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EXECUTIVE ORDER

Amending Executive Orders D 2020 007 and D 2020 021 to Promote the Provision of Emergency Child Care for Essential Workers and to Temporarily Suspend Certain Statutes to Enable Schools to Focus on Student Services During the COVID-19 Outbreak

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.* (Act), I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order, amending Executive Orders D 2020 007 and D 2020 021, to promote the provision of emergency child care for essential workers and to temporarily suspend certain statutes to enable schools and districts to focus on instruction and student services during the coronavirus disease 2019 (COVID-19) outbreak in Colorado.

I. Background and Purpose

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive COVID-19 test result in Colorado. Since then, the number of confirmed cases has continued to climb, and we have evidence of community spread throughout the State. I verbally declared a disaster emergency on March 10, 2020, and issued the corresponding Executive Order D 2020 003 on March 11, 2020. On March 25, 2020, I requested that the President of the United States declare a Major Disaster for the State of Colorado, pursuant to the Stafford Act. The President approved that request on March 28, 2020.

My administration, along with other State, local, and federal authorities, has taken a wide array of actions to mitigate the effects of the pandemic, prevent further spread, and protect against overwhelming our health care resources.

On March 18, 2020, I issued Executive Order D 2020 007 ordering all public and private elementary and secondary schools in Colorado, including public preschools on public school campuses, and excluding approved facility schools as defined in C.R.S. § 22-2-402(1), to suspend normal in-person instruction from March 23, 2020 to April 17, 2020, in an effort to decrease the spread of COVID-19. Executive Order D 2020 007 suspended certain statutory requirements to allow schools, districts, and the Charter School Institute to focus on developing and providing alternative learning opportunities for students during the suspension of in-person instruction.

Executive Order D 2020 007 also directed the Colorado Department of Human Services (CDHS) to undertake certain efforts to increase access to child care during the COVID-19 crisis. I directed CDHS to access additional federal Child Care Development Funds to reimburse counties that pay providers through the Colorado Child Care Assistance Program (CCCAP) for absences or closures as a result of COVID-19 for eight (8) weeks, and I authorized CDHS to waive regulations to increase the supply of child care for essential and emergency workers, if waiving such regulations would not endanger the public health, welfare, or safety.

On April 1, 2020, I issued Executive Order D 2020 021, which amended Executive Order D 2020 007 and extended the suspension of normal in-person instruction at all public and private elementary and secondary schools in the State until April 30, 2020.

To assist our essential workforce with child care during the COVID-19 crisis, CDHS has created the Colorado Emergency Child Care Collaborative (Collaborative), a public-private partnership designed to provide emergency child care for families of essential workers identified in Public Health Order 20-24. The Collaborative is providing safe, free child care to hundreds of families critical to our State's COVID-19 response.

This Executive Order promotes the provision of emergency child care for essential workers by directing CDHS to access federal dollars and temporarily suspending certain statutes related to child care licensing fees. This Executive Order also temporarily suspends certain statutes to enable schools and districts to focus on instruction and student services during the COVID-19 outbreak in Colorado.

II. Amendments

Section II.D of Executive Order D 2020 007, as amended by Executive Order D 2020 021, is amended to read as follows:

> I direct local public health agencies to work with child care providers and preschools not operated by P-12 schools to determine whether it is safe to continue operations. If there is a positive or suspected case of COVID-19 in a student, parent of a student, or staff member at the child care or preschool facility, I direct the facility to work in partnership with the appropriate local public health agency to determine whether to close the facility or affected portion of the facility. The facility or affected portion shall close for no less than twenty-four (24) hours, and implement protocol for responding to COVID-19 pursuant to CDPHE guidance and in partnership with the appropriate local public health agency.

Section II of Executive Order D 2020 007, as amended by Executive Order D 2020 021, is amended to include the following:

L. I direct CDHS to access additional federal Child Care Development Block Grant dollars to offer, support, and oversee the provision of emergency child care for families of employees of critical businesses and critical government services identified in Public Health Order 20-24, for at least eight (8) weeks beginning March 23, 2020, with the possibility of extension if the COVID-19 outbreak continues.

M. I temporarily suspend the child care licensing fees required by C.R.S. §§ 26-6-105(2)(a) and (b), only for applications required for the direct provision of emergency child care through the Collaborative in response to COVID-19.

N. I temporarily suspend the waiver procedures required by C.R.S. § 22-2-117(1)(a), (c) and (d), and -117(2) and -117(6), to enable the State Board of Education to act upon application or on its own initiative to temporarily waive requirements in statute or rule so that districts and schools can focus on delivery of instruction and associated student services during the COVID-19 outbreak.

O. I temporarily suspend the READ Act reassessment requirement contained in C.R.S. § 22-7-1205(1)(b), to enable schools and school districts to focus on delivery of instruction and associated student services during the COVID-19 outbreak. I temporarily suspend the associated READ Act data reporting requirements specified in C.R.S. §§ 22-7-1205(1)(c), 22-7-1210.5(2)(a), and 22-7-1213(1), 2(a.5), and 2(c). I encourage schools, school districts, and the Charter School Institute to utilize READ plans to direct support to students that have been identified as having a significant reading deficiency as part of their alternative learning strategies.

P. I temporarily suspend the requirement in C.R.S. § 22-1-116 for sight and hearing tests due to the temporary suspension of normal in-person instruction at public and private elementary and secondary schools. I encourage schools, school districts, and the Charter School Institute to develop a plan for conducting in-person student screenings as soon as feasible and permitted by public health orders.

III. Duration

Executive Order D 2020 007, as amended by Executive Order D 2020 021 and this Executive Order, shall expire thirty (30) days from April 14, 2020, unless extended further by Executive Order. In all other respects Executive Order D 2020 007, as amended by Executive Order D 2020 021, shall remain in full force and effect as originally promulgated.

GIVEN under my hand and
the Executive Seal of the
State of Colorado, this fourteenth
day of April, 2020.

Jared Polis
Governor