual is most symptomatic, but may also spread before symptoms appear. CDC recommends measures to limit spread of the disease in the community, including limitations on events and gatherings.

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The number of presumptive or confirmed COVID-19 cases continues to rise in Oregon. On March 8, 2020, at the time I declared an emergency, there were 14 presumptive or confirmed cases in Oregon. By March 12, 2020, there were 21. As of today, there are at least 65 cases and one death.

Consistent with the mitigation strategies recommended by CDC with regard to COVID-19, in order to slow the spread of the disease, and to protect Oregonians at the highest risk of contracting the disease, I find it is necessary to immediately implement additional measures for schools. I also recognize that school closures disproportionately impact Oregon's most vulnerable children and their families. Action is necessary to minimize disruptions caused by school closures on Oregon's health care system, first responders, and emergency workers.

**NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:**

1. For purposes of this Executive Order, "public schools" include schools within a school district, educational service district, or public charter, as defined by ORS 330.003(3), ORS 330.005(2), ORS 334.003(2), and ORS 338.005(2). Tribal and private schools are not subject to this Executive Order.

2. This Executive Order confirms and extends my prior directive of March 12, 2020, regarding public school closures, made pursuant to my powers as Superintendent of Public Instruction, and my emergency powers under ORS 433.441(3)(a) and (d), ORS 401.175(1), and ORS 401.188(2) and (3). All public schools shall close to students from March 16, 2020, through April 28, 2020 ("closure period"), unless that period is extended or terminated earlier by the Governor.

3. Pursuant to my emergency powers under ORS 401.168(1), ORS 401.175(1), ORS 401.188(2) and (3), and ORS 401.192(1), it is ordered that public schools that close pursuant to paragraph 2 of this Executive Order for the closure period shall continue to receive allocations from the State School Fund, as if they had been actually in session during the closure period.

4. In order to receive allocations from the State School Fund during the closure period mandated by paragraph 2 of this Executive Order, public schools shall:

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(a) Continue delivering supplemental education and learning supports to students to the extent practical through independent study and other appropriate options.

(b) Provide school meals in non-congregate settings through the Summer Food Service Program and Seamless Summer Option, consistent with requirements provided by the Oregon Department of Education and the U.S. Department of Agriculture. Transportation grant funds from the State School Fund may be used by public schools for delivery of meals in non-congregate settings to eligible school sites using school district transportation services.

(c) Provide for supplemental services and emergency management services, including but not limited to, the provision of child care for first responders, emergency workers, health care professionals, and other individuals, consistent with any guidance and requirements provided by the Oregon Department of Education. Public schools may use transportation grant funds from the State School Fund for school district transportation services to support the transportation of children to and from school-based child care.

(d) Develop plans for the operation of essential, non-educational services, including food services, to students and families.

(e) Continue to regularly pay all employees of public schools. A public school subject to this Executive Order may require school employees to report to work to assist with the provision of supplemental services and emergency management activities.

5. The Oregon Department of Education shall provide further guidance to public schools regarding the directives set forth in paragraph 4 of this Executive Order, as necessary.

6. The Oregon State Board of Education, in collaboration with the Oregon Department of Education, shall engage in any temporary rulemaking necessary to facilitate the directives in this Executive Order, and the ability of public schools to respond to the ongoing emergency. Rulemaking shall include, but not be limited to, amendment of the instructional time requirements of OAR 581-022-1620.

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7. The Oregon Department of Education, the Oregon Health Authority, and the Department of Human Services are directed to provide guidance to school districts and communities to ensure continuity of mental health services to children and their families.

8. The Oregon Department of Education, Early Learning Division, and the Department of Human Services are directed to collaborate and align resources to support and ensure the reimbursement for, continuity of, and availability of care provided by family-based, center-based, and license-exempt child care providers.

9. In consultation with the Early Learning Council, the Early Learning System Director is hereby directed and authorized to waive, suspend, or amend existing administrative rules pertaining to child care, and to establish requirements for emergency child care, pursuant to paragraph 4(c) of this Executive Order.

10. Nothing in this Executive Order should be construed to require public school employees in at-risk categories, or public school employees who have an at-risk member of their household, to take action inconsistent with public health recommendations or the advice of the employee's physician.

This Executive Order is issued under the authority conferred to the Governor by ORS 401.165 to 401.236. Pursuant to ORS 401.192(1), the directives set forth in this Executive Order shall have the full force and effect of law, and any existing laws, ordinances, rules and orders shall be inoperative to the extent they are inconsistent with this exercise of the Governor's emergency powers.

Done at Portland, Oregon this 17th day of March, 2020.

Kate Brown

Kate Brown
GOVERNOR

ATTEST:

Bev Clarno
SECRETARY OF STATE

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