



**Executive Order 2021-28**  
**Frequently Asked Questions (FAQ)**

**Updated November 18, 2021**

*On November 12, 2021, Executive Order 2021-28, requiring Licensed Day Care Center Workers to be vaccinated, was re-issued and amended. EO 2021-30 amended the definition of a Licensed Day Care Center Worker to include “performs services within”. Please find the full definition, as well as other updates to the FAQ, listed below.*

**Executive Order (EO)**

- Why is the state requiring Licensed Day Care Center Workers to be vaccinated against COVID-19?
  - Since early March 2020, Illinois has faced a pandemic that has caused extraordinary sickness and loss of life, infecting over 1.6 million and taking the lives of more than 25,000 residents.
  - The Centers for Disease Control and Prevention (CDC) has recognized vaccination as the leading public health prevention strategy to end the COVID-19 pandemic and recommends that child care staff be vaccinated as soon as possible in order to help child care programs, including Licensed Day Care Centers, protect staff and children in their care, as well as their families.
  - COVID-19 vaccines are safe, effective, and widely available free of cost to any Illinois resident 12 years of age and older.
  - While over 6.8 million Illinoisans have been fully vaccinated against COVID-19, in order to protect against the rapid spread of the Delta variant, additional steps are necessary to ensure that the number of vaccinated residents continues to increase and includes individuals working in certain settings of concern, including those who work around groups of children under the age of 12.
  - Licensed Day Care Centers have experienced an increase in outbreaks during the current statewide increase in transmission of the Delta variant, resulting in approximately 433 outbreaks at 379 centers to date.
  - Since effective social distancing is not feasible in the care of infants and toddlers, this necessitates all possible protective measures against COVID-19, such as increasing vaccinations, together with masking and regular testing, to protect this vulnerable group while allowing for in-person care and instruction in as safe a manner as possible.



- Preventing the spread of COVID-19 in Licensed Day Care Centers is critically important because of the presence of children who, due to their age, are unable to be vaccinated because the vaccine has not been approved for that age range. While young children are less likely to contract COVID-19 and tend to have milder disease, requiring individuals who work in Licensed Day Care Centers to receive a COVID-19 vaccine or undergo regular testing can help prevent outbreaks that interrupt services for children and families and reduce transmission to vulnerable individuals who may be at a higher risk of severe disease, including young children’s household members.<sup>1</sup>
- On October 27, 2021, the U.S. Department of Health and Human Services’ Administration for Children and Families, Office of Child Care, released a [letter](#) strongly encouraging states to support child care staff vaccination against COVID-19, since scientific studies have shown that even one unvaccinated teacher can lead to dozens of sick children.

## Definitions

- How are “Licensed Day Care Centers” defined?
  - “Licensed Day Care Center” is a child care facility that regularly provides child care for less than 24 hours per day for more than 3 children, aged 0-12 in a facility other than a family home that is licensed by the Department of Children and Family Services. Licensed Day Care Center does not include any State-owned or operated facility.
  - The term does not include licensed family child care homes, licensed group family child care homes, license-exempt centers, license-exempt child care homes, or home visiting programs.
- Who is a “Licensed Day Care Center Worker”?
  - “Licensed Day Care Center Worker” means any person who (1) **performs services within**, is employed by, volunteers for, or is contracted to provide services for a Licensed Day Care Center, or is employed by an entity that is contracted to provide services to a Licensed Day Care Center, and (2) is in close contact (fewer than 6 feet) with other persons in the Center for more than 15 minutes at least once a week on a regular basis as determined by the Licensed Day Care Center.
  - The term “Licensed Day Care Center Worker” does not include any person who is present at the Licensed Day Care Center for only a short period of time and whose moments of close physical proximity to others on site are fleeting (e.g., contractors making deliveries to a site where they remain physically distanced from others or briefly entering a site to pick up or drop off a shipment).

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<sup>1</sup> Transmission within households is high, occurs quickly, and can originate from both children and adults ([Madewell et al., 2021](#); [Dawood et al., 2021](#); [Grijalva et al., 2020](#)), especially for the youngest children and toddlers ([Paul et al., 2021](#)) who require more hands-on care and in homes with more members and less living space, which tends to characterize families of color ([Cerami et al., 2021\\*](#)). Household transmission may put family members at risk ([Lopez et al., 2020](#)), especially those who are older or who have comorbidities and more prone to severe disease.



- The term “Licensed Day Care Center Worker” does include Early Intervention providers, Infant and Early Childhood Mental Health Consultants, Home Visitors, and Quality Specialists so long as they (1) perform services within, are employed by, volunteer for, or are contracted to provide services for a Licensed Day Care Center, or are employed by an entity that is contracted to provide services to a Licensed Day Care Center, and (2) are in close contact (fewer than 6 feet) with other persons in the Center for more than 15 minutes at least once a week on a regular basis as determined by the Licensed Day Care Center.
- How is “fully vaccinated” defined?
  - An individual is “fully vaccinated against COVID-19” two weeks after receiving the second dose in a two-dose series of a COVID-19 vaccine authorized for emergency use, licensed, or otherwise approved by the U.S. Food and Drug Administration (FDA), or two weeks after receiving a single-dose COVID-19 vaccine authorized for emergency use, licensed, or otherwise approved by the FDA.
- My Licensed Day Care Center frequently receives visits from individuals who are not included in the definition “Licensed Day Care Worker”. Are they subject to this Executive Order?
  - For the purposes of Executive Order 2021-28, a licensed day care worker (1) performs services within, is employed by, volunteers for, or is contracted to provide services for a Licensed Day Care Center, or is employed by an entity that is contracted to provide services to a Licensed Day Care Center, and (2) is in close contact (fewer than 6 feet) with other persons in the Center for more than 15 minutes at least once a week on a regular basis as determined by the Licensed Day Care Center.
  - A Licensed Day Care Center has the discretion to implement a visitor policy, consistent with applicable law, for any other service provider who regularly enters the Center but does not meet the definition of “licensed day care worker.” All visitors, regardless of whether they meet the definition of “licensed day care worker,” must comply with all State and local public health requirements that are in place, including masking requirements.
  - To help protect the health and safety of all Illinoisans, the State of Illinois strongly encourages voluntary compliance with vaccination and/or weekly testing protocols for all people that visit or work in child care centers or homes, especially those regularly working in Licensed Day Care Centers.

## Vaccinations

- What is the importance of vaccinations in supporting Licensed Day Care Centers?
  - The [CDC has recognized vaccination as the leading public health prevention strategy](#) to end the COVID-19 pandemic and recommends that Licensed Day Care Center Workers be vaccinated as soon as possible in order to protect staff and children in their care, as well as their families.
  - Increasing vaccination rates in the child care and school-age community is the strongest protective measure against COVID-19 available.



- When must all Licensed Day Care Center Workers be fully vaccinated?
  - All Licensed Day Care Center Workers must have, at a minimum, the first dose of a two-dose COVID-19 vaccine series or a single-dose COVID-19 vaccine by December 3, 2021, and the second dose of a two-dose COVID-19 vaccine series by January 3, 2022 following administration of their first dose in a two-dose vaccination series.
  - Any Licensed Day Care Center Workers who have not established that they are fully vaccinated against COVID-19 must be tested at least weekly.
  
- Where can Licensed Day Care Center Workers get vaccinated?
  - Vaccinations are available throughout the State of Illinois at numerous locations. A vaccine location near you can be found at [www.vaccines.gov/](http://www.vaccines.gov/).
  - Centers with multiple workers in need of vaccination are encouraged to consider a mobile vaccination clinic on-site provided by the State of Illinois. Centers can sign up to host a clinic at [www.dph.illinois.gov/covid19/vaccinationclinics](http://www.dph.illinois.gov/covid19/vaccinationclinics).
  
- Will Licensed Day Care Workers receive time off for vaccination?
  - Employers have the discretion to grant time off work for both testing and vaccination purposes, and employers can use Child Care Restoration Grants to cover any increased costs including hiring substitute staff to facilitate vaccination and/or testing of staff.
  
- Prior to hiring a new Licensed Day Care Worker, does the Worker have to be vaccinated?
  - Yes, or they will need to present a negative test weekly.
  
- How does a Licensed Day Care Center Worker provide proof of vaccination?
  - To establish that they are fully vaccinated against COVID-19, Licensed Day Care Center Workers must provide one of the following to their employer: (1) a CDC COVID-19 vaccination record card or photograph of the card; (2) documentation of vaccination from a health care provider or electronic health record; or (3) state immunization records.
  - Adults can authorize release of such proof for themselves by completing a [request for immunization](#) records from the Illinois Comprehensive Automated Immunization Registry Exchange (I-CARE). (Chicago residents can complete the request for immunization records using [this form](#).) Adults can also access their vaccination records through IDPH's immunization portal, [VaxVerify](#), which allows Illinois residents 18 years and older to check their COVID-19 vaccination record.
  - [Federal laws](#) do not prevent employers from requiring workers to bring in documentation or other confirmation of COVID-19 vaccination status. This information, like all medical information, must be kept confidential and stored separately from the worker's personnel files under the Americans with Disabilities Act.



- Who is responsible for ensuring that Licensed Day Care Workers not employed by the Licensed Day Care Center comply with the vaccination or testing requirements?
  - The Licensed Day Care Center is ultimately responsible for ensuring that all individuals who meet the definition of Licensed Day Care Center Worker comply with the vaccination or testing requirements set forth in Executive Order 2021-28, regardless of employer.
  - For Licensed Day Care Workers who are employed by an entity that is contracted to provide services to a Licensed Day Care Center, the employing entity is required to maintain records regarding proof of vaccination and weekly testing. Such records must be made available to the Licensed Day Center upon request.
  
- May Licensed Day Care Center Workers refuse to be fully vaccinated for any reason?
  - Individuals are exempt from any requirement to be fully vaccinated against COVID-19 if (1) vaccination is medically contraindicated, including any individual who is entitled to an accommodation under the Americans with Disabilities Act or any other law applicable to a disability-related reasonable accommodation, or (2) vaccination would require the individual to violate or forgo a sincerely held religious belief, practice, or observance.
  - Individuals who demonstrate that they are exempt from the vaccination requirement shall undergo, at a minimum, weekly testing beginning December 3, 2021, and must continue to submit to at least weekly testing until they are fully vaccinated.
  - Pursuant to [IDPH guidance](#), asymptomatic personnel who tested positive for COVID-19 within the prior 90 days may be exempted from weekly testing for that 90-day period from infection on the condition that they provide confirmation of prior infection.
  
- Who determines above exemption requirements?
  - As a general matter, exemptions should be evaluated and either accepted or denied by the employer (whether by the Licensed Day Care Center or by the contractor with whom they are working).
  - The alternative to vaccination, for any reason (regardless of whether an exemption is sought and, if sought, regardless if granted or denied), is testing.
  
- Is there a State mandate that children enrolled in a Licensed Day Care Center obtain the COVID-19 vaccine?
  - The Executive Order does not include children enrolled in a Licensed Day Care Center.

### Testing

- What tests may be used for unvaccinated Licensed Day Care Workers?
  - Workers who are not fully vaccinated must be tested for COVID-19 with a PCR or antigen test that either has Emergency Use Authorization by the FDA or is operating per the Laboratory Developed Test requirements by the CMS.
  - The Illinois Department of Public Health recommends PCR testing with less than 48-hour turnaround time.



- If a Licensed Day Care Center does not operate a testing program, are workers required to pay for testing?
  - If a Licensed Day Care Center is currently receiving Child Care Restoration Grant funds, the Center may choose to use these funds to purchase appropriate tests or contract with a test provider and for test administration costs. Centers may also use Child Care Restoration Grant funds to support transportation, paid time off, incentives, and substitute staff to facilitate vaccination and/or testing of staff.
  
- Where can Licensed Day Care Center Workers go to get tested?
  - Information about available testing resources, including state-supported community-based testing sites, is available at: <http://dph.illinois.gov/testing>.
  
- How can Licensed Day Care Center Workers who are not fully vaccinated provide proof of a negative test?
  - As required by Executive Order 2021-28, Licensed Day Care Center Workers must submit proof or confirmation of a negative test. Such proof should include a paper or electronic copy of the negative test result for review by the Center. There should be sufficient personal identifying information on the test result to demonstrate that the specimen and result do in fact apply to the individual required to test.
  - [CDC guidance](#) for verifying a qualifying negative test result for air travelers, which the State uses as guidance in other settings, indicates that test results must be in the form of written documentation (paper or electronic copy) and must include the following: (1) Type of test (indicating it is a PCR or antigen test); (2) Entity issuing the result (e.g., laboratory, health care entity, or telehealth service); (3) Specimen collection date; (4) Information that identifies the person (full name plus at least one other identifier such as date of birth or passport number); and (5) Test result.
  - At-home or self-tests that are fully self-administered are permissible when the Center requires proof of the test result through a video or picture of the test result to be available upon request from Center personnel. If Centers choose to allow their Workers to use at-home tests that are self-administered to attest to their negative status, they should be aware of the limitations of these tests, such as inadvertent improper administration and difficulty in verifying the reported results against the individual's identity. Over-the-counter tests are not recommended for Workers excluded due to COVID-19-like symptoms or for the seven-day reduced quarantine testing requirement.
  
- If I have questions about testing, who should I contact?
  - Child Care Resource & Referral (CCR&R) agencies in your Service Delivery Area (SDA) can be contacted to provide additional support and resources specific to your area.



- What happens if a Licensed Day Care Center Worker undergoing at least weekly testing for COVID-19 receives a positive result?
  - Licensed Day Care Center Workers who test positive for COVID-19 should immediately isolate at home and notify their local health department. Centers must exclude Licensed Day Care Center Workers who are a confirmed case or probable case and should do so for at least 10 days following date of positive test if asymptomatic or following onset of symptoms if symptomatic, or as otherwise directed by the local health department.

### **Provider Requirements**

- What records are Licensed Day Care Centers required to maintain?
  - Licensed Day Care Centers shall maintain records regarding proof of vaccination status of all Licensed Day Care Workers who are employed by, volunteer for, or are contracted to provide services to the Center.
  - Licensed Day Care Centers shall also maintain records regarding proof of, at a minimum, weekly COVID-19 testing compliance of all Licensed Day Care Workers who are not vaccinated and are employed by, volunteer for, or are contracted to provide services to the Center.
  - For Licensed Day Care Workers who are employed by an entity that is contracted to provide services to a Licensed Day Care Center, the employing entity is required to maintain records regarding proof of vaccination and weekly testing. Such records must be made available to the Licensed Day Center upon request.
- Can COVID-19 vaccination and testing information be maintained with information about other types of vaccines that Centers must store onsite? Can COVID-19 information be stored similarly?
  - Per DCFS Personnel Record guidelines, a confidential file shall be maintained on each staff person and contain a record of current medical examination, including COVID-19 vaccination and testing documentation.
  - This information should be maintained separate from the Worker's personnel file.
- As a provider, if I have legal questions regarding this EO, who can I contact?
  - Please consult with the Licensed Day Care Center's Human Resource and Legal resources.
- Can Workers remain onsite while they await the results of their weekly COVID-19 test?
  - Licensed Day Care Centers may permit Workers to be present on premises while they are awaiting the results of a weekly COVID-19 test if they do not have any symptoms of COVID-19 that warrant exclusion until a test result is received.
- How will Licensed Day Care Centers address potential staffing shortages?
  - The majority of Licensed Day Care Centers currently receive Child Care Restoration Grants, which are designed to support operations and cover revenue shortages generated by the COVID-19 pandemic. Child Care Restoration Grants funds can be used to incentivize staff recruitment, retention, vaccination, and testing.



- While the Child Care Restoration Grants were previously slated to taper in size for October-December 2021, in light of this Executive Order, [Child Care Restoration Grants will remain at July-September 2021 levels](#) through the end of 2021, with a no cost extension on spending funds through January 2022.
- On September 13, 2021, the Governor announced a Child Care Workforce Bonus program to recognize the efforts and help retain child care staff who served and continue to serve children and families in person during the pandemic. This bonus is funded by federal pandemic relief funds and will be administered through the Illinois Department of Human Services (IDHS) and Illinois Network of Child Care Resource & Referral Agencies (INCCRRA). The Child Care Workforce bonus will provide bonuses of up to \$1,000 for eligible child care providers, including Licensed Day Care Centers.