STATE OF VERMONT

EXECUTIVE DEPARTMENT

GUBERNATORIAL DIRECTIVE TO ALL SCHOOL BOARDS, SUPERINTENDENTS, AND CHILD CARE PROGRAMS

PROVISION OF SERVICES TO CHILDREN OF ESSENTIAL PERSONS DURING CLOSURE PERIOD IN RESPONSE TO COVID-19

WHEREAS, on Friday, March 13, 2020, the Governor issued an Executive Order declaring a state of emergency for the State of Vermont in response to COVID-19; and

WHEREAS, on Sunday, March 15, 2020, the Governor issued a Directive to all school boards and superintendents dismissing schools from March 18, 2020 through April 6, 2020 ("Closure Period") and regarding Continuity of Education Planning, which Directive remains in full force and effect except as amended herein; and

WHEREAS, that Directive delegated authority to the Secretary of the Agency of Education ("Education Secretary") to oversee its implementation, including with respect to provision of care for children of Essential Persons, defined below, during the Closure Period; and

WHEREAS, provision of services for the children of Essential Persons from 0 through grade 8 during the Closure Period is necessary to support the State of Vermont in its response to COVID-19 and the needs of children and families of Essential Persons across Vermont; and

WHEREAS, this decision is based on the best scientific evidence available to the experts at the Vermont Department of Health and is expected to help provide the necessary care and services to prevent and reduce the spread of COVID-19.

NOW THEREFORE, I, Philip B. Scott, by virtue of the authority vested in me as Governor of Vermont by the Constitution of the State of Vermont, the emergency powers set forth in 20 V.S.A. §§ 8, 9 and 11 and other laws, hereby direct as follows:

1. Except as set forth below, all state regulated child care programs shall be closed no later than Wednesday, March 18, 2020 through April 6, 2020 ("Closure Period").

2. I hereby amend my Directive to the Education Secretary of March 15, 2020 as set forth below regarding provision of care for students who are children of Essential Persons, as defined below.

3. **Provision of services for children of Essential Persons**: With respect to provision of services for children of Essential Persons, this Directive provides emergency operating guidelines and applies to all schools under the authority of the Education Secretary for pre-K through grade 8 and all state-licensed child care programs. I encourage other private child care programs, private schools and independent schools to do their utmost to fulfill the spirit and guidance of this Directive.

4. Essential Persons are those absolutely critical to the State's response to COVID-19 and continued public health and safety. Specifically, “Essential Persons” are defined as staff and providers of child care and education services (including custodial and kitchen staff and other support staff) for children of other Essential Persons, including custodial and kitchen staff; providers of healthcare including but not limited to workers at clinics, hospitals, Federally Qualified Health Centers (FQHCs); nursing homes, long-term care and post-acute care facilities, respite houses, VNAs; designated agencies, emergency medical services; criminal justice personnel including those in law enforcement, courts, and correctional services; public health employees; firefighters; Vermont National Guard personnel called to duty for this response; other first responders; and state employees determined to be essential for response to this crisis by the State Emergency Operations Center.

5. Every child care program, school and school district has different circumstances and needs. However, the State will do everything possible to provide overarching guidance through Vermont Department of Health (“VDH”), Vermont Agency of Education (“VAOE”), Vermont Department of Children and Families, Child Development Division (“DCF” and “CDD”) on approaches to operating during the Closure Period for services to children of Essential Persons, including hygiene and social distancing within schools and facilities as directed by VDH.

6. With respect to schools under the authority of the Education Secretary, the Education Secretary shall ensure that:
    a. School employees are to report to work in accordance with applicable labor agreements and as required by their employers to assist with providing services to children of Essential Persons and Continuity of Education Planning as previously directed.
    b. During the Closure Period, schools are directed to provide care to, at a minimum, students through grade 8 who are children of Essential Persons. In providing this care, schools must practice hygiene and social distancing best practices as set forth by VDH guidance.
    c. Districts plan for and provide as resources allow extended care—before and after normal school hours and days—to students who are children of Essential Persons, recognizing that COVID-19 response may require extended working hours by our Essential Persons.
    d. Schools providing pre-K services under Act 166 continue to receive funding allocated to them during the Closure Period and all schools shall continue to receive State Education Fund allocations for enrolled students, regardless of actual daily attendance, throughout the Closure Period.
    e. Schools and school districts, in cooperation with state agencies, work to support families most impacted by this crisis, including, but not limited to, low-income families. During the Closure Period, school districts are expected to work with their schools and communities to continue to provide meals to their students, utilizing the Education Secretary’s authority to assist with necessary waivers and to provide additional guidance on meal continuity.

f. Planning occurs to provide additional funding as may be needed to schools to ensure continuity of services to children of Essential Persons during the Closure Period.
g. Districts are encouraged to utilize facilities to minimize the total number of children and staff in any one facility.

7. With respect to child care programs, the Secretary of the Agency of Human Services ("Human Services Secretary") shall oversee the implementation of this Directive and I hereby delegate to the Human Services Secretary such authority as may be necessary for this implementation in accordance with the below:
    a. During the Closure Period, state-licensed child care programs are asked to provide care to, at a minimum, their own enrollees who are children of Essential Persons. In providing this care, child care centers must practice hygiene and social distancing best practices as set forth by VDH.
    b. State-licensed child care centers are encouraged to also provide extended care—before and after normal operating hours—to enrollees who are children of Essential Persons and to work with CDD to provide care for those not presently enrollees in their facilities who are children of Essential Persons.
    c. Our licensing office of CDD will work with licensed child care centers to use best judgment to waive to the fullest extent possible all relevant licensing rules in order to permit child care centers to serve children of Essential Persons during the Closure Period.
    d. During the Closure Period, the State shall continue to provide current levels of tuition payments on behalf of eligible families to: (a) all child care programs serving CCFAP-eligible children; and (b) child care programs and schools providing services under Act 166 for pre-K students.
    e. CDD shall have authority, using its best judgment, to waive to the fullest extent possible all relevant licensing rules and regulations, including penalties, in order to permit licensed child care programs to serve children of Essential Persons during the Closure Period.
    f. The Human Services Secretary shall develop options for additional per-child-served funding to all child care centers that serve children of Essential Persons during the Closure Period.

8. To support child care centers in staying open, supporting their employees, and remaining in business during this emergency and afterward, all State Agencies shall collaborate and align resources as directed by the Human Services Secretary, in consultation with the Governor, to support child care providers in accordance with this Directive.

9. State Agencies shall collaborate on continuity of mental health services to children and their families during the Closure Period, as directed by the Human Services Secretary, in consultation with the Governor.

10. All child care providers, school administrators, teachers and staff shall follow guidance issued by the Department of Health to ensure a healthy workplace during the Closure Period.

11. Pursuant to the powers granted to the Governor in 20 V.S.A. §§ 8, 9 and 11 and other provisions of law, I shall from time to time issue recommendations, directives and orders as circumstances may require.

This Directive shall take effect upon signing and shall continue in full force and effect until April 6, 2020, at which time the Governor, in consultation with the Vermont Department of Health and Agency of Human Services, the Department of Public Safety/Division of Emergency Management, and the Agency of Education shall assess the emergency and determine whether to amend or extend this Directive.

By the Governor:

Philip B. Scott
Governor

Brittney L. Wilson
Secretary of Civil and Military Affairs

Dated: March 17, 2020