



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1470

Introduced 2/7/2023, by Sen. Tom Bennett

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-19	from Ch. 122, par. 10-19
105 ILCS 5/10-19.05	
105 ILCS 5/10-20.56	
105 ILCS 5/10-29	
105 ILCS 5/10-30	
105 ILCS 5/10-31 new	
105 ILCS 5/18-12	from Ch. 122, par. 18-12
105 ILCS 5/34-18.66	
105 ILCS 5/34-18.82 new	

Amends the School Code. Allows a school district to utilize a remote learning day in lieu of an emergency day provided for in the school calendar or because a school was selected as a polling place. Provides that the number of remote learning days used in a school year may not exceed 5 days and the district superintendent must approve a remote learning plan for the district before the district may utilize a remote learning day. Sets forth what the plan must address, the term of approval, and how the plan must be posted. Sets forth district requirements. Allows statutory and regulatory curricular mandates and offerings to be administered via remote learning, allows for electronic communication for instruction and interaction between educators and students, and provides for rulemaking. Makes related changes. Effective July 1, 2023.

LRB103 27385 RJT 53757 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 Sections
5 10-19, 10-19.05, 10-20.56, 10-29, 10-30, 18-12, and 34-18.66
6 and by adding Sections 10-31 and 34-18.82 as follows:

7 (105 ILCS 5/10-19) (from Ch. 122, par. 10-19)

8 Sec. 10-19. Length of school term - experimental programs.
9 Each school board shall annually prepare a calendar for the
10 school term, specifying the opening and closing dates and
11 providing a minimum term of at least 185 days to insure 176
12 days of actual pupil attendance, computable under Section
13 10-19.05, except that for the 1980-1981 school year only 175
14 days of actual pupil attendance shall be required because of
15 the closing of schools pursuant to Section 24-2 on January 29,
16 1981 upon the appointment by the President of that day as a day
17 of thanksgiving for the freedom of the Americans who had been
18 held hostage in Iran. Any days allowed by law for teachers'
19 institutes but not used as such or used as parental institutes
20 as provided in Section 10-22.18d shall increase the minimum
21 term by the school days not so used. Except as provided in
22 Section 10-19.1, the board may not extend the school term
23 beyond such closing date unless that extension of term is

1 necessary to provide the minimum number of computable days. In
2 case of such necessary extension school employees shall be
3 paid for such additional time on the basis of their regular
4 contracts. A school board may specify a closing date earlier
5 than that set on the annual calendar when the schools of the
6 district have provided the minimum number of computable days
7 under this Section. Nothing in this Section prevents the board
8 from employing superintendents of schools, principals and
9 other nonteaching personnel for a period of 12 months, or in
10 the case of superintendents for a period in accordance with
11 Section 10-23.8, or prevents the board from employing other
12 personnel before or after the regular school term with payment
13 of salary proportionate to that received for comparable work
14 during the school term. Remote learning days, blended remote
15 learning days, and up to 5 remote and blended remote learning
16 planning days established under Section 10-30 or 34-18.66 or
17 remote learning days established under Section 10-31 or
18 34-18.82 shall be deemed pupil attendance days for calculation
19 of the length of a school term under this Section.

20 A school board may make such changes in its calendar for
21 the school term as may be required by any changes in the legal
22 school holidays prescribed in Section 24-2. A school board may
23 make changes in its calendar for the school term as may be
24 necessary to reflect the utilization of teachers' institute
25 days as parental institute days as provided in Section
26 10-22.18d.

1 The calendar for the school term and any changes must be
2 submitted to and approved by the regional superintendent of
3 schools before the calendar or changes may take effect.

4 With the prior approval of the State Board of Education
5 and subject to review by the State Board of Education every 3
6 years, any school board may, by resolution of its board and in
7 agreement with affected exclusive collective bargaining
8 agents, establish experimental educational programs, including
9 but not limited to ~~programs for e-learning days as authorized~~
10 ~~under Section 10-20.56 of this Code,~~ self-directed learning,
11 or outside of formal class periods, which programs when so
12 approved shall be considered to comply with the requirements
13 of this Section as respects numbers of days of actual pupil
14 attendance and with the other requirements of this Act as
15 respects courses of instruction.

16 (Source: P.A. 100-465, eff. 8-31-17; 101-12, eff. 7-1-19;
17 101-643, eff. 6-18-20.)

18 (105 ILCS 5/10-19.05)

19 Sec. 10-19.05. Daily pupil attendance calculation.

20 (a) Except as otherwise provided in this Section, for a
21 pupil of legal school age and in kindergarten or any of grades
22 1 through 12, a day of attendance shall be counted only for
23 sessions of not less than 5 clock hours of school work per day
24 under direct supervision of (i) teachers or (ii) non-teaching
25 personnel or volunteer personnel when engaging in non-teaching

1 duties and supervising in those instances specified in
2 subsection (a) of Section 10-22.34 and paragraph 10 of Section
3 34-18. Days of attendance by pupils through verified
4 participation in an e-learning program adopted by a school
5 board and verified by the regional office of education or
6 intermediate service center for the school district under
7 Section 10-20.56 of this Code, a remote and blended remote
8 learning day plan under Section 10-30 or 34-18.66 of this
9 Code, or a remote learning plan under Section 10-31 or
10 34-18.82 of this Code shall be considered as full days of
11 attendance under this Section.

12 (b) A pupil regularly enrolled in a public school for only
13 a part of the school day may be counted on the basis of
14 one-sixth of a school day for every class hour of instruction
15 of 40 minutes or more attended pursuant to such enrollment,
16 unless a pupil is enrolled in a block-schedule format of 80
17 minutes or more of instruction, in which case the pupil may be
18 counted on the basis of the proportion of minutes of school
19 work completed each day to the minimum number of minutes that
20 school work is required to be held that day.

21 (c) A session of 4 or more clock hours may be counted as a
22 day of attendance upon certification by the regional
23 superintendent of schools and approval by the State
24 Superintendent of Education to the extent that the district
25 has been forced to use daily multiple sessions.

26 (d) A session of 3 or more clock hours may be counted as a

1 day of attendance (1) when the remainder of the school day or
2 at least 2 hours in the evening of that day is utilized for an
3 in-service training program for teachers, up to a maximum of
4 10 days per school year, provided that a district conducts an
5 in-service training program for teachers in accordance with
6 Section 10-22.39 of this Code, or, in lieu of 4 such days, 2
7 full days may be used, in which event each such day may be
8 counted as a day required for a legal school calendar pursuant
9 to Section 10-19 of this Code; (2) when, of the 5 days allowed
10 under item (1), a maximum of 4 days are used for parent-teacher
11 conferences, or, in lieu of 4 such days, 2 full days are used,
12 in which case each such day may be counted as a calendar day
13 required under Section 10-19 of this Code, provided that the
14 full-day, parent-teacher conference consists of (i) a minimum
15 of 5 clock hours of parent-teacher conferences, (ii) both a
16 minimum of 2 clock hours of parent-teacher conferences held in
17 the evening following a full day of student attendance and a
18 minimum of 3 clock hours of parent-teacher conferences held on
19 the day immediately following evening parent-teacher
20 conferences, or (iii) multiple parent-teacher conferences held
21 in the evenings following full days of student attendance in
22 which the time used for the parent-teacher conferences is
23 equivalent to a minimum of 5 clock hours; and (3) when days in
24 addition to those provided in items (1) and (2) are scheduled
25 by a school pursuant to its school improvement plan adopted
26 under Article 34 or its revised or amended school improvement

1 plan adopted under Article 2, provided that (i) such sessions
2 of 3 or more clock hours are scheduled to occur at regular
3 intervals, (ii) the remainder of the school days in which such
4 sessions occur are utilized for in-service training programs
5 or other staff development activities for teachers, and (iii)
6 a sufficient number of minutes of school work under the direct
7 supervision of teachers are added to the school days between
8 such regularly scheduled sessions to accumulate not less than
9 the number of minutes by which such sessions of 3 or more clock
10 hours fall short of 5 clock hours. Days scheduled for
11 in-service training programs, staff development activities, or
12 parent-teacher conferences may be scheduled separately for
13 different grade levels and different attendance centers of the
14 district.

15 (e) A session of not less than one clock hour of teaching
16 hospitalized or homebound pupils on-site or by telephone to
17 the classroom may be counted as a half day of attendance;
18 however, these pupils must receive 4 or more clock hours of
19 instruction to be counted for a full day of attendance.

20 (f) A session of at least 4 clock hours may be counted as a
21 day of attendance for first grade pupils and pupils in
22 full-day kindergartens, and a session of 2 or more hours may be
23 counted as a half day of attendance by pupils in kindergartens
24 that provide only half days of attendance.

25 (g) For children with disabilities who are below the age
26 of 6 years and who cannot attend 2 or more clock hours because

1 of their disability or immaturity, a session of not less than
2 one clock hour may be counted as a half day of attendance;
3 however, for such children whose educational needs require a
4 session of 4 or more clock hours, a session of at least 4 clock
5 hours may be counted as a full day of attendance.

6 (h) A recognized kindergarten that provides for only a
7 half day of attendance by each pupil shall not have more than
8 one half day of attendance counted in any one day. However,
9 kindergartens may count 2 and a half days of attendance in any
10 5 consecutive school days. When a pupil attends such a
11 kindergarten for 2 half days on any one school day, the pupil
12 shall have the following day as a day absent from school,
13 unless the school district obtains permission in writing from
14 the State Superintendent of Education. Attendance at
15 kindergartens that provide for a full day of attendance by
16 each pupil shall be counted the same as attendance by first
17 grade pupils. Only the first year of attendance in one
18 kindergarten shall be counted, except in the case of children
19 who entered the kindergarten in their fifth year whose
20 educational development requires a second year of kindergarten
21 as determined under rules of the State Board of Education.

22 (i) On the days when the State's final accountability
23 assessment is administered under subsection (c) of Section
24 2-3.64a-5 of this Code, the day of attendance for a pupil whose
25 school day must be shortened to accommodate required testing
26 procedures may be less than 5 clock hours and shall be counted

1 toward the 176 days of actual pupil attendance required under
2 Section 10-19 of this Code, provided that a sufficient number
3 of minutes of school work in excess of 5 clock hours are first
4 completed on other school days to compensate for the loss of
5 school work on the examination days.

6 (j) Pupils enrolled in a remote educational program
7 established under Section 10-29 of this Code may be counted on
8 the basis of a one-fifth day of attendance for every clock hour
9 of instruction attended in the remote educational program,
10 provided that, in any month, the school district may not claim
11 for a student enrolled in a remote educational program more
12 days of attendance than the maximum number of days of
13 attendance the district can claim (i) for students enrolled in
14 a building holding year-round classes if the student is
15 classified as participating in the remote educational program
16 on a year-round schedule or (ii) for students enrolled in a
17 building not holding year-round classes if the student is not
18 classified as participating in the remote educational program
19 on a year-round schedule.

20 (j-5) The clock hour requirements of subsections (a)
21 through (j) of this Section do not apply if the Governor has
22 declared a disaster due to a public health emergency pursuant
23 to Section 7 of the Illinois Emergency Management Agency Act.
24 The State Superintendent of Education may establish minimum
25 clock hour requirements under Sections 10-30 and 34-18.66 if
26 the Governor has declared a disaster due to a public health

1 emergency pursuant to Section 7 of the Illinois Emergency
2 Management Agency Act.

3 (k) Pupil participation in any of the following activities
4 shall be counted toward the calculation of clock hours of
5 school work per day:

6 (1) Instruction in a college course in which a student
7 is dually enrolled for both high school credit and college
8 credit.

9 (2) Participation in a Supervised Career Development
10 Experience, as defined in Section 10 of the Postsecondary
11 and Workforce Readiness Act, in which student
12 participation and learning outcomes are supervised by an
13 educator licensed under Article 21B.

14 (3) Participation in a youth apprenticeship, as
15 jointly defined in rules of the State Board of Education
16 and Department of Commerce and Economic Opportunity, in
17 which student participation and outcomes are supervised by
18 an educator licensed under Article 21B.

19 (4) Participation in a blended learning program
20 approved by the school district in which course content,
21 student evaluation, and instructional methods are
22 supervised by an educator licensed under Article 21B.

23 (Source: P.A. 101-12, eff. 7-1-19; 101-643, eff. 6-18-20.)

24 (105 ILCS 5/10-20.56)

25 Sec. 10-20.56. E-learning days.

1 (a) The State Board of Education shall establish and
2 maintain, for implementation in school districts, a program
3 for use of electronic-learning (e-learning) days, as described
4 in this Section. School districts may utilize a program
5 approved under this Section for use during remote learning
6 days and blended remote learning days under Section 10-30 or
7 34-18.66.

8 (b) The school board of a school district may, by
9 resolution, adopt a research-based program or research-based
10 programs for e-learning days district-wide that shall permit
11 student instruction to be received electronically while
12 students are not physically present in lieu of the district's
13 scheduled emergency days as required by Section 10-19 of this
14 Code or because a school was selected to be a polling place
15 under Section 11-4.1 of the Election Code. The research-based
16 program or programs may not exceed the minimum number of
17 emergency days in the approved school calendar and must be
18 verified by the regional office of education or intermediate
19 service center for the school district on or before September
20 1st annually to ensure access for all students. The regional
21 office of education or intermediate service center shall
22 ensure that the specific needs of all students are met,
23 including special education students and English learners, and
24 that all mandates are still met using the proposed
25 research-based program. The e-learning program may utilize the
26 Internet, telephones, texts, chat rooms, or other similar

1 means of electronic communication for instruction and
2 interaction between teachers and students that meet the needs
3 of all learners. The e-learning program shall address the
4 school district's responsibility to ensure that all teachers
5 and staff who may be involved in the provision of e-learning
6 have access to any and all hardware and software that may be
7 required for the program. If a proposed program does not
8 address this responsibility, the school district must propose
9 an alternate program.

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

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

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

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

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

7 (1) to ensure and verify at least 5 clock hours of
8 instruction or school work, as required under Section
9 10-19.05, for each student participating in an e-learning
10 day;

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

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

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

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

25 (5) to address the extent to which student
26 participation is within the student's control as to the

1 time, pace, and means of learning;

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

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

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

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

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

20 The school board's approval of a school district's initial
21 e-learning program and renewal of the e-learning program shall
22 be for a term of 3 years. Any e-learning program adopted or
23 renewed before the effective date of this amendatory Act of
24 the 103rd General Assembly may continue until the expiration
25 of its term, at which time the school district shall implement
26 remote learning days under Section 10-31 or Section 34-18.82

1 of this Code rather than an e-learning program under this
2 Section.

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

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

1 (d-15) A school district shall make full payment that
2 would have otherwise been paid to its contractors who provide
3 educational support services to the district, including, but
4 not limited to, custodial, building maintenance,
5 transportation, food service providers, classroom assistants,
6 or administrative staff, their daily, regular rate of pay and
7 benefits rendered for any school closure or e-learning day if
8 any closure precludes them from performing their regularly
9 scheduled duties and employees would have reported for work
10 but for the closure. The employees who provide the support
11 services covered by such contracts shall be paid their daily
12 bid package rates and benefits as defined by their local
13 operating agreements or collective bargaining agreements,
14 except this requirement does not apply if the day is
15 rescheduled and the employee will be paid their daily, regular
16 rate of pay and benefits for the rescheduled day when services
17 are rendered.

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

1 rate of pay and benefits for the rescheduled day when services
2 are rendered.

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

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

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

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

13 (Source: P.A. 101-12, eff. 7-1-19; 101-643, eff. 6-18-20;
14 102-584, eff. 6-1-22; 102-697, eff. 4-5-22.)

15 (105 ILCS 5/10-29)

16 Sec. 10-29. Remote educational programs.

17 (a) For purposes of this Section, "remote educational
18 program" means an educational program delivered to students in
19 the home or other location outside of a school building that
20 meets all of the following criteria:

21 (1) A student may participate in the program only
22 after the school district, pursuant to adopted school
23 board policy, and a person authorized to enroll the
24 student under Section 10-20.12b of this Code determine
25 that a remote educational program will best serve the

1 student's individual learning needs. The adopted school
2 board policy shall include, but not be limited to, all of
3 the following:

4 (A) Criteria for determining that a remote
5 educational program will best serve a student's
6 individual learning needs. The criteria must include
7 consideration of, at a minimum, a student's prior
8 attendance, disciplinary record, and academic history.

9 (B) Any limitations on the number of students or
10 grade levels that may participate in a remote
11 educational program.

12 (C) A description of the process that the school
13 district will use to approve participation in the
14 remote educational program. The process must include
15 without limitation a requirement that, for any student
16 who qualifies to receive services pursuant to the
17 federal Individuals with Disabilities Education
18 Improvement Act of 2004, the student's participation
19 in a remote educational program receive prior approval
20 from the student's individualized education program
21 team.

22 (D) A description of the process the school
23 district will use to develop and approve a written
24 remote educational plan that meets the requirements of
25 subdivision (5) of this subsection (a).

26 (E) A description of the system the school

1 district will establish to determine student
2 participation in instruction in accordance with the
3 remote educational program.

4 (F) A description of the process for renewing a
5 remote educational program at the expiration of its
6 term.

7 (G) Such other terms and provisions as the school
8 district deems necessary to provide for the
9 establishment and delivery of a remote educational
10 program.

11 (2) The school district has determined that the remote
12 educational program's curriculum is aligned to State
13 learning standards and that the program offers instruction
14 and educational experiences consistent with those given to
15 students at the same grade level in the district.

16 (3) The remote educational program is delivered by
17 instructors that meet the following qualifications:

18 (A) they are licensed under Article 21B of this
19 Code;

20 (B) (blank); and

21 (C) they have responsibility for all of the
22 following elements of the program: planning
23 instruction, diagnosing learning needs, prescribing
24 content delivery through class activities, assessing
25 learning, reporting outcomes to administrators and
26 parents and guardians, and evaluating the effects of

1 instruction.

2 (4) During the period of time from and including the
3 opening date to the closing date of the regular school
4 term of the school district established pursuant to
5 Section 10-19 of this Code, participation in a remote
6 educational program may be claimed for evidence-based
7 funding purposes under Section 18-8.15 of this Code on any
8 calendar day, notwithstanding whether the day is a day of
9 pupil attendance or institute day on the school district's
10 calendar or any other provision of law restricting
11 instruction on that day. If the district holds year-round
12 classes in some buildings, the district shall classify
13 each student's participation in a remote educational
14 program as either on a year-round or a non-year-round
15 schedule for purposes of claiming evidence-based funding.
16 Outside of the regular school term of the district, the
17 remote educational program may be offered as part of any
18 summer school program authorized by this Code.

19 (5) Each student participating in a remote educational
20 program must have a written remote educational plan that
21 has been approved by the school district and a person
22 authorized to enroll the student under Section 10-20.12b
23 of this Code. The school district and a person authorized
24 to enroll the student under Section 10-20.12b of this Code
25 must approve any amendment to a remote educational plan.
26 The remote educational plan must include, but is not

1 limited to, all of the following:

2 (A) Specific achievement goals for the student
3 aligned to State learning standards.

4 (B) A description of all assessments that will be
5 used to measure student progress, which description
6 shall indicate the assessments that will be
7 administered at an attendance center within the school
8 district.

9 (C) A description of the progress reports that
10 will be provided to the school district and the person
11 or persons authorized to enroll the student under
12 Section 10-20.12b of this Code.

13 (D) Expectations, processes, and schedules for
14 interaction between a teacher and student.

15 (E) A description of the specific responsibilities
16 of the student's family and the school district with
17 respect to equipment, materials, phone and Internet
18 service, and any other requirements applicable to the
19 home or other location outside of a school building
20 necessary for the delivery of the remote educational
21 program.

22 (F) If applicable, a description of how the remote
23 educational program will be delivered in a manner
24 consistent with the student's individualized education
25 program required by Section 614(d) of the federal
26 Individuals with Disabilities Education Improvement

1 Act of 2004 or plan to ensure compliance with Section
2 504 of the federal Rehabilitation Act of 1973.

3 (G) A description of the procedures and
4 opportunities for participation in academic and
5 extracurricular activities and programs within the
6 school district.

7 (H) The identification of a parent, guardian, or
8 other responsible adult who will provide direct
9 supervision of the program. The plan must include an
10 acknowledgment by the parent, guardian, or other
11 responsible adult that he or she may engage only in
12 non-teaching duties not requiring instructional
13 judgment or the evaluation of a student. The plan
14 shall designate the parent, guardian, or other
15 responsible adult as non-teaching personnel or
16 volunteer personnel under subsection (a) of Section
17 10-22.34 of this Code.

18 (I) The identification of a school district
19 administrator who will oversee the remote educational
20 program on behalf of the school district and who may be
21 contacted by the student's parents with respect to any
22 issues or concerns with the program.

23 (J) The term of the student's participation in the
24 remote educational program, which may not extend for
25 longer than 12 months, unless the term is renewed by
26 the district in accordance with subdivision (7) of

1 this subsection (a).

2 (K) A description of the specific location or
3 locations in which the program will be delivered. If
4 the remote educational program is to be delivered to a
5 student in any location other than the student's home,
6 the plan must include a written determination by the
7 school district that the location will provide a
8 learning environment appropriate for the delivery of
9 the program. The location or locations in which the
10 program will be delivered shall be deemed a long
11 distance teaching reception area under subsection (a)
12 of Section 10-22.34 of this Code.

13 (L) Certification by the school district that the
14 plan meets all other requirements of this Section.

15 (6) Students participating in a remote educational
16 program must be enrolled in a school district attendance
17 center pursuant to the school district's enrollment policy
18 or policies. A student participating in a remote
19 educational program must be tested as part of all
20 assessments administered by the school district pursuant
21 to Section 2-3.64a-5 of this Code at the attendance center
22 in which the student is enrolled and in accordance with
23 the attendance center's assessment policies and schedule.
24 The student must be included within all accountability
25 determinations for the school district and attendance
26 center under State and federal law.

1 (7) The term of a student's participation in a remote
2 educational program may not extend for longer than 12
3 months, unless the term is renewed by the school district.
4 The district may only renew a student's participation in a
5 remote educational program following an evaluation of the
6 student's progress in the program, a determination that
7 the student's continuation in the program will best serve
8 the student's individual learning needs, and an amendment
9 to the student's written remote educational plan
10 addressing any changes for the upcoming term of the
11 program.

12 For purposes of this Section, a remote educational program
13 does not include instruction delivered to students through an
14 e-learning program approved under Section 10-20.56 of this
15 Code, a remote and blended remote learning day plan under
16 Section 10-30 or 34-18.66 of this Code, or a remote learning
17 plan under Section 10-31 or 34-18.82 of this Code.

18 (b) A school district may, by resolution of its school
19 board, establish a remote educational program.

20 (c) (Blank).

21 (d) The impact of remote educational programs on wages,
22 hours, and terms and conditions of employment of educational
23 employees within the school district shall be subject to local
24 collective bargaining agreements.

25 (e) The use of a home or other location outside of a school
26 building for a remote educational program shall not cause the

1 home or other location to be deemed a public school facility.

2 (f) A remote educational program may be used, but is not
3 required, for instruction delivered to a student in the home
4 or other location outside of a school building that is not
5 claimed for evidence-based funding purposes under Section
6 18-8.15 of this Code.

7 (g) School districts that, pursuant to this Section, adopt
8 a policy for a remote educational program must submit to the
9 State Board of Education a copy of the policy and any
10 amendments thereto, as well as data on student participation
11 in a format specified by the State Board of Education. The
12 State Board of Education may perform or contract with an
13 outside entity to perform an evaluation of remote educational
14 programs in this State.

15 (h) The State Board of Education may adopt any rules
16 necessary to ensure compliance by remote educational programs
17 with the requirements of this Section and other applicable
18 legal requirements.

19 (Source: P.A. 101-81, eff. 7-12-19; 102-894, eff. 5-20-22.)

20 (105 ILCS 5/10-30)

21 Sec. 10-30. Remote and blended remote learning; public
22 health emergency. This Section applies if the Governor has
23 declared a disaster due to a public health emergency pursuant
24 to Section 7 of the Illinois Emergency Management Agency Act.

25 (1) If the Governor has declared a disaster due to a

1 public health emergency pursuant to Section 7 of the
2 Illinois Emergency Management Agency Act, the State
3 Superintendent of Education may declare a requirement to
4 use remote learning days or blended remote learning days
5 for a school district, multiple school districts, a
6 region, or the entire State. During remote learning days,
7 schools shall conduct instruction remotely. During blended
8 remote learning days, schools may utilize hybrid models of
9 in-person and remote instruction. Once declared, remote
10 learning days or blended remote learning days shall be
11 implemented in grades pre-kindergarten through 12 as days
12 of attendance and shall be deemed pupil attendance days
13 for calculation of the length of a school term under
14 Section 10-19.

15 (2) For purposes of this Section, a remote learning
16 day or blended remote learning day may be met through a
17 district's implementation of an e-learning program under
18 Section 10-20.56 or a remote learning plan under Section
19 10-31.

20 (3) For any district that does not implement an
21 e-learning program under Section 10-20.56 or a remote
22 learning plan under Section 10-31, the district shall
23 adopt a remote and blended remote learning day plan
24 approved by the district superintendent. Each district may
25 utilize remote and blended remote learning planning days,
26 consecutively or in separate increments, to develop,

1 review, or amend its remote and blended remote learning
2 day plan or provide professional development to staff
3 regarding remote education. Up to 5 remote and blended
4 remote learning planning days may be deemed pupil
5 attendance days for calculation of the length of a school
6 term under Section 10-19.

7 (4) Each remote and blended remote learning day plan
8 shall address the following:

9 (i) accessibility of the remote instruction to all
10 students enrolled in the district;

11 (ii) if applicable, a requirement that the remote
12 learning day and blended remote learning day
13 activities reflect State learning standards;

14 (iii) a means for students to confer with an
15 educator, as necessary;

16 (iv) the unique needs of students in special
17 populations, including, but not limited to, students
18 eligible for special education under Article 14,
19 students who are English learners as defined in
20 Section 14C-2, and students experiencing homelessness
21 under the Education for Homeless Children Act, or
22 vulnerable student populations;

23 (v) how the district will take attendance and
24 monitor and verify each student's remote
25 participation; and

26 (vi) transitions from remote learning to on-site

1 learning upon the State Superintendent's declaration
2 that remote learning days or blended remote learning
3 days are no longer deemed necessary.

4 (5) The district superintendent shall periodically
5 review and amend the district's remote and blended remote
6 learning day plan, as needed, to ensure the plan meets the
7 needs of all students.

8 (6) Each remote and blended remote learning day plan
9 shall be posted on the district's Internet website where
10 other policies, rules, and standards of conduct are posted
11 and shall be provided to students and faculty.

12 (7) This Section does not create any additional
13 employee bargaining rights and does not remove any
14 employee bargaining rights.

15 (8) Statutory and regulatory curricular mandates and
16 offerings may be administered via a district's remote and
17 blended remote learning day plan, except that a district
18 may not offer individual behind-the-wheel instruction
19 required by Section 27-24.2 via a district's remote and
20 blended remote learning day plan. This Section does not
21 relieve schools and districts from completing all
22 statutory and regulatory curricular mandates and
23 offerings.

24 (Source: P.A. 101-643, eff. 6-18-20.)

25 (105 ILCS 5/10-31 new)

1 Sec. 10-31. Remote learning.

2 (a) A school district may utilize a remote learning day
3 meeting the requirements of this Section in lieu of the
4 district's scheduled emergency days as required by Section
5 10-19 of this Code or because a school was selected to be a
6 polling place under Section 11-4.1 of the Election Code.
7 However, in no case may a school district utilize more than 5
8 remote learning days under this Section in a school year. A
9 remote learning day under this Section shall be deemed a pupil
10 attendance day for calculation of the length of the school
11 term under Section 10-19 of this Code.

12 (b) The district superintendent must approve a remote
13 learning plan for the district before the district may utilize
14 a remote learning day under this Section. The remote learning
15 plan must address all of the following:

16 (1) The accessibility of remote instruction, including
17 non-electronic materials, to all students enrolled in the
18 district.

19 (2) The requirement that remote learning day
20 activities reflect State learning standards, if
21 applicable.

22 (3) A means for a student to confer with an educator,
23 as necessary.

24 (4) The unique needs of a student in a special
25 population, including, but not limited to, a student
26 eligible for special education services under Article 14

1 of this Code, a student who is an English learner, as
2 defined in Section 14C-2 of this Code, or a student who is
3 a homeless person, child, or youth, as defined in the
4 Education for Homeless Children Act, or other vulnerable
5 student population.

6 (5) How the district will take attendance and monitor
7 and verify each student's remote participation.

8 (6) An assurance of at least 5 clock hours of school
9 work, as required under Section 10-19.05 of this Code, for
10 each student participating in the remote learning day.

11 Approval of a remote learning plan by the district
12 superintendent shall be for an initial term of 3 years. Every 3
13 years thereafter, the district superintendent shall review the
14 plan and make any necessary changes. During the 3-year term of
15 a remote learning plan, the district superintendent may
16 periodically review and amend the plan as needed to ensure
17 that the plan meets the needs of all students and faculty.

18 The remote learning plan must be posted on the district's
19 Internet website where other policies, rules, and standards of
20 conduct are posted and must be provided to students and
21 faculty. Any changes to the remote learning plan must be
22 posted on the district's Internet website.

23 (c) The district must provide effective notice to students
24 and their parents or guardians of the use of a particular day
25 as a remote learning day.

26 (d) The district must provide students and faculty with

1 adequate training on how to participate in a remote learning
2 day.

3 (e) The district shall ensure an opportunity for any
4 collective bargaining negotiations with representatives of the
5 district's employees that would be legally required, including
6 all classifications of district employees who are represented
7 by a collective bargaining agreement and who would be affected
8 in the event a remote learning day is used.

9 (f) Statutory and regulatory curricular mandates and
10 offerings may be administered via remote learning under the
11 remote learning plan. This Section does not relieve a school
12 or district from completing all statutory and regulatory
13 curricular mandates and offerings.

14 (g) A remote learning day may utilize the Internet,
15 telephones, texts, chat rooms, or other similar means of
16 electronic communication for instruction and interaction
17 between educators and students if such utilization meets the
18 needs of all learners.

19 (h) A school district shall pay its employees who provide
20 educational support services to the district, including, but
21 not limited to, custodial employees, building maintenance
22 employees, transportation employees, food service providers,
23 classroom assistants, and administrative staff, their daily,
24 regular rate of pay and benefits rendered for any school
25 closure, remote learning day, or e-learning day if the
26 closure, remote learning day, or e-learning day precludes them

1 from performing their regularly scheduled duties and they
2 would have reported for work but for the closure, remote
3 learning day, or e-learning day; however, this requirement
4 does not apply if the day is rescheduled and the employees will
5 be paid their daily, regular rate of pay and benefits for the
6 rescheduled day if services are rendered.

7 (i) A school district shall make the full payment that
8 would have otherwise been paid to its contractors who provide
9 educational support services to the district, including, but
10 not limited to, custodial services, building maintenance,
11 transportation, food service, classroom assistance, or
12 administrative services, including their employees' daily,
13 regular rate of pay and benefits rendered, for any school
14 closure, remote learning day, or e-learning day if the
15 closure, remote learning day, or e-learning day precludes them
16 from performing their regularly scheduled duties and the
17 employees would have reported for work but for the closure,
18 remote learning day, or e-learning day. The employees who
19 provide the educational support services covered by such
20 contracts shall be paid their daily bid package rates and
21 benefits, as defined by their local operating agreements or
22 collective bargaining agreements, if any; however, this
23 requirement does not apply if the day is rescheduled and the
24 employees will be paid their daily, regular rate of pay and
25 benefits for the rescheduled day if services are rendered.

26 (j) The State Board of Education may adopt rules

1 consistent with the provisions of this Section that are
2 necessary to implement this Section.

3 (105 ILCS 5/18-12) (from Ch. 122, par. 18-12)

4 Sec. 18-12. Dates for filing State aid claims. The school
5 board of each school district, a regional office of education,
6 a laboratory school, or a State-authorized charter school
7 shall require teachers, principals, or superintendents to
8 furnish from records kept by them such data as it needs in
9 preparing and certifying to the State Superintendent of
10 Education its report of claims provided in Section 18-8.05 or
11 18-8.15 of this Code. The claim shall be based on the latest
12 available equalized assessed valuation and tax rates, as
13 provided in Section 18-8.05 or 18-8.15, shall use the average
14 daily attendance as determined by the method outlined in
15 Section 18-8.05 or 18-8.15, and shall be certified and filed
16 with the State Superintendent of Education by June 21 for
17 districts and State-authorized charter schools with an
18 official school calendar end date before June 15 or within 2
19 weeks following the official school calendar end date for
20 districts, regional offices of education, laboratory schools,
21 or State-authorized charter schools with a school year end
22 date of June 15 or later. Failure to so file by these deadlines
23 constitutes a forfeiture of the right to receive payment by
24 the State until such claim is filed. The State Superintendent
25 of Education shall voucher for payment those claims to the

1 State Comptroller as provided in Section 18-11.

2 Except as otherwise provided in this Section, if any
3 school district fails to provide the minimum school term
4 specified in Section 10-19, the State aid claim for that year
5 shall be reduced by the State Superintendent of Education in
6 an amount equivalent to 1/176 or .56818% for each day less than
7 the number of days required by this Code.

8 If the State Superintendent of Education determines that
9 the failure to provide the minimum school term was occasioned
10 by an act or acts of God, or was occasioned by conditions
11 beyond the control of the school district which posed a
12 hazardous threat to the health and safety of pupils, the State
13 aid claim need not be reduced.

14 If a school district is precluded from providing the
15 minimum hours of instruction required for a full day of
16 attendance due to (A) an adverse weather condition, (B) a
17 condition beyond the control of the school district that poses
18 a hazardous threat to the health and safety of students, or (C)
19 beginning with the 2016-2017 school year, the utilization of
20 the school district's facilities for not more than 2 school
21 days per school year by local or county authorities for the
22 purpose of holding a memorial or funeral services in
23 remembrance of a community member, then the partial day of
24 attendance may be counted if (i) the school district has
25 provided at least one hour of instruction prior to the closure
26 of the school district, (ii) a school building has provided at

1 least one hour of instruction prior to the closure of the
2 school building, or (iii) the normal start time of the school
3 district is delayed.

4 If, prior to providing any instruction, a school district
5 must close one or more but not all school buildings after
6 consultation with a local emergency response agency or due to
7 a condition beyond the control of the school district, then
8 the school district may claim attendance for up to 2 school
9 days based on the average attendance of the 3 school days
10 immediately preceding the closure of the affected school
11 building or, if approved by the State Board of Education,
12 utilize the provisions of an e-learning program under Section
13 10-20.56 of this Code or a remote learning plan under Section
14 10-31 or 34-18.82 of this Code for the affected school
15 building ~~as prescribed in Section 10-20.56 of this Code~~. The
16 partial or no day of attendance described in this Section and
17 the reasons therefore shall be certified within a month of the
18 closing or delayed start by the school district superintendent
19 to the regional superintendent of schools for forwarding to
20 the State Superintendent of Education for approval.

21 Other than the utilization of any e-learning days as
22 prescribed in Section 10-20.56 of this Code or remote learning
23 days as prescribed in Section 10-31 or 34-18.82 of this Code,
24 no exception to the requirement of providing a minimum school
25 term may be approved by the State Superintendent of Education
26 pursuant to this Section unless a school district has first

1 used all emergency days provided for in its regular calendar.

2 If the State Superintendent of Education declares that an
3 energy shortage exists during any part of the school year for
4 the State or a designated portion of the State, a district may
5 operate the school attendance centers within the district 4
6 days of the week during the time of the shortage by extending
7 each existing school day by one clock hour of school work, and
8 the State aid claim shall not be reduced, nor shall the
9 employees of that district suffer any reduction in salary or
10 benefits as a result thereof. A district may operate all
11 attendance centers on this revised schedule, or may apply the
12 schedule to selected attendance centers, taking into
13 consideration such factors as pupil transportation schedules
14 and patterns and sources of energy for individual attendance
15 centers.

16 Electronically submitted State aid claims shall be
17 submitted by duly authorized district individuals over a
18 secure network that is password protected. The electronic
19 submission of a State aid claim must be accompanied with an
20 affirmation that all of the provisions of Section 18-8.05 or
21 18-8.15 and Sections 10-22.5 and 24-4 of this Code are met in
22 all respects.

23 (Source: P.A. 99-194, eff. 7-30-15; 99-657, eff. 7-28-16;
24 100-28, eff. 8-4-17; 100-465, eff. 8-31-17; 100-863, eff.
25 8-14-18.)

1 (105 ILCS 5/34-18.66)

2 Sec. 34-18.66. Remote and blended remote learning; public
3 health emergency. This Section applies if the Governor has
4 declared a disaster due to a public health emergency pursuant
5 to Section 7 of the Illinois Emergency Management Agency Act.

6 (1) If the Governor has declared a disaster due to a
7 public health emergency pursuant to Section 7 of the
8 Illinois Emergency Management Agency Act, the State
9 Superintendent of Education may declare a requirement to
10 use remote learning days or blended remote learning days
11 for the school district, multiple school districts, a
12 region, or the entire State. During remote learning days,
13 schools shall conduct instruction remotely. During blended
14 remote learning days, schools may utilize hybrid models of
15 in-person and remote instruction. Once declared, remote
16 learning days or blended remote learning days shall be
17 implemented in grades pre-kindergarten through 12 as days
18 of attendance and shall be deemed pupil attendance days
19 for calculation of the length of a school term under
20 Section 10-19.

21 (2) For purposes of this Section, a remote learning
22 day or blended remote learning day may be met through the
23 district's implementation of an e-learning program under
24 Section 10-20.56 or a remote learning plan under Section
25 34-18.82.

26 (3) If the district does not implement an e-learning

1 program under Section 10-20.56 or a remote learning plan
2 under Section 34-18.82, the district shall adopt a remote
3 and blended remote learning day plan approved by the
4 general superintendent of schools. The district may
5 utilize remote and blended remote learning planning days,
6 consecutively or in separate increments, to develop,
7 review, or amend its remote and blended remote learning
8 day plan or provide professional development to staff
9 regarding remote education. Up to 5 remote and blended
10 remote learning planning days may be deemed pupil
11 attendance days for calculation of the length of a school
12 term under Section 10-19.

13 (4) Each remote and blended remote learning day plan
14 shall address the following:

15 (i) accessibility of the remote instruction to all
16 students enrolled in the district;

17 (ii) if applicable, a requirement that the remote
18 learning day and blended remote learning day
19 activities reflect State learning standards;

20 (iii) a means for students to confer with an
21 educator, as necessary;

22 (iv) the unique needs of students in special
23 populations, including, but not limited to, students
24 eligible for special education under Article 14,
25 students who are English learners as defined in
26 Section 14C-2, and students experiencing homelessness

1 under the Education for Homeless Children Act, or
2 vulnerable student populations;

3 (v) how the district will take attendance and
4 monitor and verify each student's remote
5 participation; and

6 (vi) transitions from remote learning to on-site
7 learning upon the State Superintendent's declaration
8 that remote learning days or blended remote learning
9 days are no longer deemed necessary.

10 (5) The general superintendent of schools shall
11 periodically review and amend the district's remote and
12 blended remote learning day plan, as needed, to ensure the
13 plan meets the needs of all students.

14 (6) Each remote and blended remote learning day plan
15 shall be posted on the district's Internet website where
16 other policies, rules, and standards of conduct are posted
17 and shall be provided to students and faculty.

18 (7) This Section does not create any additional
19 employee bargaining rights and does not remove any
20 employee bargaining rights.

21 (8) Statutory and regulatory curricular mandates and
22 offerings may be administered via the district's remote
23 and blended remote learning day plan, except that the
24 district may not offer individual behind-the-wheel
25 instruction required by Section 27-24.2 via the district's
26 remote and blended remote learning day plan. This Section

1 does not relieve schools and the district from completing
2 all statutory and regulatory curricular mandates and
3 offerings.

4 (Source: P.A. 101-643, eff. 6-18-20.)

5 (105 ILCS 5/34-18.82 new)

6 Sec. 34-18.82. Remote learning.

7 (a) The school district may utilize a remote learning day
8 meeting the requirements of this Section in lieu of the
9 district's scheduled emergency days as required by Section
10 10-19 of this Code or because a school was selected to be a
11 polling place under Section 11-4.1 of the Election Code.
12 However, in no case may the district utilize more than 5 remote
13 learning days under this Section in a school year. A remote
14 learning day under this Section shall be deemed a pupil
15 attendance day for calculation of the length of the school
16 term under Section 10-19 of this Code.

17 (b) The general superintendent of schools must approve a
18 remote learning plan for the district before the district may
19 utilize a remote learning day under this Section. The remote
20 learning plan must address all of the following:

21 (1) The accessibility of remote instruction, including
22 non-electronic materials, to all students enrolled in the
23 district.

24 (2) The requirement that remote learning day
25 activities reflect State learning standards, if

1 applicable.

2 (3) A means for a student to confer with an educator,
3 as necessary.

4 (4) The unique needs of a student in a special
5 population, including, but not limited to, a student
6 eligible for special education services under Article 14
7 of this Code, a student who is an English learner, as
8 defined in Section 14C-2 of this Code, or a student who is
9 a homeless person, child, or youth, as defined in the
10 Education for Homeless Children Act, or other vulnerable
11 student population.

12 (5) How the district will take attendance and monitor
13 and verify each student's remote participation.

14 (6) An assurance of at least 5 clock hours of school
15 work, as required under Section 10-19.05 of this Code, for
16 each student participating in the remote learning day.

17 Approval of a remote learning plan by the general
18 superintendent of schools shall be for an initial term of 3
19 years. Every 3 years thereafter, the general superintendent of
20 schools shall review the plan and make any necessary changes.
21 During the 3-year term of a remote learning plan, the general
22 superintendent of schools may periodically review and amend
23 the plan as needed to ensure that the plan meets the needs of
24 all students and faculty.

25 The remote learning plan must be posted on the district's
26 Internet website where other policies, rules, and standards of

1 conduct are posted and must be provided to students and
2 faculty. Any changes to the remote learning plan must be
3 posted on the district's Internet website.

4 (c) The district must provide effective notice to students
5 and their parents or guardians of the use of a particular day
6 as a remote learning day.

7 (d) The district must provide students and faculty with
8 adequate training on how to participate in a remote learning
9 day.

10 (e) The district shall ensure an opportunity for any
11 collective bargaining negotiations with representatives of the
12 district's employees that would be legally required, including
13 all classifications of district employees who are represented
14 by a collective bargaining agreement and who would be affected
15 in the event a remote learning day is used.

16 (f) Statutory and regulatory curricular mandates and
17 offerings may be administered via remote learning under the
18 remote learning plan. This Section does not relieve a school
19 or the district from completing all statutory and regulatory
20 curricular mandates and offerings.

21 (g) A remote learning day may utilize the Internet,
22 telephones, texts, chat rooms, or other similar means of
23 electronic communication for instruction and interaction
24 between educators and students if such utilization meets the
25 needs of all learners.

26 (h) The district shall pay its employees who provide

1 educational support services to the district, including, but
2 not limited to, custodial employees, building maintenance
3 employees, transportation employees, food service providers,
4 classroom assistants, and administrative staff, their daily,
5 regular rate of pay and benefits rendered for any school
6 closure, remote learning day, or e-learning day if the
7 closure, remote learning day, or e-learning day precludes them
8 from performing their regularly scheduled duties and they
9 would have reported for work but for the closure, remote
10 learning day, or e-learning day; however, this requirement
11 does not apply if the day is rescheduled and the employees will
12 be paid their daily, regular rate of pay and benefits for the
13 rescheduled day if services are rendered.

14 (i) The district shall make the full payment that would
15 have otherwise been paid to its contractors who provide
16 educational support services to the district, including, but
17 not limited to, custodial services, building maintenance,
18 transportation, food service, classroom assistance, or
19 administrative services, including their employees' daily,
20 regular rate of pay and benefits rendered, for any school
21 closure, remote learning day, or e-learning day if the
22 closure, remote learning day, or e-learning day precludes them
23 from performing their regularly scheduled duties and the
24 employees would have reported for work but for the closure,
25 remote learning day, or e-learning day. The employees who
26 provide the educational support services covered by such

1 contracts shall be paid their daily bid package rates and
2 benefits, as defined by their local operating agreements or
3 collective bargaining agreements, if any; however, this
4 requirement does not apply if the day is rescheduled and the
5 employees will be paid their daily, regular rate of pay and
6 benefits for the rescheduled day if services are rendered.

7 (j) The State Board of Education may adopt rules
8 consistent with the provisions of this Section that are
9 necessary to implement this Section.

10 Section 99. Effective date. This Act takes effect July 1,
11 2023.