NORTH Dakota | Governor Doug Burgum

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EXECUTIVE ORDER 2020-27

WHEREAS, on March 13, 2020, President Donald Trump issued a declaration of national emergency due to the growing COVID-19 crisis in the United States; and,

WHEREAS, a state of emergency was declared by Governor Doug Burgum on March 13, 2020, in response to the public health crisis resulting from COVID-19; Executive Order 2020-03 activated the State Emergency Operations Plan (SEOP), implementing appropriate response and recovery actions and future mitigation measures; and,

WHEREAS, with the guidance and assistance of the State Health Officer and the Director of Emergency Services, the State is actively responding to the crisis and working to gather, coordinate, and deploy goods, services, professionals and volunteers of all types and kinds; and,

WHEREAS during the declared emergency, child care services are necessary to support and maintain an essential critical infrastructure workforce, including health care workers, first responders, state and local government services, law enforcement, food, agriculture and transportation services, among others; and,

WHEREAS, on April 2, 2020, the North Dakota Emergency Commission approved a request from the Department of Human Services related to the COVID-19 pandemic, to increase line item spending in the Department's grant line, authorizing $36,000,000.00 in grant funds to support a child care emergency operation plan for providers who continue to operate during the COVID-19 pandemic; and,

WHEREAS the COVID-19 declared emergency has created an increased need for child care in families of essential critical infrastructure workers, who now require additional hours of child care services; and,

WHEREAS, during the declared COVID-19 emergency, there is a need for administrative flexibility to allow early child care providers to continue to operate and to ensure the health and well-being of North Dakota's children, families and child care providers; and,

WHEREAS, strict compliance with certain provisions of North Dakota law would otherwise impede an effective State response to the COVID-19 pandemic, and the State's ability to provide oversight of early childcare services in a manner consistent with guidelines from the Centers for Disease Control and the State Health Officer.

NOW THEREFORE, Doug Burgum, Governor of North Dakota, by virtue of the authority under Article V, Section 1 of the North Dakota Constitution of North Dakota Century Code 37-17.1, and in consultation with the State Health Officer and the Executive Director of the

Department of Human Services, (DHS), hereby temporarily suspends the licensure requirements related to inspections and staff training, and certain operating requirements for early childhood services as defined in North Dakota Century Code (NDCC) Chapter 50-11.1 and related administrative rules, to conform with the preventative and mitigating measures issued by the Centers for Disease Control (CDC) and the State Health Officer in response to the COVID-19 pandemic.

On April 2, 2020, the Department of Human Services received authority from the Emergency Commission to establish a child care emergency operations grant to support child care providers who adopt Modified Operating Procedures during the COVID-19 declared emergency, in support of essential critical infrastructure workers. The Department of Human Services has established Modified Operating Procedures that must be followed by all participating self-declared and licensed child care providers operating during the COVID-19 pandemic, consistent with the CDC and State Health Officer guidelines; the Modified Operating Procedures require the participating child care centers to adopt practices that include, without limitation, social distancing practices, standards relating to hygiene and sanitation, congregate meals and group gatherings, and staffing adjustments necessitated by the revised standards and daily health screenings of children and adults upon entering the child care location, among others.

This Order is based upon the following authority and issued for the following reasons:

1. The Governor is vested with the executive authority pursuant to Article V, Section 1, of the North Dakota Constitution.
2. The Governor is vested with statutory authority to issue executive orders, to minimize or avert the effects of a disaster or emergency pursuant to Chapter 37-17.1 of the North Dakota Century Code.
3. A coordinated and effective effort of appropriate government departments is required to minimize the impact of emergencies and disasters in this state.

The effective date of this order is April 2, 2020. It will remain during the pendency of the COVID-19 declared emergency or until rescinded.

Executed at Bismarck, North Dakota, this 10th day of April, 2020.

Doug Burgum
Governor

ATTEST:

Secretary of State