JAY INSLEE
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR
P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • www.governor.wa.gov

PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05

20-70

Transportation and Remote Learning for K-12 Student Education

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamation 20-25, as amended, *Safe Start – Stay Healthy*; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, on July 25, 2020, there were at least 51,849 cases of COVID-19 in Washington State with 1,494 associated deaths, and, as of August 25, 2020, there are currently at least 71,705 cases of COVID-19 in Washington State with 1,876 associated deaths, demonstrating the ongoing, present threat of this lethal disease; and

WHEREAS, to curtail the spread of COVID-19 in Washington State, to protect our people from its effects, and reduce the impact on our health care system, it became necessary to put in place stringent social distancing and sanitation requirements, restrictions on gatherings and personal interactions, and required the closure of our K-12 schools statewide; and

WHEREAS, to counter the threat of COVID-19 spread posed by continued operation of schools, in Proclamations 20-08, 20-09, and 20-09.1, I prohibited public school districts, charter schools, and private schools from conducting in-person educational, recreational, and other K-12 school programs using school facilities, and also prohibited the Washington Center for Deaf and Hard of Hearing Youth, the Washington School for the Deaf, and the Washington State School for the Blind from conducting student educational and outreach services; and

WHEREAS, I issued Proclamation 20-09.2, amending 20-08, 20-09, and 20-09.1 to extend all of the prohibitions and each expiration date therein until the state of emergency is rescinded, except to allow schools to re-open as provided in Proclamation 20-09.2 and subject to the requirements of the *Re-opening K-12 Fall 2020-2021 Guidance* document, found here, that allows local health departments and school districts to decide if and how they will allow students to return to the classroom; and

WHEREAS, in order to protect the health and safety of students, as well as the health and safety of those who provide and support the education of students, public schools must provide for and support remote learning whenever possible, including providing the tools and services necessary for children to learn from their homes or other remote locations; and

WHEREAS, bus drivers are important members of the education system whose primary mission is to safely enable and support the education of children by acting as the bridge between students and the education system; and

WHEREAS, prior to the COVID-19 outbreak, bus drivers achieved their mission by safely transporting children to and from school; and

WHEREAS, during this unprecedented pandemic, the primary mission of bus drivers remains the same, but it must now also be achieved through alternative means of bringing school, and the tools and services necessary to foster a meaningful and successful education, to students in their remote learning locations; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim and order that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, and all amendments thereto, remain in effect as otherwise amended, and that, to help preserve and maintain life, health, property or the public peace pursuant to RCW 43.06.220(1)(h), is amended to prohibit certain interpretations or applications of RCW 28A.160 (Student Transportation), as set out below.

FURTHERMORE, I hereby prohibit the interpretation or application of the provisions of RCW 28A.160 (Student Transportation) related to permissible transportation activities in a manner that would restrict a school district's ability to use its current transportation allocations to support the following transportation-related services as necessary to provide students with the opportunity to equitably access educational services in a remote learning environment:

> (a) the use of bus drivers, and the corresponding use of school buses, to deliver one or more of the following education tools and services to students in their remote learning locations on a schedule to be determined by school districts:
>
> (i) learning materials, including but not limited to workbooks, homework packets, paper assignments, and other tangible instructional materials;
> (ii) meals; and
> (iii) any hardware, WiFi hotspots, or other technology solutions that increase student access to remote learning online curriculum; and
>
> (b) the transportation of students to and from learning centers or other public or private agencies where educational and support services are provided to students.

FURTHERMORE, school districts are prohibited from any interpretation of the Office of Superintendent of Public Instruction's accountability measures in its rules that would cause them to fail to track and document the specific time and uses of school bus drivers and buses to deliver the tools and services listed in this order.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout State government. State agencies and departments are directed to continue utilizing state resources and doing

everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

This order shall take effect immediately, and shall remain in effect until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded, or until this order is amended or rescinded, whichever occurs first.

Violators of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 26th of August, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State