STATE OF INDIANA

EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER 20-40

FOR: **CHILD CARE MATTERS AND COVID-19**

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, on March 6, 2020, I issued Executive Order 20-02, which declared a public health emergency exists throughout the State of Indiana as a result of the coronavirus disease 2019 ("COVID-19") outbreak in the United States and a confirmed report that the disease had spread to Indiana, and this initial declaration has been extended by me in Executive Orders 20-17, 20-25, 20-30, 20-34 & 20-38;

WHEREAS, since then, on March 11, 2020, the World Health Organization declared COVID-19 to be a global pandemic and, on March 13, 2020, the President of the United States declared a national emergency with respect to this dangerous virus;

WHEREAS, as of the date of this Executive Order, the virus is n every county in our State, with over 81,000 confirmed cases and nearly 3,000 deaths;

WHEREAS, despite significant steps being taken in our State, this virus remains a serious threat to the health, safety, and welfare of all residents of Indiana, and further efforts are needed to address, control, and reduce the evolving threat posed by COVID-19;

WHEREAS, on March 12, 2020, all Indiana schools were provided a twenty (20) day waiver for school closure allowable for use effective immediately and, on March 19, 2020, I issued Executive Order 20-05 directing all K-12 schools to close through May 1, 2020 and by Executive Order 20-16, I ordered K-12 school buildings closed to in-person instruction for the remainder of the academic year and instruction was to occur by remote learning;

WHEREAS, on June 11, 2020, in Executive Order 20-32, school corporations were advised they could reopen on or after July 1, 2020. Due to the continued impact and spread of COVID-19, certain school corporations have elected or been ordered to provide remote or e-learning rather than in-person instruction;

WHEREAS, further action is required to ensure that working parents and guardians have safe and sufficient child care options for school aged children who are receiving instruction by remote or e-learning;

WHEREAS, as Governor, I have broad authority and powers under Indiana law to declare and respond to public health emergencies on behalf of our State, including but not limited to: (a) making, amending, and rescinding the necessary orders, rules, and regulations to carry out Indiana's Emergency Management and Disaster Law, Ind. Code ch. 10-14-3; (b) suspending the provisions of any regulatory statute prescribing the procedures for conduct of state business, including the orders, rules, or regulations of any state agency if strict compliance with any of these provisions would in any way prevent, hinder, or delay necessary action in coping with the emergency; and (c) using the services and facilities of existing officers, agencies of the state, and of political subdivisions, who shall cooperate with and extend services and facilities to the governor as I may request; and

WHEREAS, in light of the above, it is necessary and proper to take further actions to protect the health, safety and welfare of all Hoosiers in connection with the continuing and evolving threat posed by COVID-19;

NOW, THEREFORE, I, Eric J. Holcomb, by virtue of the authority vested in me as Governor by the

NOW, THEREFORE, I, Eric J. Holcomb, by virtue of the authority vested in me as Governor by the Indiana Constitution and the laws of the State of Indiana, for the duration of the public health emergency, do hereby order the following:

1. The requirement in Ind. Code § 20-26-5-2(a)(2)(B) is waived to the extent necessary to allow school corporations to contract with relevant organizations to operate school age, in-person, child care programs, commonly referred to as latch key programs, in physical environments other than public school buildings in order to support community needs for environments to provide care while students engage in remote or e-learning.

2. To increase the child care options for parents with pre-K through grade12 school-aged children participating in remote or e-learning, the relevant provisions of Ind. Code §§ 12-7-2-28.6 and 12-17.2-2-8(8)(C) are suspended for any child care setting not currently licensed, only to the extent necessary to permit in-person supervision in a physical location for remote or e-learning for no more than 10 school-age children in a residential structure on school days provided such school-age children are participating in remote or e-learning. A child care setting operating under these circumstances will be exempt from the definition of a child care home subject to licensure.

IT IS SO ORDERED.

IN TESTIMONY WHEREOF, I, Eric J. Holcomb, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, on this 21th day of August, 2020.

Eric J. Holcomb
Governor of Indiana

ATTEST: Connie Lawson
Secretary of State