JAY INSLEE
Governor

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PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATIONS 20-05, 20-08, and 20-09, et seq.

20-09.3
Phased Reopening of K-12 Schools

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State 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 several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations, including issuance of Proclamations 20-25, et seq., which limit Washingtonians' ability to participate in certain activities; 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 and remains a significant health risk to all of our people, especially members of our most vulnerable populations; and

WHEREAS, during early stages of the COVID-19 pandemic, health professionals and epidemiological modeling experts indicated that the spread of COVID-19, if left unchecked, threatened to overwhelm portions of Washington's public and private health-care system; and

WHEREAS, health professionals and epidemiological modeling experts indicated that continued operation of schools could increase the spread of COVID-19 throughout Washington and would increase the threat to our residents and our health system; and

WHEREAS, to counter the threat of COVID-19 spread posed by continued operation of schools, in Proclamations 20-08, and 20-09, et seq., 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, schools are the foundation of Washington's communities, and in addition to traditional classroom education, schools provide a variety of vital services to students, families and communities

that play a vital role in students' ability to succeed, including academic supports, special education supports, health therapies, mental/behavioral supports, access to nutritious food, and other community services; and

WHEREAS, closing our schools has been stressful for all Washingtonians, and has been particularly difficult for children with heightened social, physical, developmental, or emotional needs, and those who rely on our schools to provide services, structure, and positive social interactions; and

WHEREAS, beyond COVID-19 infections, the pandemic has brought other health concerns. Recent data from the Centers for Disease Control and Prevention (CDC) show the proportion of emergency department visits related to mental health crisis has increased for young children and adolescents since the pandemic started, reaching levels in late-March through October 2020 substantially higher than during the same period in 2019; and

WHEREAS, in-person learning has a broad range of benefits for children beyond educational instruction, including the development of social and emotional skills, and the absence of in-person learning may be particularly harmful for children living in poverty, children of color, English language learners, children with diagnosed disabilities, and young children, and can further widen inequities in our society; and

WHEREAS, the CDC recently recommended that K-12 schools should be the last settings to close after all other mitigation measures have been employed, and the first to reopen when they can do so safely; and

WHEREAS, although parents, students, school teachers, and administrators have made tremendous efforts to continue to function through distance learning, and I recognize their extraordinary resilience, strength, adaptability, and courage, all agree that re-opening our schools and restarting face-to-face learning as soon as can be safely accomplished will benefit our children, families and communities; and

WHEREAS, although Department of Health statistics indicate that the continuing rise in cases of COVID-19 and associated deaths in Washington State demonstrate the ongoing, present threat of this lethal disease, health professionals and epidemiological modeling experts believe that we have made adequate progress against COVID-19 as a state to modify current statewide closure of K-12 school facilities; and

WHEREAS, the nature of COVID-19 viral transmission, including both asymptomatic and symptomatic spread as well as the relatively high infectious nature, suggests it is appropriate to re-open schools only through a careful, phased, flexible, and science-based approach; and

WHEREAS, the science suggests that by ensuring safe social distancing and hygiene practices, and modifying procedures and facilities, additional school functions can be conducted with limited risk of exposure and spread of COVID-19; and

WHEREAS, state, national and international research conducted on schools that are providing in-person learning has shown that, for the most part, schools are not centers of transmission for COVID-19 infections, and detected transmission within schools tends to occur only on a limited basis if schools implement rigorous health and safety protocols; and

WHEREAS, school administrators and staff who work together to ensure health and safety protocols are rigorously implemented have demonstrated success in keeping schools open for full or partial in-person learning; and

WHEREAS, schools will continue to be prepared to be flexible to pivot in whole or in part to distance learning if there is a COVID-19 outbreak in their county or within their school community and to follow guidance from the Department of Health, the Department of Labor & Industries (L&I), and the Superintendent of Public Instruction to help mitigate risk to students, teachers, and the community; 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 Washington State 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; and

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), Proclamations 20-08, and 20-09, et seq., are amended to extend all of the prohibitions and each expiration date therein until the state of emergency, issued on February 29, 2020, pursuant to Proclamation 20-05, is rescinded, except as further amended pursuant to RCW 43.06.220(3) to exempt from the prohibitions and allow re-opening as provided in this order and subject to the requirements in the *K-12 Schools 2020-2021 Guidance* document found here, and the School Employer Health and Safety Requirements found here.

ADDITIONALLY, all school districts are prohibited from conducting in-person instruction unless they ensure that each of the following standards is met:

- As required by L&I's Division of Occupational Safety and Health rules mandating site specific accident prevention programs and safety committees, each school district develops and

implements an Accident Prevention Program (APP) as described in WAC 296-800-140 and WAC 296-800-130, including a COVID-19 prevention plan.

- Each employer or district, working with its school safety committee, ensures that the employer's or districts school-specific COVID-19 prevention plan is effectively implemented at all times and the school safety committee makeup and conduct complies with applicable rules. At a minimum, each school COVID-19 prevention plan shall contain the following provisions:

    - The designated name(s) of the COVID-19 prevention plan supervisor(s);
    - Applicable procedures for, or reference to resources containing, employee mask requirements and respiratory protection programs specific to the school;
    - A requirement that the COVID-19 supervisor(s) ensure that all employees have been trained in COVID-19 prevention using the language they best understand;
    - A requirement that the COVID-19 supervisor(s) ensure adequate supplies (at least meeting minimum requirements) of required masks, respirators, and all other personal protective equipment are readily available at the school; and
    - Written procedures to implement the publication, *Employer Health & Safety Requirements for School Scenarios*.

ADDITIONALLY, I recommend use of the Washington State Department of Health's guidance to school districts and local health jurisdictions entitled, "*Tools to Prepare for Provision of In Person Learning among K-12 Students at Public and Private Schools during the COVID-19 Pandemic*." This document provides recommendations for modes of learning based on county-level COVID-19 health metric trends to support local school districts and public health officers as they work together to balance education and health care needs of their communities.

ADDITIONALLY, until there is broader distribution of an effective vaccine, effective treatment, or herd immunity, it is crucial, and therefore ordered, that schools implement and require all personal protective behaviors set forth in the *K-12 Schools 2020-2021 Guidance* documents.

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.

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

This order goes into effect immediately and will 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.

Signed and sealed with the official seal of the state of Washington on this 16th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State