

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

POLICY TRANSMITTAL 2020.07

**RULES 407, LICENSING STANDARDS FOR DAY CARE CENTERS
SUBPART K: REOPENING OF DAY CARE CENTERS**

DATE: May 29, 2020
TO: All Day Care Licensing Representatives, Supervisors and Administrators
FROM: Marc D. Smith, Acting Director
EFFECTIVE: Immediately

I. PURPOSE

The purpose of this Policy Transmittal is to issue EMERGENCY amendments to Rules 407. EMERGENCY Rules 407, Subpart K, Reopening of Day Care Centers. These amendments describe the process for day care center operations during the federal, State or local government-declared public health crisis due to the outbreak of COVID-19 and during Phases III and IV of Restore Illinois.

In light of the extreme circumstances related to COVID-19 and the need to ensure that the health of children is protected through social distancing, Rules 407 EMERGENCY amendments have been adopted allow day care centers to reopen to serve parents and caregivers who may return to work as Illinois enters Phase III, and to ensure continuing child care services to essential and critical care workers as defined in Governor’s Executive Orders No. 2020-10 and 2020-32.

II. PRIMARY USERS

DCFS Day Care Licensing Representatives, Supervisors and Administrators, licensed Day Care Centers and currently licensed Emergency Day Care Programs.

III. SUMMARY OF CHANGES

These amendments create a new Subpart K: Reopening of Day Care Centers.

Compliance with Licensing Standards. Day care centers reopening under Phases III and IV of Restore Illinois must comply with the additional measures specified in these EMERGENCY amendments to Rules 407, in accordance with Centers for Disease Control (CDC) and Illinois Department of Public Health (IDPH) guidance.

Each licensed day care center shall submit an Action Plan providing details on preventive measures and continuity of operations protocols shall be submitted to their local Licensing office.



- a) **Enhanced Risk Management Plan:** The center shall develop an enhanced written risk management plan that identifies potential operational risks, specifies ways to reduce or eliminate the risks and establishes procedures to be followed in an emergency or crisis. All staff shall be trained in the implementation of the plan. The ERMP shall specifically address at least each of the following:
- 1) Exclusion policies for staff and children to address serious illnesses, contagious diseases and reportable diseases in conformance with regulations and recommendations set by the Illinois Department of Public Health's Division of Communicable Disease Control.
 - 2) Notification of all parents in accordance with Department of Public Health recommendations when any communicable disease or condition has been introduced into the program.
 - 3) Signage posted outside all entrances restricting entry to anyone with symptoms of illness/respiratory infection (see Section 407.320);
 - 4) Daily health checks for all persons entering the day care center, including, but not limited to, all staff, children, parents, legal guardians, cleaning staff, caterers, nurses, visitors, and authorized representatives of the Department that enter the premises. These checks shall include temperature checks that are completed according to CDC guidance for child care programs that remain open;
 - 5) Day care centers shall limit all non-essential visitors to the day care.
 - 6) Facility shall supply personal protective equipment (PPE), including, but not limited to, face masks or face shields for staff and children and gloves (see Section 407.310(j)).
 - A) Staff shall wear a mask or face shield at all times when indoors;
 - B) Non-permeable gloves shall be worn while serving food, diaper changing and/or dealing with wounds. Frequent hand washing is required when gloves are not in usage; and
 - C) Children ages 2 years and up, when tolerable, shall wear a face mask when arriving at and leaving the day care center, when in hallways, and throughout the day, except when napping, playing outdoors, or eating.
 - 7) Drop Off and Pick Up Procedures
 - A) Parents, legal guardians or authorized persons are permitted entrance to the day care center upon drop-off and pick-up but not permitted access to the classroom;

- B) Parents, legal guardians, or persons authorized for pickup must wear a face mask when dropping off and picking up their children from the day care center.
- 8) The day care center must close each classroom one hour between part day programs, day care and night care shifts to clean and disinfect.
- b) **Personal Protective Equipment (PPE) Plan:** A written plan of operation shall be provided to the Department that addresses PPE, including masks, face shields and gloves. The plan may also include additional measures such as changes of clothing or smocks. The plan shall state:
 - 1) Where the center's PPE supplies will be stored within the facility;
 - 2) A minimum supply list and plan for reorder of supplies;
 - 3) How and when PPE supplies are inventoried; and
 - 4) How staff are informed or trained on the availability, location and contents of PPE with procedures for reporting refilling low supplies.
- c) **Enhanced Staffing Plan:** The requirements of Section 407.90(a), (d) and (f). Additionally, the center shall develop an enhanced staffing plan to address the following:
 - 1) Children should be kept in the same group with same staff every day including meal, snack, rest and play periods;
 - 2) Classroom interchanging or mixing is not permitted;
 - 3) Qualifications for Early Childhood Teachers shall comply with Section 407.140. Staff qualified to work as Early Childhood Teachers in EDC and served in that role during the months of March through May 2020, may continue to work as an Early Childhood Teacher through July 31, 2020; and
 - 4) Staff shall take the temperature of parents, legal guardians, or other persons bringing a child to the day care center upon arrival. Individuals with a temperature of 100.4° F or higher shall be excluded.
- d) **Daily Temperature Checks:** The requirements of Section 407.100. Additionally, day care staff shall take their temperatures before entering the facility at the beginning of their reported work period and shall maintain records of monitoring. Staff shall be rechecked for fever during their work period if they begin to feel ill or experience any sign of respiratory illness. Individuals with a temperature of 100.4° F or higher shall be excluded from the day care center.

- e) **Qualified Substitutes and First Aid/CPR:** The requirements of Section 407.100. Additionally, the center shall develop and maintain a list of qualified substitutes in the event that staff are out sick. Staff holding first aid and CPR certification that has expired or will expire during COVID-19 response closures may utilize online certification extension programs through State of Illinois approved training sources to renew their certifications.
- f) **Grouping and Staffing:** The requirements of Section 407.190. Grouping and staffing limits shall be in accordance with CDC and IDPH guidelines during Phases III and IV as follows:
- 1) Day care centers reopening under this Subpart that did not operate as an EDC are limited to no more than 10 children in a room during the first 4 weeks of operation.
 - 2) Infants: Maximum of 8 children (1 staff to 4 children);
 - 3) Toddlers: Maximum of 12 children (1 staff to every 5 children); a third staff is required when exceeding 10 children in a group;
 - 4) Age 2: Maximum of 12 children with 2 staff;
 - 5) Ages 3 to 5: Maximum of 15 children with 2 staff;
 - 6) School-agers: Maximum of 15 children with 2 staff;
 - 7) Each classroom must be afforded an additional qualified staff for the purpose of relieving primary staff. The additional staff must be qualified for the position being provided relief. The additional staff must be used between the same two classrooms.;
 - 8) Centers may allow programs to staff classrooms with Early Childhood Assistant qualified staff for up to 3 hours of their program day, provided this is documented in a written staffing plan;
 - 9) There shall be no mixing of groups or individuals within groups. If more than one group of children is cared for at one facility, each group shall be in a separate room;
 - 10) Child care staff and children shall be assigned to the same group every day, including meal, snack, rest and play periods; and
 - 11) A transition plan shall be developed when moving a child to a new group.

- g) **Enhanced Square Footage Space Requirements for Napping:** The requirements of Sections 407.200 and 407.370. Additionally, the center shall comply with enhanced square footage requirements as follows:
- 1) When children are napping or sleeping, there shall be a minimum of 6 feet between each crib or cot; or
 - 2) Clear dividers may be used to separate cribs and cots when children are napping or sleeping, provided the dividers are commercially produced for this purpose.
- h) **Daily Arrival and Departure:** The requirements of Section 407.260. Additionally, the center shall develop an enhanced daily arrival and departure plan and communicate this plan to parents or legal guardians as day care services begin under this Subpart. This plan shall include, but is not limited to:
- 1) Daily temperature checks shall be conducted and recorded for each parent, legal guardian, or person bringing a child to day care upon arrival at the day care center. Individuals with a temperature of 100.4° F or higher, shall be excluded;
 - 2) Children ages 2 years and up, when tolerable, shall wear a face mask when arriving at and leaving the day care center, when in hallways, and throughout the day, except when napping, playing outdoors, or eating;
 - 3) One person will be allowed entrance to the day care upon drop off and pick-up, but will not be permitted access to the classroom;
 - 4) Parents, legal guardians, or authorized persons shall wear a face mask when dropping off and picking up their children from the day care center; and
 - 5) Parents, legal guardians, or persons authorized for dropping off or picking up children from day care and staff shall not engage in hand shaking or physical contact.
- i) **Health Exclusion:** Section 407.310 requires that any child suspected of having COVID-19, diagnosed with COVID-19, or having been in contact with persons suspected of or diagnosed with COVID-19 shall be excluded from the day care center until written documentation is provided by the child's physician that the child is no longer communicable and may return to day care.
- j) **Hand Washing:** Section 407.320 requires staff and children to wash hands and follow a specific handwashing procedure. Staff are required to assist children not able to wash their hands independently. The COVID-19 emergency demands a continued vigilance in adhering to these guidelines, in addition to the following:

- 1) Employees shall clean their hands according to CDC guidelines, including before and after contact with individuals, and after contact with contaminated surfaces or equipment; and
 - 2) Alcohol-based hand sanitizer shall be placed in every room and at the entrance to every child care room. Hand sanitizer is not an acceptable substitute for soap and running water.
- k) **Environmental Safety:** The requirements of Section 407.370. Additionally, the center shall develop enhanced plans to ensure a safe indoor and outdoor space for children, staff and visitors. These plans shall include, but are not limited to:
- 1) Removal of all soft plush toys that can harbor germs and cannot be readily cleaned;
 - 2) Increased sanitizing utilizing disinfection solution as defined in Section 407.45. cleaning all high touch surfaces including doorknobs, toys, phones, keyboards, computer mouse and keyboards and other items identified as frequently handled every hour and more often as needed;
 - 3) Toys and or items that are mouthed shall be removed for sanitizing immediately. For infant and toddler children, teething toys shall be removed for sanitizing once discarded by a child;
 - 4) Post signs throughout the facility describing ways to prevent the spread of germs;
 - 5) Clean and disinfect areas used, equipment and toys at the end of each day; and
 - 6) Encourage parents to leave a pair of shoes for their children's exclusive use at day care.
- l) **Emergency Communication Plan:** Section 407.370 requires the day care center to have communication plans in emergencies. Centers reopening under Phase III and IV of Restore Illinois shall:
- 1) Develop a written communication plan to be shared with parents, guardians and staff to be implemented in the event a staff or child in attendance at the day care center tests positive for COVID-19;
 - 2) Notify IDPH, CDC, and the local Licensing Office immediately upon being informed of exposure to COVID-19 by telephone and follow-up in writing to the local Licensing Office; and
 - 3) Families must immediately notify the day care if someone in the house tests positive or if the child has been in close contact with a positive case

- m) **Outdoor Play Space Safety:** The requirements of Section 407.390. Additionally, the center shall develop enhanced plans to ensure a safe outdoor space for children, staff and visitors. This plan shall include, but is not limited to:
 - 1) playground space used during Phase III and Phase IV shall be used for one classroom at a time; and
 - 2) to the extent possible each group should utilize classroom assigned toys.
- b) **On Site Visits:** For licensed day care centers operating under this Subpart, the Department may conduct on-site visits as needed to ensure the health and safety of children in care.

IV. NEW, REVISED AND/OR OBSOLETE FORMS

These EMERGENCY amendments do not issue new/revised forms or render any current forms obsolete.

V. QUESTIONS

Questions regarding this Policy Transmittal may be emailed to Emergency.Daycare@illinois.gov.

VI. ATTACHMENT

Please find attached the Governor's Executive Orders 2020-10 and 2020-32 and the Emergency Rulemaking for Rules 407, Subpart K.

VII. FILING INSTRUCTIONS

A complete copy of Rules 407, Licensing Standards for Day Care Centers, can be found on the DCFS Website at www2.illinois.gov.

Staff should remove the Rules 407 in its entirety and replace with the newly revised Rule 407 as found on the DCFS Website.

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FILED
INDEX DEPARTMENT

MAR 20 2020

IN THE OFFICE OF
SECRETARY OF STATE

March 20, 2020

Executive Order 2020-10

EXECUTIVE ORDER IN RESPONSE TO COVID-19
(COVID-19 EXECUTIVE ORDER NO. 8)

WHEREAS, I, JB Pritzker, Governor of Illinois, declared all counties in the State of Illinois as a disaster area on March 9, 2020 (Gubernatorial Disaster Proclamation) in response to the outbreak of Coronavirus Disease 2019 (COVID-19); and,

WHEREAS, in a short period of time, COVID-19 has rapidly spread throughout Illinois, necessitating updated and more stringent guidance from federal, state, and local public health officials; and,

WHEREAS, for the preservation of public health and safety throughout the entire State of Illinois, and to ensure that our healthcare delivery system is capable of serving those who are sick, I find it necessary to take additional measures consistent with public health guidance to slow and stop the spread of COVID-19;

WHEREAS, COVID-19 has resulted in significant economic impact, including loss of income and wages, that threaten to undermine housing security and stability;

WHEREAS, the enforcement of eviction orders for residential premises is contrary to the interest of preserving public health and ensuring that individuals remain in their homes during this public health emergency;

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, and pursuant to Sections 7(1), 7(2), 7(8), 7(10), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers in public health laws, I hereby order the following, effective March 21, 2020 at 5:00 pm and for the remainder of the duration of the Gubernatorial Disaster Proclamation, which currently extends through April 7, 2020:

Section 1. Stay at Home; Social Distancing Requirements; and Essential Businesses and Operations

1. **Stay at home or place of residence.** With exceptions as outlined below, all individuals currently living within the State of Illinois are ordered to stay at home or at their place of residence except as allowed in this Executive Order. To the extent individuals are using shared or outdoor spaces when outside their residence, they must at all times and as much as reasonably possible maintain social distancing of at least six feet from any other person, consistent with the Social Distancing Requirements set forth in this Executive Order. All persons may leave their homes or place of residence only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses and Operations, all as defined below.

Individuals experiencing homelessness are exempt from this directive, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make

such shelter available as soon as possible and to the maximum extent practicable (and to use in their operation COVID-19 risk mitigation practices recommended by the U.S. Centers for Disease Control and Prevention (CDC) and the Illinois Department of Public Health (IDPH)). Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location. For purposes of this Executive Order, homes or residences include hotels, motels, shared rental units, shelters, and similar facilities.

2. **Non-essential business and operations must cease.** All businesses and operations in the State, except Essential Businesses and Operations as defined below, are required to cease all activities within the State except Minimum Basic Operations, as defined below. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home).

All Essential Businesses and Operations are encouraged to remain open. To the greatest extent feasible, Essential Businesses and Operations shall comply with Social Distancing Requirements as defined in this Executive Order, including by maintaining six-foot social distancing for both employees and members of the public at all times, including, but not limited to, when any customers are standing in line.

3. **Prohibited activities.** All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes permitted by this Executive Order. Pursuant to current guidance from the CDC, any gathering of more than ten people is prohibited unless exempted by this Executive Order. Nothing in this Executive Order prohibits the gathering of members of a household or residence.

All places of public amusement, whether indoors or outdoors, including but not limited to, locations with amusement rides, carnivals, amusement parks, water parks, aquariums, zoos, museums, arcades, fairs, children's play centers, playgrounds, funplexes, theme parks, bowling alleys, movie and other theaters, concert and music halls, and country clubs or social clubs shall be closed to the public.

This Executive Order supersedes Section 2 of Executive Order 2020-07 (COVID-19 Executive Order No. 5), which prohibited gatherings of 50 people or more.

4. **Prohibited and permitted travel.** All travel, including, but not limited to, travel by automobile, motorcycle, scooter, bicycle, train, plane, or public transit, except Essential Travel and Essential Activities as defined herein, is prohibited. People riding on public transit must comply with Social Distancing Requirements to the greatest extent feasible. This Executive Order allows travel into or out of the State to maintain Essential Businesses and Operations and Minimum Basic Operations.
5. **Leaving the home for essential activities is permitted.** For purposes of this Executive Order, individuals may leave their residence only to perform any of the following Essential Activities:
 - a. **For health and safety.** To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, seeking emergency services, obtaining medical supplies or medication, or visiting a health care professional.
 - b. **For necessary supplies and services.** To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, groceries and food, household consumer products, supplies they need

to work from home, and products necessary to maintain the safety, sanitation, and essential operation of residences.

- c. **For outdoor activity.** To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements, as defined below, such as, by way of example and without limitation, walking, hiking, running, or biking. Individuals may go to public parks and open outdoor recreation areas. However, playgrounds may increase spread of COVID-19, and therefore shall be closed.
 - d. **For certain types of work.** To perform work providing essential products and services at Essential Businesses or Operations (which, as defined below, includes Healthcare and Public Health Operations, Human Services Operations, Essential Governmental Functions, and Essential Infrastructure) or to otherwise carry out activities specifically permitted in this Executive Order, including Minimum Basic Operations.
 - e. **To take care of others.** To care for a family member, friend, or pet in another household, and to transport family members, friends, or pets as allowed by this Executive Order.
6. **Elderly people and those who are vulnerable as a result of illness should take additional precautions.** People at high risk of severe illness from COVID-19, including elderly people and those who are sick, are urged to stay in their residence to the extent possible except as necessary to seek medical care. Nothing in this Executive Order prevents the Illinois Department of Public Health or local public health departments from issuing and enforcing isolation and quarantine orders pursuant to the Department of Public Health Act, 20 ILCS 2305.
7. **Healthcare and Public Health Operations.** For purposes of this Executive Order, individuals may leave their residence to work for or obtain services through Healthcare and Public Health Operations.

Healthcare and Public Health Operations includes, but is not limited to: hospitals; clinics; dental offices; pharmacies; public health entities, including those that compile, model, analyze and communicate public health information; pharmaceutical, pharmacy, medical device and equipment, and biotechnology companies (including operations, research and development, manufacture, and supply chain); organizations collecting blood, platelets, plasma, and other necessary materials; licensed medical cannabis dispensaries and licensed cannabis cultivation centers; reproductive health care providers; eye care centers, including those that sell glasses and contact lenses; home healthcare services providers; mental health and substance use providers; other healthcare facilities and suppliers and providers of any related and/or ancillary healthcare services; and entities that transport and dispose of medical materials and remains.

Specifically included in Healthcare and Public Health Operations are manufacturers, technicians, logistics, and warehouse operators and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products.

Healthcare and Public Health Operations also includes veterinary care and all healthcare services provided to animals.

Healthcare and Public Health Operations shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. Healthcare and Public Health Operations does not include fitness and exercise gyms, spas, salons, barber shops, tattoo parlors, and similar facilities.

8. **Human Services Operations.** For purposes of this Executive Order, individuals may leave their residence to work for or obtain services at any Human Services Operations, including any provider funded by the Illinois Department of Human Services, Illinois Department of Children and Family Services, or Medicaid that is providing services to the public and including state-operated, institutional, or community-based settings providing human services to the public.

Human Services Operations includes, but is not limited to: long-term care facilities; all entities licensed pursuant to the Child Care Act, 225 ILCS 10, except for day care centers, day care homes, group day care homes, and day care centers licensed as specified in Section 12(s) of this Executive Order; residential settings and shelters for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness; transitional facilities; home-based settings to provide services to individuals with physical, intellectual, and/or developmental disabilities, seniors, adults, and children; field offices that provide and help to determine eligibility for basic needs including food, cash assistance, medical coverage, child care, vocational services, rehabilitation services; developmental centers; adoption agencies; businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged individuals, individuals with physical, intellectual, and/or developmental disabilities, or otherwise needy individuals.

Human Services Operations shall be construed broadly to avoid any impacts to the delivery of human services, broadly defined.

9. **Essential Infrastructure.** For purposes of this Executive Order, individuals may leave their residence to provide any services or perform any work necessary to offer, provision, operate, maintain and repair Essential Infrastructure.

Essential Infrastructure includes, but is not limited to: food production, distribution, and sale; construction (including, but not limited to, construction required in response to this public health emergency, hospital construction, construction of long-term care facilities, public works construction, and housing construction); building management and maintenance; airport operations; operation and maintenance of utilities, including water, sewer, and gas; electrical (including power generation, distribution, and production of raw materials); distribution centers; oil and biofuel refining; roads, highways, railroads, and public transportation; ports; cybersecurity operations; flood control; solid waste and recycling collection and removal; and internet, video, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services).

Essential Infrastructure shall be construed broadly to avoid any impacts to essential infrastructure, broadly defined.

10. **Essential Governmental Functions.** For purposes of this Executive Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, law enforcement and corrections personnel, hazardous materials responders, child protection and child welfare personnel, housing and shelter personnel, military, and other governmental employees working for or to support Essential Businesses and Operations are categorically exempt from this Executive Order.

Essential Governmental Functions means all services provided by the State or any municipal, township, county, subdivision or agency of government and needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety and welfare of the public, and including contractors performing Essential Governmental Functions. Each government body shall determine its Essential Governmental Functions and identify employees and/or contractors necessary to the performance of those functions.

This Executive Order does not apply to the United States government. Nothing in this Executive Order shall prohibit any individual from performing or accessing Essential Governmental Functions.

11. **Businesses covered by this Executive Order.** For the purposes of this Executive Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function it performs, or its corporate or entity structure.
12. **Essential Businesses and Operations.** For the purposes of this Executive Order, Essential Businesses and Operations means Healthcare and Public Health Operations, Human Services Operations, Essential Governmental Functions, and Essential Infrastructure, and the following:¹
 - a. **Stores that sell groceries and medicine.** Grocery stores, pharmacies, certified farmers' markets, farm and produce stands, supermarkets, convenience stores, and other establishments engaged in the retail sale of groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, alcoholic and non-alcoholic beverages, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries, medicine, including medication not requiring a medical prescription, and also that sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences and Essential Businesses and Operations;
 - b. **Food, beverage, and cannabis production and agriculture.** Food and beverage manufacturing, production, processing, and cultivation, including farming, livestock, fishing, baking, and other production agriculture, including cultivation, marketing, production, and distribution of animals and goods for consumption; licensed medical and adult use cannabis dispensaries and licensed cannabis cultivation centers; and businesses that provide food, shelter, and other necessities of life for animals, including animal shelters, rescues, shelters, kennels, and adoption facilities;
 - c. **Organizations that provide charitable and social services.** Businesses and religious and secular nonprofit organizations, including food banks, when providing food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities;
 - d. **Media.** Newspapers, television, radio, and other media services;
 - e. **Gas stations and businesses needed for transportation.** Gas stations and auto-supply, auto-repair, and related facilities and bicycle shops and related facilities;
 - f. **Financial institutions.** Banks, currency exchanges, consumer lenders, including but not limited, to payday lenders, pawnbrokers, consumer installment lenders and sales finance lenders, credit unions, appraisers, title companies, financial markets, trading and futures exchanges, affiliates of financial institutions, entities that issue bonds, related financial institutions, and institutions selling financial products;
 - g. **Hardware and supply stores.** Hardware stores and businesses that sell electrical, plumbing, and heating material;

¹ On March 19, 2020, the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency, issued a *Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response*. The definition of Essential Businesses and Operations in this Order is meant to encompass the workers identified in that Memorandum.

- h. **Critical trades.** Building and Construction Tradesmen and Tradeswomen, and other trades including but not limited to plumbers, electricians, exterminators, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, moving and relocation services, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses and Operations;
- i. **Mail, post, shipping, logistics, delivery, and pick-up services.** Post offices and other businesses that provide shipping and delivery services, and businesses that ship or deliver groceries, food, alcoholic and non-alcoholic beverages, goods or services to end users or through commercial channels;
- j. **Educational institutions.** Educational institutions—including public and private pre-K-12 schools, colleges, and universities—for purposes of facilitating distance learning, performing critical research, or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible. This Executive Order is consistent with and does not amend or supersede Executive Order 2020-05 (COVID-19 Executive Order No. 3) or Executive Order 2020-06 (COVID-19 Executive Order No. 4) except that affected schools are ordered closed through April 7, 2020;
- k. **Laundry services.** Laundromats, dry cleaners, industrial laundry services, and laundry service providers;
- l. **Restaurants for consumption off-premises.** Restaurants and other facilities that prepare and serve food, but only for consumption off-premises, through such means as in-house delivery, third-party delivery, drive-through, curbside pick-up, and carry-out. Schools and other entities that typically provide food services to students or members of the public may continue to do so under this Executive Order on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site due to the virus's propensity to physically impact surfaces and personal property. This Executive Order is consistent with and does not amend or supersede Section 1 of Executive Order 2020-07 (COVID-19 Executive Order No. 5) except that Section 1 is ordered to be extended through April 7, 2020;
- m. **Supplies to work from home.** Businesses that sell, manufacture, or supply products needed for people to work from home;
- n. **Supplies for Essential Businesses and Operations.** Businesses that sell, manufacture, or supply other Essential Businesses and Operations with the support or materials necessary to operate, including computers, audio and video electronics, household appliances; IT and telecommunication equipment; hardware, paint, flat glass; electrical, plumbing and heating material; sanitary equipment; personal hygiene products; food, food additives, ingredients and components; medical and orthopedic equipment; optics and photography equipment; diagnostics, food and beverages, chemicals, soaps and detergent; and firearm and ammunition suppliers and retailers for purposes of safety and security;
- o. **Transportation.** Airlines, taxis, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers necessary for Essential Activities and other purposes expressly authorized in this Executive Order;

- p. **Home-based care and services.** Home-based care for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness, including caregivers such as nannies who may travel to the child's home to provide care, and other in-home services including meal delivery;
 - q. **Residential facilities and shelters.** Residential facilities and shelters for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness;
 - r. **Professional services.** Professional services, such as legal services, accounting services, insurance services, real estate services (including appraisal and title services);
 - s. **Day care centers for employees exempted by this Executive Order.** Day care centers granted an emergency license pursuant to Title 89, Section 407.400 of the Illinois Administrative Code, governing Emergency Day Care Programs for children of employees exempted by this Executive Order to work as permitted. The licensing requirements for day care homes pursuant to Section 4 of the Child Care Act, 225 ILCS 10/4, are hereby suspended for family homes that receive up to 6 children for the duration of the Gubernatorial Disaster Proclamation.
 - t. **Manufacture, distribution, and supply chain for critical products and industries.** Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitization, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, national defense, communications, as well as products used by other Essential Businesses and Operations.
 - u. **Critical labor union functions.** Labor Union essential activities including the administration of health and welfare funds and personnel checking on the well-being and safety of members providing services in Essential Businesses and Operations – provided that these checks should be done by telephone or remotely where possible.
 - v. **Hotels and motels.** Hotels and motels, to the extent used for lodging and delivery or carry-out food services.
 - w. **Funeral services.** Funeral, mortuary, cremation, burial, cemetery, and related services.
13. **Minimum Basic Operations.** For the purposes of this Executive Order, Minimum Basic Operations include the following, provided that employees comply with Social Distancing Requirements, to the extent possible, while carrying out such operations:
- a. The minimum necessary activities to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions.
 - b. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
14. **Essential Travel.** For the purposes of this Executive Order, Essential Travel includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section.

- a. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses and Operations, or Minimum Basic Operations.
- b. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
- c. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
- d. Travel to return to a place of residence from outside the jurisdiction.
- e. Travel required by law enforcement or court order, including to transport children pursuant to a custody agreement.
- f. Travel required for non-residents to return to their place of residence outside the State. Individuals are strongly encouraged to verify that their transportation out of the State remains available and functional prior to commencing such travel.

15. **Social Distancing Requirements.** For purposes of this Executive Order, Social Distancing Requirements includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

- a. **Required measures.** Essential Businesses and Operations and businesses engaged in Minimum Basic Operations must take proactive measures to ensure compliance with Social Distancing Requirements, including where possible:
 - i. **Designate six-foot distances.** Designating with signage, tape, or by other means six-foot spacing for employees and customers in line to maintain appropriate distance;
 - ii. **Hand sanitizer and sanitizing products.** Having hand sanitizer and sanitizing products readily available for employees and customers;
 - iii. **Separate operating hours for vulnerable populations.** Implementing separate operating hours for elderly and vulnerable customers; and
 - iv. **Online and remote access.** Posting online whether a facility is open and how best to reach the facility and continue services by phone or remotely.

16. **Intent of this Executive Order.** The intent of this Executive Order is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the greatest extent possible. When people need to leave their places of residence, whether to perform Essential Activities, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times and as much as reasonably possible comply with Social Distancing Requirements. All provisions of this Executive Order should be interpreted to effectuate this intent.

17. **Enforcement.** This Executive Order may be enforced by State and local law enforcement pursuant to, *inter alia*, Section 7, Section 18, and Section 19 of the Illinois Emergency Management Agency Act, 20 ILCS 3305.

18. **No limitation on authority.** Nothing in this Executive Order shall, in any way, alter or modify any existing legal authority allowing the State or any county, or local government

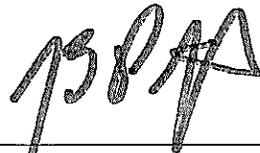
body from ordering (1) any quarantine or isolation that may require an individual to remain inside a particular residential property or medical facility for a limited period of time, including the duration of this public health emergency, or (2) any closer of a specific location for a limited period of time, including the duration of this public health emergency. Nothing in this Executive Order shall, in any way, alter or modify any existing legal authority allowing a county or local government body to enact provisions that are stricter than those in this Executive Order.

Section 2. Order ceasing evictions.

Pursuant to the Illinois Emergency Management Agency Act, 20 ILCS 3305/7(2), (8), and (10), all state, county, and local law enforcement officers in the State of Illinois are instructed to cease enforcement of orders of eviction for residential premises for the duration of the Gubernatorial Disaster Proclamation. No provision contained in this Executive Order shall be construed as relieving any individual of the obligation to pay rent, to make mortgage payments, or to comply with any other obligation that an individual may have under tenancy or mortgage.

Section 3. Savings clause.

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.



JB Pritzker, Governor

Issued by the Governor March 20, 2020
Filed by the Secretary of State March 20, 2020

FILED
INDEX DEPARTMENT
MAR. 20 2020
IN THE OFFICE OF
SECRETARY OF STATE



SPRINGFIELD, ILLINOIS

FILED
INDEX DEPARTMENT

MAY 06 2020

IN THE OFFICE OF
SECRETARY OF STATE
CORRECTED
Executive Order 2020-33

April 30, 2020

EXECUTIVE ORDER IN RESPONSE TO COVID-19
(COVID-19 EXECUTIVE ORDER NO. 31)

WHEREAS, protecting the health and safety of Illinoisans is among the most important functions of State government; and,

WHEREAS, Coronavirus Disease 2019 (COVID-19) is a novel severe acute respiratory illness that has spread among people through respiratory transmissions, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020, and the United States Secretary of Health and Human Services declared that COVID-19 presents a public health emergency on January 27, 2020; and,

WHEREAS, as the virus has progressed through Illinois, the crisis facing the State has developed and now requires an evolving response to ensure hospitals, health care professionals and first responders are able to meet the health care needs of all Illinoisans and in a manner consistent with CDC guidance that continues to be updated; and,

WHEREAS, I declared all counties in the State of Illinois as a disaster area on April 30, 2020 because the current circumstances in Illinois surrounding the spread of COVID-19, including the devastating impacts to the health and lives of people throughout the State, the threatened shortages of hospital beds, ICU beds, ventilators, and PPE, and the critical need for increased COVID-19 testing capacity, constitute an epidemic emergency and a public health emergency; and,

WHEREAS, in response to the epidemic emergency and public health emergency described above, I find it necessary to re-issue Executive Orders 2020-03, 2020-04, 2020-05, 2020-06, 2020-07, 2020-08, 2020-09, 2020-11, 2020-12, 2020-13, 2020-14, 2020-15, 2020-16, 2020-17, 2020-19, 2020-20, 2020-21, 2020-22, 2020-23, 2020-24, 2020-25, 2020-26, 2020-27, 2020-28, 2020-29, 2020-30, and 2020-31, and hereby incorporate the WHEREAS clauses of those Executive Orders;

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, pursuant to the Illinois Constitution and Sections 7(1), 7(2), 7(3), 7(8), 7(9), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers in public health laws, I hereby order the following, effective April 30, 2020:

Part 1: Re-Issue of Executive Orders.

Executive 2020-03, 2020-04, 2020-05, 2020-06, 2020-07, 2020-08, 2020-09, 2020-11, 2020-12, 2020-13, 2020-14, 2020-15, 2020-16, 2020-17, 2020-19, 2020-20, 2020-21, 2020-22, 2020-23, 2020-24, 2020-25, 2020-26, 2020-27, 2020-28, 2020-29, 2020-30, and 2020-31 hereby are re-issued by this Executive Order 2020-33 as follows:

Executive Order 2020-04 (Closure of James R. Thompson Center; Waiver of Sick Leave Requirement for State Employees):

Sections 2 and 3 of Executive Order 2020-04 are re-issued and extended through May 29, 2020.

Executive Orders 2020-05 and 2020-06 (School Closures):

Executive Orders 2020-05 and 2020-06 are re-issued in their entirety and extended through May 29, 2020.

Executive Order 2020-07 (Suspension of on-premises consumption at restaurants and bars; Unemployment insurance; Open Meetings Act):

Sections 1, 3, 4, 5, and 6, as amended below, of Executive Order 2020-07 are re-issued and extended through May 29, 2020.

Section 6. During the duration of the Gubernatorial Disaster Proclamation and through May 29, 2020, the provisions of the Open Meetings Act, 5 ILCS 120, requiring or relating to in-person attendance by members of a public body are suspended. Specifically, (1) the requirement in 5 ILCS 120/2.01 that “members of a public body must be physically present” is suspended; and (2) the conditions in 5 ILCS 120/7 limiting when remote participation is permitted are suspended. The provision of the Illinois Finance Authority Act that “[a]ll meetings shall be conducted at a single location within the State with a quorum of members physically present at this location,” 20 ILCS 3501/801-25, is suspended through May 29, 2020. The provision of the Illinois Administrative Code that a meeting of the Concealed Carry Licensing Review Board that requires a “quorum is in attendance at a meeting” as a condition for when “Commissioners may attend telephonically or electronically,” 20 Ill. Admin. Code 2900.110(c), is suspended through May 29, 2020.

Public bodies, including those listed specifically above, are encouraged to postpone consideration of public business where possible. When a meeting is necessary, public bodies are encouraged to provide video, audio, and/or telephonic access to meetings to ensure members of the public may monitor the meeting, and to update their websites and social media feeds to keep the public fully apprised of any modifications to their meeting schedules or the format of their meetings due to COVID-19, as well their activities relating to COVID-19.

Executive Order 2020-08 (Secretary of State Operations):

Executive Order 2020-08 is re-issued in its entirety and extended through May 29, 2020.

Executive Order 2020-09 (Telehealth):

Executive Order 2020-09 is re-issued in its entirety and extended through May 29, 2020.

Executive Order 2020-11 (Revisions to prior Executive Orders; Department of Corrections notification period):

Sections 3 and 4 of Executive Order 2020-11 are re-issued and extended through May 29, 2020.

Executive Order 2020-12 (Health care worker background checks; Department of Juvenile Justice notification period; Coal Mining Act):

Executive Order 2020-12 is re-issued in its entirety and extended through May 29, 2020.

Executive Order 2020-13 (Suspending Department of Corrections admissions from county jails):

Executive Order 2020-13 is re-issued in its entirety and extended through May 29, 2020.

Executive Order 2020-14 (Notary and witness guidelines):

Executive Order 2020-14, as amended below, is re-issued in its entirety and extended through May 29, 2020.

Section 2. During the duration of the Gubernatorial Disaster Proclamation related to the outbreak of COVID-19, any act of witnessing required by Illinois law may be completed remotely by via two-way audio-video communication technology, provided that:

- a. The two-way audio-video communication technology must allow for direct, contemporaneous interaction between the individual signing the document (“the signatory”) and the witness by sight and sound;
- b. The two-way audio-video communication technology must be recorded and preserved by the signatory or the signatory’s designee for a period of at least three years;
- c. The signatory must attest to being physically located in Illinois during the two-way audio-video communication;
- d. The witness must attest to being physically located in Illinois during the two-way audio-video communication;
- e. The signatory must affirmatively state on the two-way audio-video communication what document the signatory is signing;
- f. Each page of the document being witnessed must be shown to the witness on the two-way audio-video communication technology in a means clearly legible to the witness and initialed by the signatory in the presence of the witness;
- g. The act of signing must be captured sufficiently up close on the two-way audio-video communication for the witness to observe;
- h. The signatory must transmit by overnight mail, fax, or electronic means a legible copy of the entire signed document directly to the witness no later than the day after the document is signed;
- i. The witness must sign the transmitted copy of the document as a witness and transmit the signed copy of the document back via overnight mail, fax, or electronic means to the signatory within 24 hours of receipt; and,
- j. If necessary, the witness may sign the original signed document as of the date of the original execution by the signatory provided that the witness receives the original signed document together with the electronically witnessed copy within thirty days from the date of the remote witnessing.

Executive Order 2020-15 (Suspending provisions of the Illinois School Code):

Executive Order 2020-15 is re-issued in its entirety and extended through May 29, 2020.

Executive Order 2020-16 (Repossession of vehicles; suspension of classroom training requirement for security services):

Executive Order 2020-16 is re-issued in its entirety and extended through May 29, 2020.

Executive Orders 2020-03 and 2020-17 (Cannabis deadlines and applications):

Executive Orders 2020-03 and 2020-17, as modified by Executive Order 2020-18, are re-issued and shall remain in effect as specified by Executive Order 2020-18.

Executive Order 2020-19 (Immunity from civil liability for health care facilities, professionals, and volunteers):

Executive Order 2020-19, as amended below, is re-issued in its entirety and extended through May 29, 2020.

Section 1. For purposes of this Executive Order, the following terms are defined as set forth below:

- a. “Health Care Facilities” means:

- i. Facilities licensed, certified, or approved by any State agency and covered by the following: 77 Ill. Admin. Section 1130.215(a)-(f); University of Illinois Hospital Act, 110 ILCS 330; Alternative Health Care Delivery Act, 210 ILCS 3/35(2)-(4); Emergency Medical Services (EMS) Systems Act, 210 ILCS 50; or Department of Veterans' Affairs Act, 20 ILCS 2805;
- ii. State-operated Developmental Centers certified by the federal Centers for Medicare and Medicaid Services and licensed State-operated Mental Health Centers created pursuant to the Mental Health and Developmental Disabilities Administrative Act, 20 ILCS 1705/4;
- iii. Licensed community-integrated living arrangements as defined by the Community-Integrated Living Arrangements Licensing and Certification Act, 210 ILCS 135/2;
- iv. Licensed Community Mental Health Centers as defined in the Community Services Act, 405 ILCS 30;
- v. Federally qualified health centers under the Social Security Act, 42 U.S.C. § 1396d(1)(2)(B); ~~and~~
- vi. Any government-operated site providing health care services established for the purpose of responding to the COVID-19 outbreak;
- vii. Supportive living facilities certified by the Illinois Department of Healthcare and Family Services pursuant to the Illinois Public Aid Code, 305 ILCS 5/5-5.01(a); and,
- viii. Assisted living establishments and shared housing establishments licensed by the DPH pursuant to the Assisted Living and Shared Housing Act, 210 ILCS 9.

“Health Care Facility” is the singular form of the plural “Health Care Facilities.”

- b. “Health Care Professional” means all licensed or certified health care or emergency medical services workers who (i) are providing health care services at a Health Care Facility in response to the COVID-19 outbreak and are authorized to do so; or (ii) are working under the direction of the Illinois Emergency Management Agency (IEMA) or DPH in response to the Gubernatorial Disaster Proclamations.
- c. “Health Care Volunteer” means all volunteers or medical or nursing students who do not have licensure who (i) are providing services, assistance, or support at a Health Care Facility in response to the COVID-19 outbreak and are authorized to do so; or (ii) are working under the direction of IEMA or DPH in response to the Gubernatorial Disaster Proclamations.

Section 8. For purposes of Section 2, rendering assistance by hospitals licensed pursuant to the Illinois Hospital Licensing Act, 210 ILCS 85, must also include accepting a transfer of a COVID-19 patient from another hospital, including hospital inpatients, and state-operated entities (collectively, “transferring entities”) that do not have the capacity and capability necessary to provide treatment for a COVID-19 patient. The receiving hospital shall accept such transfer of a COVID-19 patient if it has sufficient capacity and capability necessary to provide treatment for the COVID-19 patient. In determining whether a hospital has sufficient capacity and capability necessary to provide treatment for a COVID-19 patient, the hospital shall consider, at a minimum, its ability to provide safe and effective treatment consistent with current public health recommendations and available supplies, staffing, and medical bed capacity.

Executive Order 2020-20 (Public assistance requirements):

Executive Order 2020-20 is re-issued in its entirety and extended through May 29, 2020.

Executive Order 2020-21 (Furlough of Illinois Department of Corrections inmates):

Executive Order 2020-21 is re-issued in its entirety and extended through May 29, 2020.

Executive Order 2020-22 (Township meetings; Funeral Directors and Embalmers Licensing Code; placements under the Child Care Act of 1969; fingerprint submissions under Health Care Worker Background Check Act):

Executive Order 2020-22 is re-issued in its entirety and extended through May 29, 2020.

Executive Order 2020-23 (Actions by the Illinois Department of Financial and Professional Regulation for licensed professionals engaged in disaster response):

Executive Order 2020-23 is re-issued in its entirety and extended through May 29, 2020.

Executive Order 2020-24 (Illinois Department of Human Services Forensic Treatment Program; investigations of Illinois Department of Human Services employees):

Executive Order 2020-24 is re-issued in its entirety and extended through May 29, 2020.

Executive Order 2020-25 (Garnishment and wage deductions):

Executive Order 2020-25 is re-issued in its entirety and extended through May 29, 2020.

Executive Order 2020-26 (Hospital capacity):

Executive Order 2020-26 is re-issued in its entirety and extended through May 29, 2020.

Executive Order 2020-27 (Cadavers testing positive for COVID-19):

Executive Order 2020-27 is re-issued in its entirety and extended through May 29, 2020.

Executive Order 2020-28 (Industrial radiography certifications):

Executive Order 2020-28 is re-issued in its entirety and extended through May 29, 2020.

Executive Order 2020-29 (In-person education or exams for professional insurance licenses):

Executive Order 2020-29 is re-issued in its entirety and extended through May 29, 2020.

Executive Order 2020-30 (Filing of residential eviction actions; enforcement of non-residential eviction orders; expired consular identification documents; electronic filings for the Illinois Human Rights Commission):

Executive Order 2020-30, as amended below, is re-issued in its entirety and extended through May 29, 2020.

Section 3. All state, county, and local law enforcement officers in the State of Illinois are instructed to cease enforcement of orders of eviction for residential and non-residential premises, unless the tenant has been found to pose a direct threat to the health and safety of other tenants, an immediate and severe risk to property, or a violation of any applicable building code, health ordinance, or similar regulation. Nothing in this Executive Order shall be construed as relieving any individual or entity of the obligation to pay rent, to make mortgage payments, or comply with any other obligation that an individual or entity may have pursuant to a lease, or rental agreement, or mortgage. The continued need for this directive shall be evaluated upon issuance of any new Gubernatorial Disaster Proclamation.

Executive Order 2020-31 (Educator licensure and student graduation requirements):

Executive Order 2020-31 is re-issued in its entirety and extended through May 29, 2020.

Part 2: Savings Clause. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.



JB Pritzker, Governor

Issued by the Governor April 30, 2020
Filed by the Secretary of State April 30, 2020

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MAY 06 2021

IN THE OFFICE OF
SECRETARY OF STATE

ILLINOIS REGISTER

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 407

LICENSING STANDARDS FOR DAY CARE CENTERS

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AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10] and the Children's Product Safety Act [430 ILCS 125].

SOURCE: Adopted and codified at 7 Ill. Reg. 9215, effective August 15, 1983; amended at 8 Ill. Reg. 8713, effective June 15, 1984; amended at 8 Ill. Reg. 24937, effective January 1, 1985;

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amended at 16 Ill. Reg. 7597, effective April 30, 1992; emergency amendment at 20 Ill. Reg. 11366, effective August 1, 1996, for a maximum of 150 days; emergency expired December 28, 1996; amended at 21 Ill. Reg. 923, effective January 15, 1997; amended at 22 Ill. Reg. 1728, effective January 1, 1998; amended at 24 Ill. Reg. 17036, effective November 1, 2000; amended at 28 Ill. Reg. 3011, effective February 15, 2004; amended at 29 Ill. Reg. 4502, effective March 15, 2005; amended at 34 Ill. Reg. 4700, effective March 22, 2010; amended at 36 Ill. Reg. 13076, effective August 15, 2012; amended at 38 Ill. Reg. 17293, effective August 1, 2014; emergency amendment at 42 Ill. Reg. 8555, effective May 9, 2018, for a maximum of 150 days; emergency expired October 5, 2018; amended at 43 Ill. Reg. 224, effective January 1, 2019; emergency amendment at 44 Ill. Reg. 5734, effective March 20, 2020, for a maximum of 150 days; emergency amendment at 44 Ill. Reg. _____, effective May 29, 2020, for a maximum of 150 days; amended at 44 Ill. Reg. _____, effective _____.

SUBPART K: REOPENING OF DAY CARE CENTERS

Section 407.600 Reopening of Day Care Centers

EMERGENCY

All providers who were issued EDC licenses under Subpart J during the period of March 21, 2020 to May 29, 2020, and were licensed prior to the issuance of the EDC licenses, shall revert to the license they held immediately prior to March 21, 2020. Those licensees shall comply with this Part's standards for all day care centers, except when those standards are inconsistent with the special requirements prescribed by this Subpart. These programs may reopen in Phases III and IV of Restore Illinois upon submission of a reopening plan consistent with this Subpart. The licensed capacity of these programs will be amended by the Department according to the requirements of this Subpart and based on square footage and staffing plans submitted in the centers reopening plan. Licensed centers seeking to amend their license to care for additional children during Phases III and IV of Restore Illinois will be considered if they can demonstrate changes to the room or facility to meet the requirements of this Subpart.

(Source: Added by emergency rulemaking at 44 Ill. Reg. _____, effective May 29, 2020, for a maximum of 150 days)

Section 407.605 Compliance with Licensing Standards During Reopening

EMERGENCY

Day care centers reopening under Phase III and IV of Restore Illinois must comply with the Centers for Disease Control and Prevention (CDC) and Illinois Department of Public Health (IDPH) guidance and the additional measures stated in this Subpart. Day care centers must submit an Agency Action Plan providing details on preventive measures and continuity of

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operations prior to reopening. The plan shall include, but is not limited to, the following measures, in addition to those contained in the cited Sections:

- a) The requirements of Section 407.70(k). Additionally, the center shall develop a written enhanced risk management plan (ERMP) that identifies potential operational risks, specifies ways to reduce or eliminate the risks, and establishes procedures to be followed in a declared emergency or crisis. All staff shall be trained in the implementation of the plan. The ERMP shall specifically address at least each of the following:
 - 1) Exclusion policies for staff and children shall address serious illnesses, contagious diseases, and reportable diseases in conformance with regulations and recommendations set by IDPH's Division of Communicable Disease Control (see Section 407.310(b) and (e)).
 - 2) Notification of all parents or legal guardians in accordance with IDPH recommendations when any communicable disease or condition has been introduced into the program (see Section 407.80(b));
 - 3) Signage posted outside all entrances restricting entry to anyone with symptoms of illness/respiratory infection (see Section 407.320);
 - 4) Daily health checks for all persons entering the day care center, including, but not limited to, all staff, children, parents, legal guardians, cleaning staff, caterers, nurses, visitors, and authorized representatives of the Department that enter the premises. These checks shall include temperature checks that are completed according to CDC guidance for child care programs that remain open;
 - 5) Day care centers shall limit all non-essential visitors to the day care.
 - 6) Facility shall supply personal protective equipment (PPE), including, but not limited to, face masks or face shields for staff and children and gloves (see Section 407.310(j)).
 - A) Staff shall wear a mask or face shield at all times when indoors;
 - B) Non-permeable gloves shall be worn while serving food, diaper changing and/or dealing with wounds. Frequent hand washing is required when gloves are not in use; and

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- C) Children ages 2 years and up, when tolerable, shall wear a face mask when arriving at and leaving the day care center, when in hallways, and throughout the day, except when napping, playing outdoors, or eating.

- 7) Drop Off and Pick Up Procedures
 - A) Parents, legal guardians or authorized persons are permitted entrance to the day care center upon drop-off and pick-up but not permitted access to the classroom;

 - B) Parents, legal guardians, or persons authorized for pickup must wear a face mask when dropping off and picking up their children from the day care center.

- 8) The day care center must close each classroom one hour between part day programs, day care and night care shifts to clean and disinfect.

- b) A written plan of operation shall be provided to the Department that addresses PPE, including masks, face shields and gloves. The plan may also include additional measures such as changes of clothing or smocks. The plan shall state:
 - 1) Where the center's PPE supplies will be stored within the facility;

 - 2) A minimum supply list and plan for reorder of supplies;

 - 3) How and when PPE supplies are inventoried; and

 - 4) How staff are informed or trained on the availability, location and contents of PPE with procedures for reporting refilling low supplies.

- c) The requirements of Section 407.90(a), (d) and (f). Additionally, the center shall develop an enhanced staffing plan to address the following:
 - 1) Children should be kept in the same group with same staff every day including meal, snack, rest and play periods;

 - 2) Classroom interchanging or mixing is not permitted;

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- 3) Qualifications for Early Childhood Teachers shall comply with Section 407.140. Staff qualified to work as Early Childhood Teachers in EDC and served in that role during the months of March through May 2020, may continue to work as an Early Childhood Teacher through July 31, 2020; and
- 4) Staff shall take the temperature of parents, legal guardians, or other persons bringing a child to the day care center upon arrival. Individuals with a temperature of 100.4° F or higher shall be excluded.
- d) The requirements of Section 407.100. Additionally, day care staff shall take their temperatures before entering the facility at the beginning of their reported work period and shall maintain records of monitoring. Staff shall be rechecked for fever during their work period if they begin to feel ill or experience any sign of respiratory illness. Individuals with a temperature of 100.4° F or higher shall be excluded from the day care center.
- e) The requirements of Section 407.100. Additionally, the center shall develop and maintain a list of qualified substitutes in the event that staff are out sick. Staff holding first aid and CPR certification that has expired or will expire during COVID-19 response closures may utilize online certification extension programs through State of Illinois approved training sources to renew their certifications.
- f) The requirements of Section 407.190. Grouping and staffing limits shall be in accordance with CDC and IDPH guidelines during Phases III and IV as follows:
 - 1) Day care centers reopening under this Subpart that did not operate as an EDC are limited to no more than 10 children in a room during the first 4 weeks of operation.
 - 2) Infants: Maximum of 8 children (1 staff to 4 children);
 - 3) Toddlers: Maximum of 12 children (1 staff to every 5 children); a third staff is required when exceeding 10 children in a group;
 - 4) Age 2: Maximum of 12 children with 2 staff;
 - 5) Ages 3 to 5: Maximum of 15 children with 2 staff;
 - 6) School-agers: Maximum of 15 children with 2 staff;

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- 7) Each classroom must be afforded an additional qualified staff for the purpose of relieving primary staff. The additional staff must be qualified for the position being provided relief. The additional staff must be used between the same two classrooms.;
 - 8) Centers may allow programs to staff classrooms with Early Childhood Assistant qualified staff for up to 3 hours of their program day, provided this is documented in a written staffing plan;
 - 9) There shall be no mixing of groups or individuals within groups. If more than one group of children is cared for at one facility, each group shall be in a separate room;
 - 10) Child care staff and children shall be assigned to the same group every day, including meal, snack, rest and play periods; and
 - 11) A transition plan shall be developed when moving a child to a new group.
- g) The requirements of Sections 407.200 and 407.370. Additionally, the center shall comply with enhanced square footage requirements as follows:
- 1) When children are napping or sleeping, there shall be a minimum of 6 feet between each crib or cot; or
 - 2) Clear dividers may be used to separate cribs and cots when children are napping or sleeping, provided the dividers are commercially produced for this purpose.
- h) The requirements of Section 407.260. Additionally, the center shall develop an enhanced daily arrival and departure plan and communicate this plan to parents or legal guardians as day care services begin under this Subpart. This plan shall include, but is not limited to:
- 1) Daily temperature checks shall be conducted and recorded for each parent, legal guardian, or person bringing a child to day care upon arrival at the day care center. Individuals with a temperature of 100.4° F or higher, shall be excluded;

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- 2) Children ages 2 years and up, when tolerable, shall wear a face mask when arriving at and leaving the day care center, when in hallways, and throughout the day, except when napping, playing outdoors, or eating;
 - 3) One person will be allowed entrance to the day care upon drop off and pick-up, but will not be permitted access to the classroom;
 - 4) Parents, legal guardians, or authorized persons shall wear a face mask when dropping off and picking up their children from the day care center; and
 - 5) Parents, legal guardians, or persons authorized for dropping off or picking up children from day care and staff shall not engage in hand shaking or physical contact.
- i) Section 407.310 requires that any child suspected of having COVID-19, diagnosed with COVID-19, or having been in contact with persons suspected of or diagnosed with COVID-19 shall be excluded from the day care center until written documentation is provided by the child's physician that the child is no longer communicable and may return to day care.
 - j) Section 407.320 requires staff and children to wash hands and follow a specific handwashing procedure. Staff are required to assist children not able to wash their hands independently. The COVID-19 emergency demands a continued vigilance in adhering to these guidelines, in addition to the following:
 - 1) Employees shall clean their hands according to CDC guidelines, including before and after contact with individuals, and after contact with contaminated surfaces or equipment; and
 - 2) Alcohol-based hand sanitizer shall be placed in every room and at the entrance to every child care room. Hand sanitizer is not an acceptable substitute for soap and running water.
 - k) The requirements of Section 407.370. Additionally, the center shall develop enhanced plans to ensure a safe indoor and outdoor space for children, staff and visitors. These plans shall include, but are not limited to:
 - 1) Removal of all soft plush toys that can harbor germs and cannot be readily cleaned;

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- 2) Increased sanitizing utilizing disinfection solution as defined in Section 407.45. cleaning all high touch surfaces including doorknobs, toys, phones, keyboards, computer mouse and keyboards and other items identified as frequently handled every hour and more often as needed;
 - 3) Toys and or items that are mouthed shall be removed for sanitizing immediately. For infant and toddler children, teething toys shall be removed for sanitizing once discarded by a child;
 - 4) Post signs throughout the facility describing ways to prevent the spread of germs;
 - 5) Clean and disinfect areas used, equipment and toys at the end of each day; and
 - 6) Encourage parents to leave a pair of shoes for their children's exclusive use at day care.
- l) Section 407.370 requires the day care center to have communication plans in emergencies. Centers reopening under Phase III and IV of Restore Illinois shall:
- 1) Develop a written communication plan to be shared with parents, guardians and staff to be implemented in the event a staff or child in attendance at the day care center tests positive for COVID-19;
 - 2) Notify IDPH, CDC, and the local Licensing Office immediately upon being informed of exposure to COVID-19 by telephone and follow-up in writing to the local Licensing Office; and
 - 3) Families must immediately notify the day care if someone in their home tests positive or if the child has been in close contact with a positive case
- m) The requirements of Section 407.390. Additionally, the center shall develop enhanced plans to ensure a safe outdoor space for children, staff and visitors. This plan shall include, but is not limited to:
- 1) playground space used during Phase III and Phase IV shall be used for one classroom at a time; and
 - 2) to the extent possible each group should utilize classroom assigned toys.

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(Source: Added by emergency rulemaking at 44 Ill. Reg. _____, effective May 29, 2020, for a maximum of 150 days)

Section 407.610 On Site Visit
EMERGENCY

For licensed day care centers operating under this Subpart, the Department may conduct on-site visits as needed to ensure the health and safety of children in care.

(Source: Added by emergency rulemaking at 44 Ill. Reg. _____, effective May 29, 2020, for a maximum of 150 days)