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CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

ORDER TEMPORARILY CLOSING ALL CHILD CARE PROGRAMS AND AUTHORIZING THE TEMPORARY CREATION AND OPERATION OF EMERGENCY CHILD CARE PROGRAMS

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19");

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the number of presumptive positive and confirmed cases of COVID-19 continues to rise in the Commonwealth. As of March 17, 2020, 218 cases of COVID-19 were reported by the Department of Public Health, with 10 of the 14 counties in the Commonwealth impacted;

WHEREAS, the Federal Centers for Disease Control and Prevention and the Massachusetts Department of Public Health recommend implementation of community mitigation strategies, including the cancellation of large events;

WHEREAS, the Department of Public Health is urging all residents of the Commonwealth to practice social distancing when outside of their homes;

WHEREAS, maintaining the availability of first-responders, health care workers, and others who help maintain the health, safety, and welfare of the Commonwealth's residents is crucial to ensuring a robust, consistent, and effective response to this pandemic. Accordingly, establishing measures to address the child care needs of those workers is of critical importance;

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but

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not limited to authority over public assemblages in order to protect the health and safety of persons, over educational facilities that are supported in whole or in part by public funds, so as to extend those facilities' benefits and availability, and over variances of the terms and conditions of licenses issued by the Commonwealth or any of its agencies;

NOW, THEREFORE, I hereby order the following:

(1) Temporary Closing of Child Care Programs

All licensed, approved, or exempt child care programs in the Commonwealth shall suspend all normal operations by the end of the day on March 22, 2020 and shall not re-open before Monday, April 6, 2020 unless under approval granted by the emergency program authorized in section (2) below.

(2) Emergency Child Care Programs

The Department of Early Education and Care ("EEC"), acting through its Commissioner and subject to my approval, is hereby authorized to issue policies, procedures, requirements, and guidance to provide for the creation, approval, operation, staffing, monitoring, inspection, investigation, oversight, and closure of emergency child care programs, and to provide funding for such programs. EEC shall have access to and use of all available Criminal Offender Record Information, juvenile, and sealed records, and Sex Offender Registry Information in order to review and approve the staffing of emergency child care programs. Vulnerable children and children of families who work to maintain the health, safety, and welfare of all Commonwealth residents shall receive priority access to such emergency child care programs.

EEC, through its Commissioner, is hereby further authorized to temporarily suspend or modify any existing regulation applicable to licensed, approved, or exempt child care programs to the extent necessary to provide for the creation, operation, and sufficient availability of emergency child care programs consistent with this Order.

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

Given in Boston at 2:05 PM this 18th day of March, two thousand and twenty

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts