



Rep. Michelle Mussman

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10200HB2789ham001

LRB102 10539 CMG 22650 a

1 AMENDMENT TO HOUSE BILL 2789

2 AMENDMENT NO. _____. Amend House Bill 2789 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Public Health Powers and
5 Duties Law of the Civil Administrative Code of Illinois is
6 amended by adding Section 2310-705 as follows:

7 (20 ILCS 2310/2310-705 new)

8 Sec. 2310-705. Public health emergency; schools and
9 institutions of higher education.

10 (a) This Section applies if the Governor has declared a
11 disaster due to a public health emergency pursuant to Section
12 7 of the Illinois Emergency Management Agency Act.

13 (b) The Department shall establish metrics and develop
14 recommended guidelines for school districts and public
15 institutions of higher education to use during the public
16 health emergency in determining if the district or institution

1 may safely conduct in-person instruction or if the district or
2 institution must implement remote learning or blended remote
3 learning to keep students and staff safe. In establishing the
4 metrics and developing the recommended guidelines, the
5 Department shall follow all guidelines issued by the Centers
6 for Disease Control and Prevention of the United States
7 Department of Health and Human Services pertaining to schools
8 and institutions of higher education during the public health
9 emergency.

10 The metrics and recommended guidelines shall be regularly
11 updated based on available information.

12 The Department shall post the metrics and recommended
13 guidelines and any updates on its Internet website.

14 (c) The Department shall be responsible for providing
15 rapid COVID-19 testing in public schools and public
16 institutions of higher education so infected students and
17 staff can be identified before they spread the virus. Payment
18 for the rapid COVID-19 testing shall come from federal relief
19 funds.

20 Section 10. The School Code is amended by adding Sections
21 10-20.75, 34-18.67, and 34-18.68 and by changing Section 24-6
22 as follows:

23 (105 ILCS 5/10-20.75 new)

24 Sec. 10-20.75. Public health emergency; safe reopening

1 plan.

2 (a) This Section applies if the Governor has declared a
3 disaster due to a public health emergency pursuant to Section
4 7 of the Illinois Emergency Management Agency Act.

5 (b) During the public health emergency, a school board and
6 the exclusive bargaining representative of the district's
7 teachers, if any, shall negotiate the procedures and protocols
8 that shall be implemented to safely conduct in-person
9 instruction. The procedures and protocols agreed to by the
10 school board and the exclusive bargaining representative shall
11 become part of the district's plan to reopen schools safely.
12 The State Board of Education and the Department of Public
13 Health shall enforce the terms of the plan.

14 (c) If the school board and the exclusive bargaining
15 representative cannot agree on the procedures and protocols
16 that shall be implemented to safely conduct in-person
17 instruction, the school board shall follow the recommended
18 guidelines developed by the Department of Public Health under
19 Section 2310-705 of the Department of Public Health Powers and
20 Duties Law of the Civil Administrative Code of Illinois.

21 (105 ILCS 5/24-6)

22 Sec. 24-6. Sick leave. The school boards of all school
23 districts, including special charter districts, but not
24 including school districts in municipalities of 500,000 or
25 more, shall grant their full-time teachers, and also shall

1 grant such of their other employees as are eligible to
2 participate in the Illinois Municipal Retirement Fund under
3 the "600-Hour Standard" established, or under such other
4 eligibility participation standard as may from time to time be
5 established, by rules and regulations now or hereafter
6 promulgated by the Board of that Fund under Section 7-198 of
7 the Illinois Pension Code, as now or hereafter amended, sick
8 leave provisions not less in amount than 10 days at full pay in
9 each school year. If any such teacher or employee does not use
10 the full amount of annual leave thus allowed, the unused
11 amount shall be allowed to accumulate to a minimum available
12 leave of 180 days at full pay, including the leave of the
13 current year. Sick leave shall be interpreted to mean personal
14 illness, quarantine at home, serious illness or death in the
15 immediate family or household, or birth, adoption, or
16 placement for adoption. The school board may require a
17 certificate from a physician licensed in Illinois to practice
18 medicine and surgery in all its branches, a chiropractic
19 physician licensed under the Medical Practice Act of 1987, a
20 licensed advanced practice registered nurse, a licensed
21 physician assistant, or, if the treatment is by prayer or
22 spiritual means, a spiritual adviser or practitioner of the
23 teacher's or employee's faith as a basis for pay during leave
24 after an absence of 3 days for personal illness or 30 days for
25 birth or as the school board may deem necessary in other cases.
26 If the school board does require a certificate as a basis for

1 pay during leave of less than 3 days for personal illness, the
2 school board shall pay, from school funds, the expenses
3 incurred by the teachers or other employees in obtaining the
4 certificate. For paid leave for adoption or placement for
5 adoption, the school board may require that the teacher or
6 other employee provide evidence that the formal adoption
7 process is underway, and such leave is limited to 30 days
8 unless a longer leave has been negotiated with the exclusive
9 bargaining representative.

10 If, by reason of any change in the boundaries of school
11 districts, or by reason of the creation of a new school
12 district, the employment of a teacher is transferred to a new
13 or different board, the accumulated sick leave of such teacher
14 is not thereby lost, but is transferred to such new or
15 different district.

16 If the Governor has declared a disaster due to a public
17 health emergency pursuant to Section 7 of the Illinois
18 Emergency Management Agency Act, the school board shall grant
19 an employee of the district paid sick leave if the employee
20 contracts the illness for which the disaster was declared but
21 only if the employee has used the full amount of paid sick
22 leave already allotted to the employee and the employee
23 provides medical documentation to the district that the
24 employee has contracted the illness for which the disaster was
25 declared.

26 For purposes of this Section, "immediate family" shall

1 include parents, spouse, brothers, sisters, children,
2 grandparents, grandchildren, parents-in-law, brothers-in-law,
3 sisters-in-law, and legal guardians.

4 (Source: P.A. 99-173, eff. 7-29-15; 100-513, eff. 1-1-18.)

5 (105 ILCS 5/34-18.67 new)

6 Sec. 34-18.67. Public health emergency; sick leave. If the
7 Governor has declared a disaster due to a public health
8 emergency pursuant to Section 7 of the Illinois Emergency
9 Management Agency Act, the board shall grant an employee of
10 the district paid sick leave if the employee contracts the
11 illness for which the disaster was declared but only if the
12 employee has used the full amount of paid sick leave already
13 allotted to the employee and the employee provides medical
14 documentation to the district that the employee has contracted
15 the illness for which the disaster was declared.

16 (105 ILCS 5/34-18.68 new)

17 Sec. 34-18.68. Public health emergency; safe reopening
18 plan.

19 (a) This Section applies if the Governor has declared a
20 disaster due to a public health emergency pursuant to Section
21 7 of the Illinois Emergency Management Agency Act.

22 (b) During the public health emergency, the board and the
23 exclusive bargaining representative of the district's teachers
24 shall negotiate the procedures and protocols that shall be

1 implemented to safely conduct in-person instruction. The
2 procedures and protocols agreed to by the board and the
3 exclusive bargaining representative shall become part of the
4 district's plan to reopen schools safely. The State Board of
5 Education and the Department of Public Health shall enforce
6 the terms of the plan.

7 (c) If the board and the exclusive bargaining
8 representative cannot agree on the procedures and protocols
9 that shall be implemented to safely conduct in-person
10 instruction, the board shall follow the recommended guidelines
11 developed by the Department of Public Health under Section
12 2310-705 of the Department of Public Health Powers and Duties
13 Law of the Civil Administrative Code of Illinois.

14 Section 15. The Board of Higher Education Act is amended
15 by adding Section 9.41 as follows:

16 (110 ILCS 205/9.41 new)

17 Sec. 9.41. Public health emergency; sick leave. If the
18 Governor has declared a disaster due to a public health
19 emergency pursuant to Section 7 of the Illinois Emergency
20 Management Agency Act, the Board shall require each public
21 institution of higher education to grant an employee of the
22 institution paid sick leave if the employee contracts the
23 illness for which the disaster was declared but only if the
24 employee has used the full amount of paid sick leave already

1 allotted to the employee and the employee provides medical
2 documentation to the institution that the employee has
3 contracted the illness for which the disaster was declared.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.".