

AN ACT concerning education.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The School Code is amended by changing Section 10-20.56 as follows:

(105 ILCS 5/10-20.56)

Sec. 10-20.56. E-learning days.

(a) The State Board of Education shall establish and maintain, for implementation in school districts, a program for use of electronic-learning (e-learning) days, as described in this Section. School districts may utilize a program approved under this Section for use during remote learning days and blended remote learning days under Section 10-30 or 34-18.66.

(b) The school board of a school district may, by resolution, adopt a research-based program or research-based programs for e-learning days district-wide that shall permit student instruction to be received electronically while students are not physically present in lieu of the district's scheduled emergency days as required by Section 10-19 of this Code or because a school was selected to be a polling place under Section 11-4.1 of the Election Code. Except as otherwise provided in this subsection (b), the ~~The~~ research-based

program or programs may not exceed the minimum number of emergency days in the approved school calendar and must be verified annually by the regional office of education or intermediate service center for the school district before the implementation of any e-learning days in that school year to ensure access for all students. An e-learning day used by a school district under this subsection (b) due to a school being selected as a polling place pursuant to Section 11-4.1 of the Election Code does not count toward the school district's minimum number of emergency days. The regional office of education or intermediate service center shall ensure that the specific needs of all students are met, including special education students and English learners, and that all mandates are still met using the proposed research-based program. The e-learning program may utilize the Internet, telephones, texts, chat rooms, or other similar means of electronic communication for instruction and interaction between teachers and students that meet the needs of all learners. The e-learning program shall address the school district's responsibility to ensure that all teachers and staff who may be involved in the provision of e-learning have access to any and all hardware and software that may be required for the program. If a proposed program does not address this responsibility, the school district must propose an alternate program.

(c) Before its adoption by a school board, the school

board must hold a public hearing on a school district's initial proposal for an e-learning program or for renewal of such a program, at a regular or special meeting of the school board, in which the terms of the proposal must be substantially presented and an opportunity for allowing public comments must be provided. Notice of such public hearing must be provided at least 10 days prior to the hearing by:

- (1) publication in a newspaper of general circulation in the school district;

- (2) written or electronic notice designed to reach the parents or guardians of all students enrolled in the school district; and

- (3) written or electronic notice designed to reach any exclusive collective bargaining representatives of school district employees and all those employees not in a collective bargaining unit.

- (d) The regional office of education or intermediate service center for the school district must timely verify that a proposal for an e-learning program has met the requirements specified in this Section and that the proposal contains provisions designed to reasonably and practicably accomplish the following:

- (1) to ensure and verify at least 5 clock hours of instruction or school work, as required under Section 10-19.05, for each student participating in an e-learning day;

(2) to ensure access from home or other appropriate remote facility for all students participating, including computers, the Internet, and other forms of electronic communication that must be utilized in the proposed program;

(2.5) to ensure that non-electronic materials are made available to students participating in the program who do not have access to the required technology or to participating teachers or students who are prevented from accessing the required technology;

(3) to ensure appropriate learning opportunities for students with special needs;

(4) to monitor and verify each student's electronic participation;

(5) to address the extent to which student participation is within the student's control as to the time, pace, and means of learning;

(6) to provide effective notice to students and their parents or guardians of the use of particular days for e-learning;

(7) to provide staff and students with adequate training for e-learning days' participation;

(8) to ensure an opportunity for any collective bargaining negotiations with representatives of the school district's employees that would be legally required, including all classifications of school district employees

who are represented by collective bargaining agreements and who would be affected in the event of an e-learning day;

(9) to review and revise the program as implemented to address difficulties confronted; and

(10) to ensure that the protocol regarding general expectations and responsibilities of the program is communicated to teachers, staff, and students at least 30 days prior to utilizing an e-learning day in a school year.

The school board's approval of a school district's initial e-learning program and renewal of the e-learning program shall be for a term of 3 school years, beginning with the first school year in which the program was approved and verified by the regional office of education or intermediate service center for the school district.

(d-5) A school district shall pay to its contractors who provide educational support services to the district, including, but not limited to, custodial, transportation, or food service providers, their daily, regular rate of pay or billings rendered for any e-learning day that is used because a school was selected to be a polling place under Section 11-4.1 of the Election Code, except that this requirement does not apply to contractors who are paid under contracts that are entered into, amended, or renewed on or after March 15, 2022 or to contracts that otherwise address compensation for such

e-learning days.

(d-10) A school district shall pay to its employees who provide educational support services to the district, including, but not limited to, custodial employees, building maintenance employees, transportation employees, food service providers, classroom assistants, or administrative staff, their daily, regular rate of pay and benefits rendered for any school closure or e-learning day if the closure precludes them from performing their regularly scheduled duties and the employee would have reported for work but for the closure, except this requirement does not apply if the day is rescheduled and the employee will be paid their daily, regular rate of pay and benefits for the rescheduled day when services are rendered.

(d-15) A school district shall make full payment that would have otherwise been paid to its contractors who provide educational support services to the district, including, but not limited to, custodial, building maintenance, transportation, food service providers, classroom assistants, or administrative staff, their daily, regular rate of pay and benefits rendered for any school closure or e-learning day if any closure precludes them from performing their regularly scheduled duties and employees would have reported for work but for the closure. The employees who provide the support services covered by such contracts shall be paid their daily bid package rates and benefits as defined by their local

operating agreements or collective bargaining agreements, except this requirement does not apply if the day is rescheduled and the employee will be paid their daily, regular rate of pay and benefits for the rescheduled day when services are rendered.

(d-20) A school district shall make full payment or reimbursement to an employee or contractor as specified in subsection (d-10) or (d-15) of this Section for any school closure or e-learning day in the 2021-2022 school year that occurred prior to the effective date of this amendatory Act of the 102nd General Assembly if the employee or contractor did not receive pay or was required to use earned paid time off, except this requirement does not apply if the day is rescheduled and the employee will be paid their daily, regular rate of pay and benefits for the rescheduled day when services are rendered.

(e) The State Board of Education may adopt rules consistent with the provision of this Section.

(f) For purposes of subsections (d-10), (d-15), and (d-20) of this Section:

"Employee" means anyone employed by a school district on or after the effective date of this amendatory Act of the 102nd General Assembly.

"School district" includes charter schools established under Article 27A of this Code, but does not include the Department of Juvenile Justice School District.

Public Act 104-0552

HB4535 Enrolled

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(Source: P.A. 102-584, eff. 6-1-22; 102-697, eff. 4-5-22;
103-780, eff. 8-2-24.)