STATE OF ILLINOIS

EXECUTIVE DEPARTMENT

SPRINGFIELD, ILLINOIS

FILED
INDEX DEPARTMENT
MAR 23 2020
IN THE OFFICE OF
SECRETARY OF STATE

March 23, 2020 Executive Order 2020-11

EXECUTIVE ORDER IN RESPONSE TO COVID-19
(COVID-19 EXECUTIVE ORDER NO. 9)

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; and

WHEREAS, I have issued several Executive Orders to address the COVID-19 outbreak, some of which require minor amendments to provide clarification;

WHEREAS, the Illinois Department of Corrections (IDOC) currently has a population of more than 38,000 male and female inmates in 28 facilities, the vast majority of whom, because of their close proximity and contact with each other in housing units and other areas of the facilities, are especially vulnerable to contracting and spreading COVID-19; and

WHEREAS, the IDOC currently has limited housing capacity to isolate and quarantine inmates who present as symptomatic of, or test positive for, COVID-19; and

WHEREAS, pursuant to the Unified Code of Corrections, 730 ILCS 5/3-6-3(a)(3), the Director of the IDOC "may award up to 180 days of earned sentence credit for good conduct in specific instances as the Director deems proper" and eligible individuals "may be selected to receive the credit at the Director's or his or her designee's sole discretion."

WHEREAS, the IDOC must urgently continue its work to prepare for and respond quickly to COVID-19 and, as part of this effort, the Director may need to exercise the discretion provided by the Unified Code of Corrections to release inmates who may legally be released and do not present danger to the community; and

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), 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:

Section 1. Executive Order 2020-10, Section 1, Paragraphs 8 and 18 are amended as follows:

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, and group day care homes; ~~, and~~ day care centers licensed as specified in Section 1, Paragraph 12(s) of this Executive Order; day programs exempt from licensure under Title 89 of the Illinois Administrative Code, Sections 377.3(a)(1)-(a)(4), (b)(2), and (c); day programs exempt from licensure under Title 89 of the Illinois Administrative Code, Section 377.3(d) (subject to the conditions governing exempt day care homes set forth in Section 1, Paragraph 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.

18. 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~~ closure 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: Executive Order 2020-10, Section 1, Paragraph 12(s) is amended as follows:

s. **Day care centers for employees exempted by this Order**. Day care centers granted an emergency license pursuant to Title 89, Section ~~407.400~~ 407.500 of the Illinois Administrative Code, governing Emergency Day Care Programs for children of employees exempted by this 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.

Section 3: Executive Order 2020-05, Section 3 is amended as follows:

The requirement pursuant to 105 ILCS 5/10-20.56(b) for Illinois school districts to receive approval by the school board before establishing and maintaining a program for the use of electronic-learning (e-learning) is suspended during the effect of the Gubernatorial Disaster Proclamation. Further, any e-learning program implemented pursuant to this Executive Order need not comply with the requirement to hold a public hearing pursuant to 105 ILCS 5/10-20.56(c) or the requirement to communicate protocol to teachers, staff, and students 30 days prior to implementation pursuant to 105 ILCS 5/10-20.56(d)(10). However, any e-learning program adopted pursuant to this Executive Order must be verified by the regional office of education or intermediate service center for the school district, which must ensure that the specific needs of students are met, including special education students and English learners, as required by 105 ILCS 5/10-20.56(b). Regional

offices of education and intermediate service centers are not to deny e-learning plan approvals based solely on the 5 clock hours of instruction or school work required by 105 ILCS 5/10-19.05 so long as the regional offices of education or intermediate service centers determines that the plan provides substantial student learning opportunities, notwithstanding 105 ILCS 10-20.56(d)(1). E-learning programs adopted pursuant to this Executive Order may exceed the number of emergency days in the approved school calendar notwithstanding 105 ILCS 5/10-20.56(b).

Section 4: During the duration of the Gubernatorial Disaster Proclamation, the provision of the Unified Code of Corrections, 730 ILCS 5/3-6-3(a)(5), requiring the Department of Corrections to provide no less than 14 days prior notification to the relevant State's Attorney(s) in the event an inmate receives an earlier release date resulting from earned sentence credit for good conduct, is suspended. In connection with any release pursuant to this provision of the law, the Department of Corrections will take steps to ensure the State's Attorney(s) are notified as far in advance or as quickly as possible.

JB Pritzker, Governor

Issued by the Governor March 23, 2020
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