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JAN 11 2022

IN THE OFFICE OF
SECRETARY OF STATE

January 11, 2022

Executive Order 2022-03

EXECUTIVE ORDER 2022-03
(COVID-19 EXECUTIVE ORDER NO. 98)

WHEREAS, on September 17, 2021, I issued Executive Order 2021-24, modified by Executive Order 2021-25 on September 21, 2021, to address the ongoing pandemic by requiring schools to exclude students and school personnel under certain circumstances; and,

WHEREAS, since early March 2020, Illinois has faced a pandemic that has caused extraordinary sickness and loss of life, infecting over 2,400,00 and taking the lives of more than 28,500 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 Delta variant of the coronavirus is more aggressive and more transmissible than previously circulating strains, and poses new risks in the ongoing effort to stop and slow spread of the virus; and,

WHEREAS, the Delta variant may cause more severe disease than prior strains of the virus; and,

WHEREAS, the Omicron variant is more transmissible than prior variants and has led to significant increases in the number of COVID-19 cases; and,

WHEREAS, the rapid spread of the Omicron variant has resulted in more hospitalizations throughout the State than at any prior point during the COVID-19 pandemic; and,

WHEREAS, statewide, Illinois is experiencing increased numbers of hospital beds utilized by COVID-19 patients with more than 7,000 COVID-19 patients currently hospitalized, including more than 1,100 COVID-19 patients currently occupying an ICU bed throughout the state; and,

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

WHEREAS, there are parts of the country in which there are few if any available ICU beds as a result of the Delta and Omicron variants; 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, for the week ending January 8, 2022, Illinoisans under the age of 20 experienced a peak of over 1,700 new cases per 100,000 people in that age group, a 70% increase from 1,004 cases per 100,000 the week prior, and compared to only 423 cases per 100,000 for the week ending December 4, 2021; and,

WHEREAS, among all age groups, Illinois reported a peak of 44,089 daily cases on January 6, 2022; 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 age 5 years and older are now eligible and recommended by the CDC to get a COVID-19 vaccine; and,

WHEREAS, children 12 years and older are eligible and recommended by the CDC to receive a booster 5 months after the completion of the primary series of the Pfizer-BioNTech COVID-19 vaccine and some immunocompromised children aged 5-11 years old are recommended to receive an additional dose of the Pfizer-BioNTech COVID-19 vaccine; and,

WHEREAS, 39% of youth aged 5 to 17 in Illinois are fully vaccinated and 47.2% have received at least 1 dose; 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 a school-associated outbreak as multiple cases (1) comprising at least 10% of students, teachers, or staff, within a specified core group OR at least three cases within a specified core group meeting criteria for a probable or confirmed school-associated COVID-19 case; (2) with symptom onset or positive test result within 14 days of each other who were not identified as close contacts of each other in another setting (i.e., household) outside of the school setting, and (3) who are epidemiologically linked in the school setting or a school-sanctioned extracurricular activity¹; and,

WHEREAS, the CDC defines close contacts as someone who was within 6 feet of an infected person (with a 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 between 3 and 6 feet of an infected student (with a 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, the CDC revised its recommendations for the time periods for isolation and quarantine from 10 days to 5 days on December 27, 2021, and adopted those recommendations for the school setting on January 6, 2022; and,

WHEREAS, controlling the occupancy and restricting presence in school 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 Omicron variant, and the significant percentage of the Illinois population that has yet to receive at least one dose (26.7%) or to be fully vaccinated (35.7%), I declared on January 7, 2022, that the current circumstances in Illinois surrounding the spread of COVID-19 continue to constitute an

¹ Council of State and Territorial Epidemiologists. (2021, August 6). *Standardized COVID-19 K-12 school surveillance guidance for classification of clusters and outbreaks*. Retrieved from <https://preparedness.cste.org/wp-content/uploads/2021/08/CSTE-Standardized-COVID-19-K-12-School-Surveillance-Guidance-for-Classification-of-Clusters-and-Outbreaks.pdf>

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. A student who was within 3 to 6 feet in a classroom setting for at least 15 minutes with a Confirmed or Probable Case involving another student if both the student and the Confirmed or Probable Case were consistently masked for the entire exposure period.
 - b. Students and staff aged 18 years and older who have received all CDC recommended COVID-19 vaccine doses, including boosters for any individual who completed the Pfizer-BioNTech primary vaccination series beyond the past five months, the Moderna primary vaccination series beyond the past five months, or Johnson & Johnson Janssen's (J&J) primary vaccination dose beyond the past two months (and additional primary doses for some immunocompromised people).
 - c. A student aged 5-17 years who completed the primary series of a COVID-19 vaccine.
 - d. An individual on school transportation who was within 3 to 6 feet for at least 15 minutes with a Confirmed or Probable Case if both the Confirmed or Probable Case and the exposed individual were consistently and correctly masked during the entire exposure

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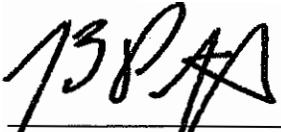
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- period *and* windows were opened (front, middle, and back, or overhead) to allow for good ventilation or HEPA filters were in use during transit.
- e. An individual who has tested positive for COVID-19 in the past 90 days from date of exposure.
 - f. An individual who is solely exposed to a Confirmed or Probable Case while outdoors; however, schools may coordinate with their local health department to determine the necessity of exclusion for higher-risk outdoor exposures.
- 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 a local health department has issued an isolation or quarantine order or such an order has expired. 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:
1. Investigate the occurrence of cases and suspect cases in Schools and identify Close Contacts for purposes of determining whether Students or School Personnel must be Excluded pursuant to this Executive Order.
 - ii. Confirmed or Probable Cases: Exclude any Student or School Personnel who is a Confirmed Case or Probable Case, regardless of vaccination status, for a minimum of 5 days and a maximum of 10 days following the onset date if symptomatic or the date of specimen collection for a positive test if asymptomatic. Students or School Personnel who are symptomatic can return to School after 5 days only if they are fever free for 24 hours without the use of fever-reducing medication, if diarrhea or vomiting have ceased for 24 hours, and if other symptoms have improved. Such individuals must continue to wear a mask at all times around others, including when outdoors, for an additional 5 days after they return to School.
 - iii. Close Contacts: Exclude any Student or School Personnel who is a Close Contact for a minimum of 5 days following exposure. Such individuals must continue to wear a mask at all times around others, including when outdoors, for an additional 5 days after they return to School. As an alternative to Exclusion, Schools may permit Close Contacts who are asymptomatic and exposed in school during the school day to be on the School premises, provided the Close Contact tests negative at least two times within 7 days after the close contact notification/Test To Stay enrollment, with the last test occurring 5-7 days after last close contact.
 - iv. Symptomatic Individuals: In addition to (b)(ii) and (b)(iii), Schools shall Exclude any Student or School Personnel who exhibit symptoms of COVID-19, as defined by the CDC, until they test negative for COVID-19 or for a minimum of 5 days and a maximum of 10 days. Students or School Personnel who are symptomatic can return to School after 5 days only if they are fever free for 24 hours without the use of fever-reducing medication, if diarrhea or vomiting have ceased for 24 hours, and if other symptoms have improved. Such individuals must continue to wear a mask at all times around others, including when outdoors, for an additional 5 days after they return to School.
- 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 Executive Order 2021-24, Executive Order 2021-25, and 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.



JB Pritzker, Governor

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