



STATE OF WASHINGTON
— OFFICE OF GOVERNOR JAY INSLEE —

**PROCLAMATION BY THE GOVERNOR
AMENDING AND EXTENDING EMERGENCY PROCLAMATION 20-05**

**21-11
Outdoor Preschool Pilot Program**

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State of 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 persistence in Washington State, and the high risk it continues to pose 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; 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, continues to persist as an ongoing threat in Washington State; and

WHEREAS, despite an increase in infections, hospitalizations, and deaths in the latter half of 2020, Washington State has avoided overwhelming the state's health care systems throughout this pandemic by implementing rigorous safety and prevention measures, such as physical distancing, masking, social and economic prohibitions and, since December of 2020, the administration of vaccinations to prevent infection with the coronavirus that causes COVID-19 symptoms; and

WHEREAS, in response to the COVID-19 pandemic, I have issued proclamations limiting gatherings, particularly limiting indoor gatherings and in-person, indoor educational gatherings; and

WHEREAS, in 2017, the legislature directed the Department of Children, Youth, and Families (DCYF) to establish a four-year pilot project to license outdoor nature-based early learning and child care programs; and

WHEREAS, in response, DCYF launched the Outdoor Preschool Pilot project to license outdoor, nature-based early learning and child care programs (outdoor preschool), and in doing so, set a precedent by making Washington the first state in the nation to successfully develop state licensing requirements and processes to expand access to safe, high-quality outdoor preschool; and

WHEREAS, the Outdoor Preschool Pilot project has been successful, and seven outdoor preschools currently are licensed, operating, and serving children under the program; and

WHEREAS, the Outdoor Preschool Pilot project has been particularly valuable during the COVID-19 pandemic, by demonstrating the viability of outdoor preschools as a means of maximizing the use of

outdoor learning environments and thereby slowing the spread of COVID-19, and by increasing the child-care options for working parents; and

WHEREAS, the statutory authority to operate the Outdoor Preschool Pilot program and license outdoor preschools ended on June 30, 2021; and

WHEREAS, based on the success of the Outdoor Preschool Pilot program, the legislature passed E2SSB 5151 which I subsequently signed into law, permanently authorizing DCYF to issue outdoor child care licenses as part of its regular licensing program; and

WHEREAS, the effective date of E2SSB 5151 is July 25, 2021, which creates an inadvertent short-term gap in DCYF's legal authority to license outdoor preschool and child care programs; and

WHEREAS, if DCYF is required to temporarily shut down the outdoor preschool programs operating under the Outdoor Preschool Pilot program, such a shutdown would create a severe hardship for the program, the children, and the families being served in those programs, would result in affected children either going without preschool or attending an indoor-based preschool with higher risk of COVID-19 transmission, and would cause some parents to be unable to work due to lack of adequate child care; and

WHEREAS, extending the continued operation of the Outdoor Preschool Pilot program until E2SSB 5151's effective date helps children, working parents, the ongoing battle against COVID-19, and contributes to the state's overall economic recovery efforts; and

WHEREAS, the worldwide COVID-19 pandemic and its persistence 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.

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 that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05, as amended, remains in effect, and that Proclamation 20-05 is amended to waive and suspend the specific statutory language in RCW 43.216.740(1) identified below because the statutory language prevents, hinders, or delays necessary action to provide continued licensed outdoor preschool. The waivers and suspensions take effect immediately and will remain in effect until July 31, 2021, unless otherwise amended or rescinded.

The language to be waived and suspended is indicated by strikethrough:

RCW 43.216.740(1):

(1) The department shall establish a pilot project to license outdoor, nature-based early learning and child care programs. The pilot project shall commence beginning August 31, 2017, and ~~conclude June 30, 2021.~~

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 Washington State 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).

Signed and sealed with the official seal of the state of Washington on this 6th day of July, A.D., Two Thousand and Twenty-One at Olympia, Washington.

By:

_____/s/
Jay Inslee, Governor

BY THE GOVERNOR:

_____/s/
Secretary of State