

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

POLICY TRANSMITTAL 2020.02

**RULES 407, LICENSING STANDARDS FOR DAY CARE CENTERS
SUBPART J: EMERGENCY DAY CARE PROGRAMS**

DATE: March 20, 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.

These amendments implement the State of Illinois response to COVID-19. The citizens of Illinois, and our country, are currently experiencing an unprecedented public health crisis. Following recommendations from the Center for Disease Control and Illinois Department of Public Health, public and private schools are closed, and citizens are advised to stay in their homes and practice social distancing. As the Department and our private agency partners take the necessary steps to comply with these directives, it is crucial that we continue to provide important services to children and families.

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 to ensure continuing child care services to essential and critical care workers as defined in Governor’s Executive Order No. 2020-10,

II. PRIMARY USERS

DCFS Day Care Licensing Representatives, Supervisors and Administrators, and those programs seeking to offer Emergency Day Care Programs.

III. SUMMARY OF CHANGES

These amendments create a new Subpart I: Emergency Day Care Program (EDC) and renumbers to Subpart J: Severability of This Part.

These amendments describe the process for approving Emergency Day Care Programs to provide day care for essential and critical care workers during the federal, State or local government-declared public health crisis due to the outbreak of COVID-19.



A. DEFINITIONS

“Emergency Day Care Program” means:

- a) Day care centers currently licensed pursuant to Title 89, Section 407.50 of this Part, that are now closed pursuant to the Governor’s Executive Order No. 2020-10, or
- b) A new program that has never held a license to operate a day care center, such as a location within or near a medical facility, for the purpose of child care for essential and critical care workers, as defined in the Governor’s Executive Order No. 2020-10, for the duration of the COVID-19 Gubernatorial Disaster Proclamation.
- c) “Essential and critical care workers” are employees exempt from the Governor’s Executive Order No. 2020-10.

B. APPLICATION FOR EMERGENCY DAY CARE PROGRAMS

Applicants seeking to provide an Emergency Day Care Program shall complete an application for license on a form prescribed by the Department. Licensing Staff are to provide this Application and the Department will make this Application available online via the Department website at <https://www2.illinois.gov/dcf/Pages/default.aspx>. Applications may be submitted via email at Emergency.Daycare@illinois.gov.

Partial applications from currently licensed programs (that are now closed pursuant to the Governor’s Executive Order No. 2020-10,) shall be accepted and it shall be followed by a full application submission within 5 days.

C. PROCEDURES

Those portions of Licensing Rules that Emergency Day Care Programs must show compliance with are listed in Part 407.515 and are determined to be necessary to ensure the health and safety of children in Emergency Day Care Programs. Licensing Representatives are expected to work with programs to ensure compliance. These Rules establish that:

- Emergency Day Care Program Directors must be at least teacher-qualified (407.140)
- Each classroom shall be staffed with at least one Early Childhood Teacher Assistant or School-age Worker Assistant;
- Child care must be carried out in stable groups of 10 or fewer (“stable” means that the same 10 or fewer children are in the same group each day);
- Infants and toddlers must maintain a ratio of 1 staff to every 4 children;

- Children shall not change from one group to another;
- If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other;
- Child care providers shall remain solely with one group of children;
- Child care staff may work a maximum of 12 hours in a 24-hour period;
and
- All staff and children are compliant with up-to-date CDC Guidance about health and behavioral instructions as related to COVID-19.

D. On-Site Visits

Currently licensed day cares that are now closed pursuant to the Governor’s Executive Order No. 2020-10, will not require a visit by the Licensing Representative when they plan to provide emergency day care for the same numbers and ages of children they currently licensed for or when they have had a licensing visit within the most recent 12-month period.

For all other applicants not currently licensed, a licensing visit shall be conducted within 48 hours of the receipt of the application.

E. Approval of Emergency Day Care Program Application

Day care centers currently licensed that have applied for an Emergency Day Care Program license will be granted a five-business day grace period during which they may operate while pending approval of the Emergency Day Care Program license.

For all other applicants that have submitted a complete application, the Licensing Representative shall conduct a licensing study in order to determine that the Emergency Day Care Program meets licensing standards. The licensing study shall be documented in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study.

Department staff has discretion to visit the licensed Emergency Day Care Program to ensure the health and safety of children, and to provide support and resources for the program.

The Licensing Representative will conduct a recertification visit at 90 days, for operating Emergency Day Care Programs.

Emergency Day Care Program that opened in response to the current emergency disaster or crisis shall surrender the license and close within 30 days after the disaster or crisis is declared ended.

IV. NEW, REVISED AND/OR OBSOLETE FORMS

The following forms have been updated to include check boxes for Emergency Day Care Program. The forms are available on the Templates (T) Drive, DCFS Website and Sunshine website.

CFS 597 Application for Child Care Facility License (Rev 3/2020)
(Please check the checkbox for Emergency Day Care Programs)

CFS 718-B Authorization for Background Check for Child Care (Rev 3/2020)
(Please check the checkbox for Emergency Day Care Programs)

V. QUESTIONS

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

VI. ATTACHMENT

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

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.



SPRINGFIELD, ILLINOIS

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

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INDEX DEPARTMENT
MAR. 20 2020
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

Section

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ILLINOIS REGISTER

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

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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; 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;

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emergency amendment at 44 Ill. Reg. _____, effective March 20, 2020, for a maximum of 150 days.

SUBPART J: EMERGENCY DAY CARE PROGRAM (EDC)

Section 407.500 Purpose
EMERGENCY

The purpose of this Subpart J is to describe the process for approving Emergency Day Care Programs to provide day care for essential and critical care workers during the federal, State or local government-declared public health crisis due to the outbreak of COVID-19.

(Source: Added by emergency rulemaking at 44 Ill. Reg. _____, effective March 20, 2020, for a maximum of 150 days)

Section 407.505 Definitions
EMERGENCY

The following definitions apply to this Subpart:

"Emergency Day Care Program" or "EDC" means:

Day care centers currently licensed pursuant to Section 407.50 that are now closed pursuant to the Governor's Executive Order No. 2020-10; or

A new program that has never held a license to operate a day care center, such as a location within or near a medical facility, for the purpose of child care for essential and critical care workers, as defined in the Governor's Executive Order No. 2020-10, for the duration of the COVID-19 Gubernatorial Disaster Proclamation.

"Essential and critical care workers" are employees permitted to work and exempt from the Governor's Executive Order No. 2020-10.

(Source: Added by emergency rulemaking at 44 Ill. Reg. _____, effective March 20, 2020, for a maximum of 150 days)

Section 407.510 Application for Emergency Day Care Program
EMERGENCY

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- a) Each applicant shall complete an application for licensure to operate an Emergency Day Care Program on a form prescribed by the Department. Applications can be obtained from any Day Care Licensing Representative and shall be available online. Applications may be submitted via email at Emergency.Daycare@illinois.gov.
- b) The application for a license shall be completed by the officers of the governing body of the Emergency Day Care Program, or its authorized representative, on forms prescribed and furnished by the Department.
- c) Day care centers currently licensed pursuant to Section 407.50 that are now closed pursuant to the Governor's Executive Order No. 2020-10 may submit partial applications, provided that the application is complete within 5 days after the initial submission. For any application to be considered complete, the following shall be attached to the application form:
 - 1) Risk Management Plan (Section 407.70(k));
 - 2) Staffing Plan (Section 407.90(a));
 - 3) Guidance and Discipline Policy (Section 407.270);
 - 4) Medication Policy (Section 407.360); and
 - 5) All persons subject to the background check requirements of 89 Ill. Adm. Code 385 (Background Checks) and each person's complete, signed authorization to conduct the background check (Section 407.110).

(Source: Added by emergency rulemaking at 44 Ill. Reg. _____, effective March 20, 2020, for a maximum of 150 days)

Section 407.515 Compliance with Licensing Standards
EMERGENCY

- a) An applicant for an Emergency Day Care Program license shall demonstrate compliance with the following:
 - 1) Section 407.70(k);
 - 2) Section 407.90(a)(3) and (b);

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- 3) Section 407.100(a), (b)(1), (g), (h), and (i);
 - 4) Section 407.110;
 - 5) Section 407.120(a)(1), (2), (4), and (6), (b), (c), (e)(1), (3), (4) and (5), and (f)(1);
 - 6) Section 407.190(f);
 - 7) Section 407.250(i)(1);
 - 8) Section 407.260(b) and (d);
 - 9) Section 407.270;
 - 10) Section 407.310(b) and (c);
 - 11) Section 407.320(a), (b), (c), and (e);
 - 12) Section 407.330(j) and (k);
 - 13) Section 407.340(c), (h), and (i);
 - 14) Section 407.350(a) and (d);
 - 15) Section 407.360(a), (b), (c), and (d);
 - 16) Section 407.370(f)(1)(A) and (B), (r)(1), (2) and (3), and (t)(1);
 - 17) Section 407.380(g) and (j)(4); and
 - 18) Section 407.140 (minimum requirements for Emergency Day Care Program teachers, which will apply to Program Directors);
- b) The applicant shall ensure compliance with the following requirements:
- 1) Each classroom shall be staffed with at least one Early Childhood Teacher or assistant, or School-age Worker Assistant;

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- 2) Child care must be carried out in stable groups of 10 or fewer ("stable" means that the same 10 or fewer children are in the same group each day);
- 3) Infants and toddlers must maintain a ratio of 1 staff to every 4 children;
- 4) Children shall not change from one group to another;
- 5) If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other;
- 6) Child care providers shall remain solely with one group of children;
- 7) Child care staff may work a maximum of 12 hours in a 24-hour period; and
- 8) All staff and children are compliant with up-to-date CDC Guidance about health and behavioral instructions as related to COVID-19. Visit www.CDC.gov for update guidance.

(Source: Added by emergency rulemaking at 44 Ill. Reg. _____, effective March 20, 2020, for a maximum of 150 days)

Section 407.520 On Site Visit
EMERGENCY

- a) For currently licensed day care centers, an on-site visit shall not be required when:
 - 1) The day care center will continue to operate with the same capacity and age groupings except no room or group shall have more than 10 children; and
 - 2) The day care center's licensing representative has visited the facility at least once in the most recent 12-month period.
- b) For all other applicants, a licensing visit shall be conducted within 48 hours after the receipt of the application.

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

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Section 407.525 Approval of Application
EMERGENCY

- a) Upon receipt of a complete, signed application for a license, the Department shall conduct a licensing study in order to determine that the Emergency Day Care Program meets licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study.
- b) Day care centers currently licensed pursuant to Section 407.50 (now closed pursuant to the Governor's Executive Order No. 2020-10) will be granted a five-business day grace period during which they may operate while pending approval of the Emergency Day Care Program license.
- c) If the day care center, or another building or location not currently licensed, is approved as an Emergency Day Care Program, the Department will issue an emergency license to the applicant.
- d) During the hours of operation, Department staff has discretion to visit the licensed Emergency Day Care Program to ensure the health and safety of children, and to provide support and resources for the program. Ninety days following the issuance of the license, a recertification visit will be conducted by licensing staff for operating Emergency Day Care Programs.
- e) An Emergency Day Care Program that was not previously licensed under Section 407.50 shall surrender the license and close within 30 days after the expiration of the COVID-19 Gubernatorial Disaster Proclamation.

(Source: Added by emergency rulemaking at 44 Ill. Reg. _____, effective March 20, 2020, for a maximum of 150 days)