



Rep. Maura Hirschauer

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10400HB4535ham001

LRB104 17754 LNS 34900 a

1 AMENDMENT TO HOUSE BILL 4535

2 AMENDMENT NO. _____. Amend House Bill 4535 by replacing
3 everything after the enacting clause with the following:

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

6 (105 ILCS 5/10-20.56)
7 Sec. 10-20.56. E-learning days.

8 (a) The State Board of Education shall establish and
9 maintain, for implementation in school districts, a program
10 for use of electronic-learning (e-learning) days, as described
11 in this Section. School districts may utilize a program
12 approved under this Section for use during remote learning
13 days and blended remote learning days under Section 10-30 or
14 34-18.66.

15 (b) The school board of a school district may, by
16 resolution, adopt a research-based program or research-based

1 programs for e-learning days district-wide that shall permit
2 student instruction to be received electronically while
3 students are not physically present in lieu of the district's
4 scheduled emergency days as required by Section 10-19 of this
5 Code or because a school was selected to be a polling place
6 under Section 11-4.1 of the Election Code. Except as otherwise
7 provided in this subsection (b), the ~~The~~ research-based
8 program or programs may not exceed the minimum number of
9 emergency days in the approved school calendar and must be
10 verified annually by the regional office of education or
11 intermediate service center for the school district before the
12 implementation of any e-learning days in that school year to
13 ensure access for all students. An e-learning day used by a
14 school district under this subsection (b) due to a school
15 being selected as a polling place pursuant to Section 11-4.1
16 of the Election Code does not count toward the school
17 district's minimum number of emergency days. The regional
18 office of education or intermediate service center shall
19 ensure that the specific needs of all students are met,
20 including special education students and English learners, and
21 that all mandates are still met using the proposed
22 research-based program. The e-learning program may utilize the
23 Internet, telephones, texts, chat rooms, or other similar
24 means of electronic communication for instruction and
25 interaction between teachers and students that meet the needs
26 of all learners. The e-learning program shall address the

1 school district's responsibility to ensure that all teachers
2 and staff who may be involved in the provision of e-learning
3 have access to any and all hardware and software that may be
4 required for the program. If a proposed program does not
5 address this responsibility, the school district must propose
6 an alternate program.

7 (c) Before its adoption by a school board, the school
8 board must hold a public hearing on a school district's
9 initial proposal for an e-learning program or for renewal of
10 such a program, at a regular or special meeting of the school
11 board, in which the terms of the proposal must be
12 substantially presented and an opportunity for allowing public
13 comments must be provided. Notice of such public hearing must
14 be provided at least 10 days prior to the hearing by:

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

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

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

24 (d) The regional office of education or intermediate
25 service center for the school district must timely verify that
26 a proposal for an e-learning program has met the requirements

1 specified in this Section and that the proposal contains
2 provisions designed to reasonably and practicably accomplish
3 the following:

4 (1) to ensure and verify at least 5 clock hours of
5 instruction or school work, as required under Section
6 10-19.05, for each student participating in an e-learning
7 day;

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

13 (2.5) to ensure that non-electronic materials are made
14 available to students participating in the program who do
15 not have access to the required technology or to
16 participating teachers or students who are prevented from
17 accessing the required technology;

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

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

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

25 (6) to provide effective notice to students and their
26 parents or guardians of the use of particular days for

1 e-learning;

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

4 (8) to ensure an opportunity for any collective
5 bargaining negotiations with representatives of the school
6 district's employees that would be legally required,
7 including all classifications of school district employees
8 who are represented by collective bargaining agreements
9 and who would be affected in the event of an e-learning
10 day;

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

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

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

24 (d-5) A school district shall pay to its contractors who
25 provide educational support services to the district,
26 including, but not limited to, custodial, transportation, or

1 food service providers, their daily, regular rate of pay or
2 billings rendered for any e-learning day that is used because
3 a school was selected to be a polling place under Section
4 11-4.1 of the Election Code, except that this requirement does
5 not apply to contractors who are paid under contracts that are
6 entered into, amended, or renewed on or after March 15, 2022 or
7 to contracts that otherwise address compensation for such
8 e-learning days.

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

22 (d-15) A school district shall make full payment that
23 would have otherwise been paid to its contractors who provide
24 educational support services to the district, including, but
25 not limited to, custodial, building maintenance,
26 transportation, food service providers, classroom assistants,

1 or administrative staff, their daily, regular rate of pay and
2 benefits rendered for any school closure or e-learning day if
3 any closure precludes them from performing their regularly
4 scheduled duties and employees would have reported for work
5 but for the closure. The employees who provide the support
6 services covered by such contracts shall be paid their daily
7 bid package rates and benefits as defined by their local
8 operating agreements or collective bargaining agreements,
9 except this requirement does not apply if the day is
10 rescheduled and the employee will be paid their daily, regular
11 rate of pay and benefits for the rescheduled day when services
12 are rendered.

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

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

26 (f) For purposes of subsections (d-10), (d-15), and (d-20)

1 of this Section:

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

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

8 (Source: P.A. 102-584, eff. 6-1-22; 102-697, eff. 4-5-22;
9 103-780, eff. 8-2-24.)".