

# Executive Order 2021-24

## (COVID-19 EXECUTIVE ORDER NO. 90) (amended by Executive Order 2021-25)

September 17, 2021

**WHEREAS**, since early March 2020, Illinois has faced a pandemic that has caused extraordinary sickness and loss of life, infecting over 1,590,000 and taking the lives of more than 24,500 residents; and,

**WHEREAS**, at all times but especially during a public health crisis, protecting the health and safety of Illinoisans is among the most important functions of State government; and,

**WHEREAS**, the Illinois Department of Public Health (IDPH) has determined that the Delta variant has spread quickly in Illinois, and the Centers for Disease Control and Prevention (CDC) reports that the Delta variant made up 96.6% of sequence data collected in Illinois over a 4-week period ending August 28, 2021; and,

**WHEREAS**, the CDC reports that the Delta variant is more aggressive and more transmissible than previously circulating strains, and poses significant new risks in the ongoing effort to stop and slow spread of the virus; and,

**WHEREAS**, according to the CDC, some data suggests the Delta variant also may cause more severe disease than prior strains of the virus in unvaccinated people; and,

**WHEREAS**, the CDC estimates that the Delta variant now accounts for more than 90 percent of all sequenced coronavirus cases in the U.S.; and,

**WHEREAS**, every county in Illinois is currently an area of high transmission; and,

**WHEREAS**, statewide, Illinois is experiencing increased numbers of hospital beds utilized by COVID-19 patients (from 524 on June 16, 2021, to 2,263 on September 13, 2021) and ICU beds utilized by COVID-19 patients (from 156 on June 15, 2021, to 519 on September 15, 2021); and,

**WHEREAS**, there are parts of the country in which there are few if any available ICU beds as a result of the Delta variant in Illinois as a result of the Delta variant, for example in Region 5, IDPH reports that no ICU beds were available as of September 16, 2021; and,

**WHEREAS**, several studies published or identified by the CDC show that social distancing, face coverings, and other public health precautions have proved to be critical in slowing and stopping the spread of COVID-19; and,

**WHEREAS**, COVID-19 cases for 5 to 11-year-olds and 12 to 17-year-olds went up dramatically over the past month; and,

**WHEREAS**, for the week ending September 11, 2021, youth under 20 experienced the highest rate of new infections among all age groups that week, with 257 infections per 100,000 people in that age group; and,

**WHEREAS**, for the week ending September 4, 2021, Illinoisans under the age of 20 experienced a peak of over 300 new cases per 100,000 people in that age group; and,

**WHEREAS**, Illinois' southern region topped 1,320 weekly new cases per 100,000 kids for youth in the age bracket 12-17; and,

**WHEREAS**, the CDC has recognized vaccination as the leading public health prevention strategy to end the COVID-19 pandemic and recommends that all teachers, staff, and eligible students be vaccinated as soon as possible; and,

**WHEREAS**, increasing vaccination rates in schools protects against COVID-19 and, together with masking and regular testing, is vital to providing in-person instruction in as safe a manner as possible; and,

**WHEREAS**, youth under age 12 are not yet eligible to be vaccinated, and the vaccination rate for youth ages 12-17 in Illinois is 49.08%; and,

**WHEREAS**, the CDC advises that staying home when sick with COVID-19 is essential to keep COVID-19 infections out of schools and prevent spread to others; and,

**WHEREAS**, IDPH defines an outbreak as two or more individuals identified as having active COVID-19 within 14 days of each other who are epidemiologically linked to shared exposure through school encounters and are from different households and not close contacts outside the school outbreak setting; and,

**WHEREAS**, the CDC defines close contacts as someone who was within **6 feet of an infected person** (laboratory-confirmed or a **clinically compatible illness**) for a cumulative total of 15 minutes or more over a 24-hour period in the K–12 indoor classroom setting; and,

**WHEREAS**, in the K–12 indoor classroom setting, the CDC's close contact definition excludes students who were within 3 feet of an infected student (laboratory-confirmed or a **clinically compatible illness**) if both the infected student and the exposed student(s) **correctly and consistently** wore well-fitting **masks** the entire time. This exception does not apply to teachers, staff, or other adults in the indoor classroom setting; and,

**WHEREAS**, the CDC recommends that in the school setting, close contacts of those infected with COVID-19 or suspected of being infected with COVID-19 should stay home; and,

**WHEREAS**, controlling the occupancy and restricting presence of individuals confirmed or suspected to be infected with COVID-19 is essential to continuing safe in-person instruction in classrooms; and,

**WHEREAS**, in light of the continued spread of COVID-19, the increasing threat of the Delta variant, and the significant percentage of the population (over 48%) that remains unvaccinated, I declared on September 17, 2021 that the current circumstances in Illinois surrounding the spread of COVID-19

continue to constitute an epidemic emergency and a public health emergency under Section 4 of the Illinois Emergency Management Agency Act;

**THEREFORE**, by the powers vested in me as the Governor of the State of Illinois, pursuant to the Illinois Constitution and the Illinois Emergency Management Agency Act, 20 ILCS 3305, Sections 7(1), 7(2), 7(3), 7(8), 7(12), and Section 19 thereof, I hereby order the following effective immediately:

**Section 1: Exclusion Mandates for Confirmed, Probable, and Close Contacts of COVID-19 Cases in Schools.**

a. Definitions

- i. "School" means any public or nonpublic elementary or secondary school, including charter schools, serving students in pre-kindergarten through 12th grade. The term "School" does not include the residential component of any residential schools, including any State-operated residential schools such as the Philip J. Rock Center and School, the Illinois School for the Visually Impaired, the Illinois School for the Deaf, and the Illinois Mathematics and Science Academy. The term "School" does not include schools operated by the Illinois Department of Juvenile Justice.
- ii. "School Personnel" means any person who (1) is employed by, volunteers for, or is contracted to provide services for a School or school district serving students in pre-kindergarten through 12th grade, or who is employed by an entity that is contracted to provide services to a School, school district, or students of a School, and (2) is in close contact (fewer than 6 feet) with students of the School or other School Personnel for more than 15 minutes at least once a week on a regular basis as determined by the School. The term "School Personnel" does not include any person who is present at the School 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 a shipment).
- iii. "Student" means an adolescent or child enrolled in a School.
- iv. "Confirmed Case" means a person with a positive result on a COVID-19 molecular amplification diagnostic test (e.g., Polymerase Chain Reaction (PCR) test), irrespective of clinical signs and symptoms.
- v. "Probable Case" means a person with a positive result on a COVID-19 antigen diagnostic test, irrespective of clinical signs and symptoms, or with COVID-19-like symptoms who was exposed to a Confirmed or Probable Case.
- vi. "Close Contact" means an individual who was within 6 feet for at least 15 minutes with a Confirmed Case or Probable Case in a 24 hour period. The term Close Contact does not include a student who was within 3-6 feet of a Confirmed or Probable Case in a classroom setting if both Confirmed Case or Probable Case and Close Contact were consistently masked for the entire exposure period. Close Contact does not include individuals who are

fully vaccinated or who tested positive for COVID-19 within prior 90 days and are currently asymptomatic.

- vii. "Exclude" means a School's obligation to refuse admittance to the School premises, extracurricular events or any other events organized by the School, regardless of whether an isolation or quarantine order issued by a local health department has expired or has not been issued. Exclusion from a School shall not be considered isolation or quarantine.
- b. All Schools must take the following measures to ensure the safety of Students and School Personnel:
- i. Exclude any Student or School Personnel who is a Confirmed Case or Probable Case for a minimum of 10 days following onset date if symptomatic or date of test if asymptomatic, or as otherwise directed by the School's local health authority.
  - ii. Exclude any Student or School Personnel who is a Close Contact for a minimum of 14 days or as otherwise directed by the School's local health authority, which may recommend options such as Exclusion for 10 days or 7 days with a negative test result on day 6. As an alternative to Exclusion, Schools may permit Close Contacts who are asymptomatic to be on the School premises, at extracurricular events, or any other events organized by the School if both the Confirmed Case or Probable Case and the Close Contact were masked for the entire exposure period and provided the Close Contact tests negative on days 1, 3, 5 and 7 following the exposure.
  - iii. In addition to (b)(i) and(b)(ii), Schools shall Exclude any Student or School Personnel for a minimum of 10 days who exhibit symptoms of COVID-19 until they are fever free for 24 hours and until 48 hours after diarrhea or vomiting have ceased.
- c. All Schools shall make remote instruction available consistent with the requirements declared by the State Superintendent for Education pursuant to Section 10-30 and 34-18.66 of the School Code, 105 ILCS 5/10-30 and 105 ILCS 5/34-18.66, for Students Excluded from in-person instruction pursuant to this Executive Order.
- d. State agencies, including but not limited to the Illinois Department of Public Health, may promulgate emergency rules as necessary to effectuate this Executive Order and aid in its implementation.
- e. Nothing in this Executive Order prohibits a local health authority from issuing orders for isolation or quarantine pursuant to the Department of Public Health Act, 20 ILCS 2305/1.1 et seq., and regulations implementing that Act, or requiring schools to take more stringent measures than described in this Executive Order.

**Section 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.

**Section 3: Prior Executive Orders.** This Executive Order supersedes any contrary provision of any other prior Executive Order. Any provisions that are not contrary to those in this Executive Order shall remain in full force and effect.

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**JB Pritzker, Governor**

Issued by the Governor September 17, 2021

Filed by the Secretary of State September 17, 2021