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# Twenty-Fifth Modification: State of Emergency Declaration



A digital version of the signed declaration: **Twenty-Fifth Modification to State of Emergency** (<https://governor.delaware.gov/wp-content/uploads/sites/24/2020/08/Twenty-Fifth-Modification-to-State-of-Emergency-08262020.pdf>)

## TWENTY-FIFTH MODIFICATION OF THE DECLARATION OF A STATE OF EMERGENCY FOR THE STATE OF DELAWARE DUE TO A PUBLIC HEALTH THREAT

**WHEREAS**, the Centers for Disease Control and Prevention ("CDC"); has determined that a novel coronavirus ("COVID-19") presents a serious public health threat, and has advised the public that asymptomatic individuals may be carriers of the COVID-19 virus and may unknowingly spread the virus to other individuals in close proximity, and therefore, social distancing is required to help mitigate the individual exposure to (and community spread of) the COVID-19 virus; and

About the Governor (<https://governor.delaware.gov/about-governor-john-carney/>)

**WHEREAS**, Cabinet (<https://governor.delaware.gov/the-governors-cabinet/>) has declared a public health emergency that could threaten the lives of those who live in the State of Delaware; and

Governor's Staff (<https://governor.delaware.gov/the-governors-staff/>)

Executive Orders (<https://governor.delaware.gov/executive-orders/>)

**WHEREAS**, on March 12, 2020 at 9:00 p.m. E.D.T., I issued a State of Emergency due to the public health threat of COVID-19, which became effective as of 9:00 p.m. E.D.T. (<https://governor.delaware.gov/contact-to-act/>); and

Contact & Connect (<https://governor.delaware.gov/contact-to-act/>)

Public Schedule (<https://governor.delaware.gov/the-governors-public-schedule/>)

**WHEREAS**, on March 16, 2020 at 2:00 p.m. E.D.T., I issued the First Modification to the COVID-19 State of Emergency declaration to advise that the

Invite the Governor (<https://governor.delaware.gov/invite-the-governor/>)

CDC issued new guidance for large events and mass gatherings, recommending that organizers halt gatherings of 50 people or more for the next

Request a Meeting (<https://governor.delaware.gov/request-a-meeting/>)

eight weeks due to the public health threat of COVID-19, including conferences, social events, concerts and other types of assemblies; and

Boards & Commissions (<https://governor.delaware.gov/boards-commissions/>)

**WHEREAS**, on March 18, 2020 at 2:00 p.m. E.D.T., I issued the Second Modification to the COVID-19 State of Emergency declaration that modified

Comprehensive Gun Safety (<https://de.gov/gunsafety/>)

the limitations on public gatherings of 50 or more people and, among other things, placed certain restrictions on the operation of certain businesses

Initiatives (<https://governor.delaware.gov/initiatives/>)

Support Voting Reforms (<https://governor.delaware.gov/voting-reforms/>)

**WHEREAS**, on March 21, 2020 at 12:00 p.m. E.D.T., I issued the Third Modification to the COVID-19 State of Emergency declaration to close all

Family Services Cabinet Council (<https://governor.delaware.gov/family-services-cabinet-council/>)

Delaware beaches, except to persons using the beaches for exercise or to walk their dogs, subject to certain precautions recommended by the CDC

School Safety (<https://de.gov/schoolsafety/>)

or COVID-19, which became effective as of 9:00 p.m. E.D.T.; and

First Chance Delaware (<https://governor.delaware.gov/first-chance-delaware/>)

**WHEREAS**, on March 23, 2020 at 4:00 p.m. E.D.T. and 4:02 p.m. E.D.T., respectively, I issued the Fourth and Fifth Modifications to the COVID-19

GEAR (<http://gear.delaware.gov/>)

State of Emergency declaration to close all non-essential businesses in Delaware, except those that can offer goods and services on the Internet, and

Small Business (<http://business.delaware.gov/>)

to order a Shelter in Place for Delaware residents; and

Opportunity Zones (<https://business.delaware.gov/opportunity-zones/>)

**WHEREAS**, on March 24, 2020 at 4:00 p.m. E.D.T., I issued the Sixth Modification to the COVID-19 State of Emergency declaration to provide a

moratorium on evictions and foreclosure proceedings to enable Delawareans to shelter in place safely, extended the presidential primary, provided for

Live Event (<https://governor.delaware.gov/live/>)

absentee balloting during the COVID-19 crisis, provided for a modified state procurement process, and placed a moratorium on cancellation of

Insurance Requests (<https://governor.delaware.gov/insurance-requests/>)

insurance policies to help Delawareans manage economic uncertainty; and

**CONNECT**

**WHEREAS**, on March 29, 2020 at 4:30 p.m. E.D.T., I issued the Seventh Modification to the COVID-19 State of Emergency declaration to provide for

the self-quarantine of travelers from areas severely impacted by COVID-19 outside the State of Delaware into the State; and

**WHEREAS**, on March 30, 2020 at 5:00 p.m. E.D.T., I issued the Eighth Modification to the COVID-19 State of Emergency declaration to permit a

comprehensive approach to the provision of childcare in the State of Delaware during the State of Emergency to support essential workers; and

**WHEREAS**, on April 1, 2020 at 3:00 p.m. E.D.T., I issued the Ninth Modification to the COVID-19 State of Emergency declaration to prohibit

gatherings of ten (10) or more people and increase safety precautions for businesses and their visitors; and

**WHEREAS**, on April 6, 2020 at 6:00 p.m. E.D.T., I issued the Tenth Modification to the COVID-19 State of Emergency declaration to further restrict the operation of certain businesses and to allow the Governor to issue a

**Facebook Page** (<https://www.facebook.com/JohnCarneyDE/>) **Twitter Account** (<https://twitter.com/johncarneyde/>)

**WHEREAS**, on April 10, 2020 at 3:30 p.m. E.D.T., I extended the COVID-19 State of Emergency declaration, as modified; and

**WHEREAS**, on April 15, 2020 at 9:00 a.m. E.D.T., I issued the Eleventh Modification to the COVID-19 State of Emergency declaration to provide increased guidance and support to long-term care facilities to protect our most vulnerable populations and permit remote notarization under limited circumstances;

**Instagram Photos** (<https://www.instagram.com/johncarneyde/>) **Flickr Photos** (<https://www.flickr.com/photos/153125298@N08/>)

**WHEREAS**, on April 23, 2020 at 4:15 p.m. E.D.T., I issued the Twelfth Modification to the COVID-19 State of Emergency declaration to allow the Public Health and Safety Department to deploy health care workers to assist in Delaware's fight against COVID-19; and

**WHEREAS**, on April 25, 2020 at 4:00 p.m. E.D.T., I issued the Thirteenth Modification to the COVID-19 State of Emergency declaration to require the use of cloth face coverings in public settings where other social distancing measures are difficult to maintain, including in grocery stores and pharmacies, especially in areas of significant community-based transmission; and

**WHEREAS**, on April 29, 2020 at 6:00 p.m. E.D.T., I issued the Fourteenth Modification to the COVID-19 State of Emergency declaration limiting the rent that may be charged to holdover tenants and preventing landlords from charging holdover tenants with losses not covered by the expired rental agreement; and

**WHEREAS**, on May 7, 2020 at 10:00 a.m. E.D.T., I issued the Fifteenth Modification to the COVID-19 State of Emergency declaration to permit minimum operations by certain small businesses to begin a gradual process toward businesses reopening, and to extend deadlines for statewide, municipal, and school district elections due to the ongoing public health concerns caused by COVID-19; and

**WHEREAS**, on May 8, 2020 at 12:30 p.m. E.D.T., I extended the COVID-19 State of Emergency declaration a second time; and

**WHEREAS**, on May 10, 2020 at 1:15 p.m. E.D.T., I issued the Sixteenth Modification to the COVID-19 State of Emergency declaration to suspend end-of-year evaluations for educators, professional development requirements and assessments due to the suspension of the school year caused by COVID-19; and

**WHEREAS**, on May 14, 2020 at 5:00 p.m. E.D.T., I issued the Seventeenth Modification to the COVID-19 State of Emergency declaration to reopen Delaware beaches, boardwalks, certain on-premise businesses, and swimming facilities, subject to precautions needed to protect public health; and

**WHEREAS**, on May 18, 2020 at 12:30 p.m. E.D.T., I issued the Eighteenth Modification to the COVID-19 State of Emergency declaration encouraging virtual services but expanding the ability of houses of worship and places of religious expression to conduct in-person services with safety precautions; and

**WHEREAS**, on May 22, 2020 at 4:00 p.m. E.D.T., I issued the Nineteenth Modification to the COVID-19 State of Emergency declaration to allow restaurants to expand outdoor seating capacity and provide the parameters of the Phase 1 Reopen Plan; and

**WHEREAS**, on May 31, 2020 at 3:30 p.m. E.D.T., I issued the Twentieth Modification to the COVID-19 State of Emergency declaration to expand and clarify the Phase 1 Reopen Plan; and

**WHEREAS**, on June 6, 2020 at 12:30 p.m. E.D.T., I extended the COVID-19 State of Emergency declaration a third time; and

**WHEREAS**, on June 14, 2020 at 5:00 p.m. E.D.T., I issued the Twenty-First Modification to the COVID-19 State of Emergency declaration to set forth the parameters for the Phase 2 Reopen Plan; and

**WHEREAS**, on June 19, 2020 at 3:30 p.m. E.D.T., I issued the Twenty-Second Modification to the COVID-19 State of Emergency declaration to expand and clarify the Phase 2 Reopen Plan; and

**WHEREAS**, on June 30, 2020 at 4:00 p.m. E.D.T., I issued the Twenty-Third Modification to the COVID-19 State of Emergency declaration to close drinking establishments in certain zip codes experiencing an outbreak and to modify restrictions contained in the Sixth Modification to the COVID-19 State of Emergency declaration relating to insurance, evictions, foreclosures and utilities; and

**WHEREAS**, on July 6, 2020 at 1:30 p.m. E.D.T., I extended the COVID-19 State of Emergency declaration a Fourth Time; and

**WHEREAS**, on July 24, 2020 at 3:45 p.m. E.D.T., I issued the Twenty-Fourth Modification to the COVID-19 State of Emergency declaration allowing driver education services to resume immediately, with safety measures in place to prevent transmission of COVID-19; and

**WHEREAS**, on August 5, 2020 at 12:00 p.m. E.D.T., I extended the COVID-19 State of Emergency declaration a Fifth Time; and

**WHEREAS**, COVID-19 can spread between people interacting in close proximity even if those people are not exhibiting symptoms; and

**WHEREAS**, the CDC recommends wearing face coverings in public settings where other social distancing measures are difficult to maintain, including in grocery stores and pharmacies, and especially in areas of significant community-based transmission; and

**WHEREAS**, Delaware youth will soon return to school for the 2020-21 academic year, requiring students and staff to follow guidance provided by public health officials to ensure that the core principle of controlling the spread of COVID-19 is considered.

**NOW, THEREFORE, I, JOHN C. CARNEY**, pursuant to Title 20, Chapter 31 of the Delaware Code, to control and prevent the spread of COVID-19 within the State of Delaware, do hereby order that the COVID-19 State of Emergency declaration, as modified by the First through Twenty-Fourth Modifications and extended on April 10, 2020, May 8, 2020, June 6, 2020, July 6, 2020 and August 5, 2020, shall remain in effect until further notice, with the following modifications and additions effective August 27<sup>th</sup> 2020 at 8:00 a.m. E.D.T.:

**A. SCHOOL REOPENING:** LEAs will follow the school reopening instructions provided by the Delaware Department of Education (DDE) on its website at

[https://www.doe.k12.de.us/cms/lib/DE01922744/Centricity/Domain/599/DECV\\_COVID\\_School%20Reopening%20Information\\_1230PM\\_08042020.pdf](https://www.doe.k12.de.us/cms/lib/DE01922744/Centricity/Domain/599/DECV_COVID_School%20Reopening%20Information_1230PM_08042020.pdf)  
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**B. SCHOOL NOTIFICATION FOR COVID-19 POSITIVE CASES:** Effective immediately, all Local Education Agencies (LEAs) must notify parents/guardians and students aged eighteen (18) and up if the school becomes aware that a person who tested positive was in the school building at the same time as student. The manner and content of the notification is up to each school and must be consistent with applicable state and federal law. The Division of Public Health (DPH) will work with schools on their responses to reports of positive test results and on ensuring that any descriptions of this school's circumstances are accurate.

**C. FACE COVERINGS FOR CHILDREN KINDERGARTEN TO 18 YEARS OF AGE.** The Thirteenth Modification to the COVID-19 State of Emergency governing the wearing of face coverings, and amendments related thereto in the Seventeenth, Twentieth, Twenty-First, Twenty-Third and Twenty-Fourth Modifications, to the COVID-19 State of Emergency declaration, are hereby modified to include the following new requirements:

#### 1. IN CHILD CARE AND SCHOOLS:

- i. Students in Kindergarten and above shall wear face coverings while inside child care homes and centers and at schools at all times except for meals, naps, or when doing so would inhibit the child's health. If outside at a child care home or center or at a school, face coverings shall be worn by students (Kindergarten and above) if social distancing cannot be maintained.
- ii. Any child under two (2) years of age must not wear a face covering because of the risk of suffocation. Children two (2) years of age through pre-Kindergarten are strongly encouraged to wear face coverings if they can do so reliably in compliance with CDC guidance on How to Wear Cloth Face Coverings while inside child care homes and centers or elementary schools at all times, except for meals, naps, or when doing so would inhibit the child's health, and outside, if social distancing cannot be maintained.
- iii. Child care homes and centers and schools shall develop written procedures to respond to individual requests for reasonable accommodations or modifications to their face covering policy to allow a child or student who cannot wear a face covering because of their health or a disability to participate in, or benefit from, the programs offered or services that are provided by the child care home or center or school.
- iv. Caregivers at child care homes and centers, and educators at schools, must supervise use of face coverings by children to avoid misuse and monitor compliance.

**2. OUTSIDE OF CHILD CARE AND SCHOOLS:** Any child under the age of two (2) must not wear a face covering because of the risk of suffocation. Any child aged Kindergarten to eighteen (18) years of age shall wear a face covering following the rules and requirements for adults contained in the COVID-19 State of Emergency and its modifications except when doing so would inhibit the individual's health. This Order does not require that any child who has not reached Kindergarten wear a face covering. Parents and caregivers must supervise use of face coverings by children to avoid misuse.

#### D. IN PERSON EDUCATION

1. Child care homes and centers and schools must provide students and staff with access to handwashing facilities and supplies and hand sanitizer. Students and staff must be allowed time to wash hands frequently throughout the day.
2. Desks must be arranged so they are facing the same direction. If tables are used, students must be seated a minimum of 3' apart with face coverings, or the recommended 6' apart for social distancing, and facing the same direction.
3. Child care homes and centers and schools must discontinue off-site field trips.
4. Health status and monitoring:
  - i. Students and staff must stay home if they are exhibiting any symptoms of COVID-19, have been confirmed to have COVID-19, or have been required by DPH to isolate or quarantine.
  - ii. Schools must identify an area or room separated from others where a student or staff member exhibiting any symptoms of COVID-19 can wait until he/she can be picked up, which should be arranged as soon as possible, or transported to a medical facility if necessary.
  - iii. Facilities: Schools must ensure enhanced cleaning and disinfection of high-touch surfaces (stair railings, doorknobs, bathrooms, etc.), cleaning between every fifteen (15) minutes to two (2) hours using EPA-approved cleaning and disinfecting solutions.
5. LEAs shall direct entities providing bus service to and from school to do the following:
  - i. Capacity must be limited by the number of students that can be seated three (3) or more feet apart on the school bus with face coverings (one student per row in staggered fashion, if possible). Students from the same family may sit together in one row, however. All staff and any students Kindergarten and above must wear face coverings. LEAs shall provide a reasonable accommodation for students who are unable to wear a face covering on a bus due to health reasons.
  - ii. High-touch surfaces on buses (handrails, seat tops, particularly in first few rows) must be cleaned between every bus run with an EPA-approved solution.
6. Student attendance:
  - i. The minimum annual school hours requirement of 14 Del. C. § 1049(a)(1), 14 Del. C. §§ 505(b) and 512, and 14 Del. Admin. Code 615 School Attendance shall be suspended for the 2020-21 academic year. LEAs (school districts and charter schools) will develop school schedules according to their model chosen for hybrid or remote learning. Each LEA must develop an attendance policy that defines and describes the LEA's rules concerning attendance for students K-12.

- Search This Site

(<http://delaware.gov>) 4. Schools' schedules must allow for the delivery of Delaware State Content Standards for students K-12.

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#### 4. School

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iii. The deadline to submit a counseling plan by August 15, per 14 Del. Admin. C. § 545.3, is extended to on or before September 15, 2020.

12. Educational Programs for English Learners: The initial English Learner screening requirement of 14 Del. Admin. Code § 920.2.2 shall be suspended for the 2020-21 academic year. For the 2020-21 academic year, any student for whom a language other than English is reported on the home language survey, the school or district shall to the extent practicable follow Delaware's statewide entrance criteria as outlined in Delaware's approved ESSA Plan and further described in Delaware's English Learner Guidebook. An initial in-person screening or WIDA Remote Screening assessment of English language proficiency shall be conducted as soon as practicable, but not later than forty-five (45) school days after enrollment and shall be conducted by qualified personnel trained in the administration of the assessment instrument. Upon return to in-person instruction, any student screened with the WIDA Remote Screening assessment of English language proficiency must complete the in-person screening within twenty-five (25) days as outlined in Delaware's approved ESSA plan.

(http://delaware.gov) 13. Chemical Inventory: The requirement of 14 Del. Admin. Code § 885.5.1 that each school district and charter school prepare a Chemical Inventory for each of its schools by September 15 of each year shall be suspended. Each school district and charter school must prepare a Chemical Inventory for each of its school by November 15, 2020.

## E. Child Care

1. Effective September 1, 2020 group sizes in child care homes and centers may increase from fifteen (15) to twenty-five (25) for school age children (space permitting). All children and staff must follow the appropriate face covering requirements.
2. Recreational camps (usually called summer or youth camps) approved by the Division of Public Health may request limited or temporary continuation of the previous camp program through the end of October 2020. Such requests should be directed to the Department of Education, Office of Child Care Licensing, which shall review the requests and act as the administrator of any camps approved for continuing operation.

## F. MISCELLANEOUS:

1. This Order has the force and effect of law. Any failure to comply with the provisions contained in a Declaration of a State of Emergency or any modification to a Declaration of the State of Emergency may constitute a criminal offense. 20 Del. C. §§ 3115 (b); 3116 (9); 3122; 3125. State and local law enforcement agencies are authorized to enforce the provisions of any Declaration of a State of Emergency.

APPROVED this 26<sup>th</sup> day of August 2020 at 9:00 a.m.

John C. Carney  
Governor

# Delaware's Government

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