



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5464

Introduced 2/9/2024, by Rep. Chris Miller

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.56

Amends the School Boards Article of the School Code. In provisions concerning e-learning days, provides that a school or school district that offers e-learning days may not use any real property owned or leased by a school or school district to house migrants while students are not present at a school. Provides that a school or school district may not utilize a e-learning day to house migrants on any real property owned or leased by the school or school district due to a mandate by a unit of local government that the school or school district house migrants on any real property owned or leased by the school or school district.

LRB103 37716 RJT 67843 b

1 AN ACT concerning education.

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

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
17 programs for e-learning days district-wide that shall permit
18 student instruction to be received electronically while
19 students are not physically present in lieu of the district's
20 scheduled emergency days as required by Section 10-19 of this
21 Code or because a school was selected to be a polling place
22 under Section 11-4.1 of the Election Code. The research-based
23 program or programs may not exceed the minimum number of

1 emergency days in the approved school calendar and must be
2 verified by the regional office of education or intermediate
3 service center for the school district on or before September
4 1st annually to ensure access for all students. The regional
5 office of education or intermediate service center shall
6 ensure that the specific needs of all students are met,
7 including special education students and English learners, and
8 that all mandates are still met using the proposed
9 research-based program. The e-learning program may utilize the
10 Internet, telephones, texts, chat rooms, or other similar
11 means of electronic communication for instruction and
12 interaction between teachers and students that meet the needs
13 of all learners. The e-learning program shall address the
14 school district's responsibility to ensure that all teachers
15 and staff who may be involved in the provision of e-learning
16 have access to any and all hardware and software that may be
17 required for the program. If a proposed program does not
18 address this responsibility, the school district must propose
19 an alternate program.

20 (c) Before its adoption by a school board, the school
21 board must hold a public hearing on a school district's
22 initial proposal for an e-learning program or for renewal of
23 such a program, at a regular or special meeting of the school
24 board, in which the terms of the proposal must be
25 substantially presented and an opportunity for allowing public
26 comments must be provided. Notice of such public hearing must

1 be provided at least 10 days prior to the hearing by:

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

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

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

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

17 (1) to ensure and verify at least 5 clock hours of
18 instruction or school work, as required under Section
19 10-19.05, for each student participating in an e-learning
20 day;

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

26 (2.5) to ensure that non-electronic materials are made

1 available to students participating in the program who do
2 not have access to the required technology or to
3 participating teachers or students who are prevented from
4 accessing the required technology;

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

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

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

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

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

17 (8) to ensure an opportunity for any collective
18 bargaining negotiations with representatives of the school
19 district's employees that would be legally required,
20 including all classifications of school district employees
21 who are represented by collective bargaining agreements
22 and who would be affected in the event of an e-learning
23 day;

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

26 (10) to ensure that the protocol regarding general

1 expectations and responsibilities of the program is
2 communicated to teachers, staff, and students at least 30
3 days prior to utilizing an e-learning day.

4 The school board's approval of a school district's initial
5 e-learning program and renewal of the e-learning program shall
6 be for a term of 3 years.

7 (d-5) A school district shall pay to its contractors who
8 provide educational support services to the district,
9 including, but not limited to, custodial, transportation, or
10 food service providers, their daily, regular rate of pay or
11 billings rendered for any e-learning day that is used because
12 a school was selected to be a polling place under Section
13 11-4.1 of the Election Code, except that this requirement does
14 not apply to contractors who are paid under contracts that are
15 entered into, amended, or renewed on or after March 15, 2022 or
16 to contracts that otherwise address compensation for such
17 e-learning days.

18 (d-10) A school district shall pay to its employees who
19 provide educational support services to the district,
20 including, but not limited to, custodial employees, building
21 maintenance employees, transportation employees, food service
22 providers, classroom assistants, or administrative staff,
23 their daily, regular rate of pay and benefits rendered for any
24 school closure or e-learning day if the closure precludes them
25 from performing their regularly scheduled duties and the
26 employee would have reported for work but for the closure,

1 except this requirement does not apply if the day is
2 rescheduled and the employee will be paid their daily, regular
3 rate of pay and benefits for the rescheduled day when services
4 are rendered.

5 (d-15) A school district shall make full payment that
6 would have otherwise been paid to its contractors who provide
7 educational support services to the district, including, but
8 not limited to, custodial, building maintenance,
9 transportation, food service providers, classroom assistants,
10 or administrative staff, their daily, regular rate of pay and
11 benefits rendered for any school closure or e-learning day if
12 any closure precludes them from performing their regularly
13 scheduled duties and employees would have reported for work
14 but for the closure. The employees who provide the support
15 services covered by such contracts shall be paid their daily
16 bid package rates and benefits as defined by their local
17 operating agreements or collective bargaining agreements,
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-20) A school district shall make full payment or
23 reimbursement to an employee or contractor as specified in
24 subsection (d-10) or (d-15) of this Section for any school
25 closure or e-learning day in the 2021-2022 school year that
26 occurred prior to April 5, 2022 (the effective date of Public

1 ~~Act 102-647)~~ ~~this amendatory Act of the 102nd General Assembly~~
2 if the employee or contractor did not receive pay or was
3 required to use earned paid time off, except this requirement
4 does not apply if the day is rescheduled and the employee will
5 be paid their daily, regular rate of pay and benefits for the
6 rescheduled day when services are rendered.

7 (d-25) A school or school district that offers e-learning
8 days may not use any real property owned or leased by a school
9 or school district to house migrants while students are not
10 present at a school.

11 (d-30) A school or school district may not utilize a
12 e-learning day to house migrants on any real property owned or
13 leased by the school or school district due to a mandate by a
14 unit of local government that the school or school district
15 house migrants on any real property owned or leased by the
16 school or school district.

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

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

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

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

1 (Source: P.A. 101-12, eff. 7-1-19; 101-643, eff. 6-18-20;
2 102-584, eff. 6-1-22; 102-697, eff. 4-5-22.)