



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2789

Introduced 2/19/2021, by Rep. Michelle Mussman

SYNOPSIS AS INTRODUCED:

20 ILCS 2310/2310-705 new
105 ILCS 5/24-6
105 ILCS 5/34-18.67 new
110 ILCS 205/9.40 new

Amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. If the Governor has declared a disaster due to a public health emergency, requires the Department of Public Health to establish metrics for school districts and public institutions of higher education to use during the public health emergency in determining if the district or institution may safely conduct in-person instruction or if the district or institution must implement remote learning or blended remote learning to keep students and staff safe. Provides that the metrics shall be enforced by the Department, in cooperation with the State Board of Education and the Board of Higher Education. Requires the Department, the State Board of Education, and the Board of Higher Education to follow all guidelines of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services as it pertains to schools and institutions of higher education during the public health emergency. Provides that the Department shall be responsible for providing rapid COVID-19 testing in public schools and public institutions of higher education. Amends the School Code and the Board of Higher Education Act. Requires school districts and public institutions of higher education to grant paid sick leave to their employees if they contract the illness for which the public health emergency was declared. Effective immediately.

LRB102 10539 CMG 15868 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 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 for school
14 districts and public institutions of higher education to use
15 during the public health emergency in determining if the
16 district or institution may safely conduct in-person
17 instruction or if the district or institution must implement
18 remote learning or blended remote learning to keep students
19 and staff safe.

20 The metrics shall be regularly updated based on available
21 information.

22 The Department shall post the metrics and any updates on
23 its Internet website.

1 The metrics shall be enforced by the Department, in
2 cooperation with the State Board of Education with respect to
3 school districts and the Board of Higher Education with
4 respect to public institutions of higher education.

5 (b) The Department, the State Board of Education, and the
6 Board of Higher Education shall follow all guidelines of the
7 Centers for Disease Control and Prevention of the United
8 States Department of Health and Human Services as it pertains
9 to schools and institutions of higher education during the
10 public health emergency.

11 (c) The Department shall be responsible for providing
12 rapid COVID-19 testing in public schools and public
13 institutions of higher education so infected students and
14 staff can be identified before they spread the virus.

15 Section 10. The School Code is amended by changing Section
16 24-6 and by adding Section 34-18.67 as follows:

17 (105 ILCS 5/24-6)

18 Sec. 24-6. Sick leave. The school boards of all school
19 districts, including special charter districts, but not
20 including school districts in municipalities of 500,000 or
21 more, shall grant their full-time teachers, and also shall
22 grant such of their other employees as are eligible to
23 participate in the Illinois Municipal Retirement Fund under
24 the "600-Hour Standard" established, or under such other

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

1 certificate. For paid leave for adoption or placement for
2 adoption, the school board may require that the teacher or
3 other employee provide evidence that the formal adoption
4 process is underway, and such leave is limited to 30 days
5 unless a longer leave has been negotiated with the exclusive
6 bargaining representative.

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

13 Notwithstanding any other provision of this Section or any
14 other law to the contrary, if the Governor has declared a
15 disaster due to a public health emergency pursuant to Section
16 7 of the Illinois Emergency Management Agency Act, a school
17 district shall grant its employees paid sick leave if they
18 contract the illness for which the public health emergency was
19 declared by the Governor.

20 For purposes of this Section, "immediate family" shall
21 include parents, spouse, brothers, sisters, children,
22 grandparents, grandchildren, parents-in-law, brothers-in-law,
23 sisters-in-law, and legal guardians.

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

1 Sec. 34-18.67. Public health emergency; sick leave.
2 Notwithstanding any other law to the contrary, if the Governor
3 has declared a disaster due to a public health emergency
4 pursuant to Section 7 of the Illinois Emergency Management
5 Agency Act, the school district shall grant its employees paid
6 sick leave if they contract the illness for which the public
7 health emergency was declared by the Governor.

8 Section 15. The Board of Higher Education Act is amended
9 by adding Section 9.40 as follows:

10 (110 ILCS 205/9.40 new)

11 Sec. 9.40. Public health emergency; sick leave.
12 Notwithstanding any other law to the contrary, if the Governor
13 has declared a disaster due to a public health emergency
14 pursuant to Section 7 of the Illinois Emergency Management
15 Agency Act, the Board shall require public institutions of
16 higher education to grant their employees paid sick leave if
17 they contract the illness for which the public health
18 emergency was declared by the Governor.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.