



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4135

Introduced 9/3/2021, by Rep. Edgar Gonzalez, Jr.

SYNOPSIS AS INTRODUCED:

5 ILCS 100/5-45	from Ch. 127, par. 1005-45
105 ILCS 5/2-3.25	from Ch. 122, par. 2-3.25
105 ILCS 5/2-3.25o	
105 ILCS 5/10-20	from Ch. 122, par. 10-20
105 ILCS 5/10-30	
105 ILCS 5/21B-5	
105 ILCS 5/34-18.66	

Amends the School Code. Provides that the State Board of Education may issue, refuse to issue, or revoke recognition for schools. Amends certain provisions of the School Code with respect to public health requirements issued by the Department of Public Health when a public health emergency is declared by the Governor. Allows the State Board to revoke recognition for schools that fail to comply with the public health requirements. In provisions concerning the registration and recognition of nonpublic schools, requires a nonpublic school to comply with public health requirements. Prohibits a school board from passing any resolution that contravenes any of the public health requirements. Makes similar changes to provisions concerning the licensure powers of the State Board of Education. Requires schools to investigate complaints of noncompliance with the public health requirements; sets forth complaint procedures. Provides that the State Superintendent of Education may require a school to operate fully remotely if the public health requirements are not followed. Sets forth penalty provisions. Provides for rulemaking by the State Board of Education. Makes a corresponding change in the Illinois Administrative Procedure Act.

LRB102 19561 CMG 28329 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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 Illinois Administrative Procedure Act is
5 amended by changing Section 5-45 as follows:

6 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

7 Sec. 5-45. Emergency rulemaking.

8 (a) "Emergency" means the existence of any situation that
9 any agency finds reasonably constitutes a threat to the public
10 interest, safety, or welfare.

11 (b) If any agency finds that an emergency exists that
12 requires adoption of a rule upon fewer days than is required by
13 Section 5-40 and states in writing its reasons for that
14 finding, the agency may adopt an emergency rule without prior
15 notice or hearing upon filing a notice of emergency rulemaking
16 with the Secretary of State under Section 5-70. The notice
17 shall include the text of the emergency rule and shall be
18 published in the Illinois Register. Consent orders or other
19 court orders adopting settlements negotiated by an agency may
20 be adopted under this Section. Subject to applicable
21 constitutional or statutory provisions, an emergency rule
22 becomes effective immediately upon filing under Section 5-65
23 or at a stated date less than 10 days thereafter. The agency's

1 finding and a statement of the specific reasons for the
2 finding shall be filed with the rule. The agency shall take
3 reasonable and appropriate measures to make emergency rules
4 known to the persons who may be affected by them.

5 (c) An emergency rule may be effective for a period of not
6 longer than 150 days, but the agency's authority to adopt an
7 identical rule under Section 5-40 is not precluded. No
8 emergency rule may be adopted more than once in any 24-month
9 period, except that this limitation on the number of emergency
10 rules that may be adopted in a 24-month period does not apply
11 to (i) emergency rules that make additions to and deletions
12 from the Drug Manual under Section 5-5.16 of the Illinois
13 Public Aid Code or the generic drug formulary under Section
14 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
15 emergency rules adopted by the Pollution Control Board before
16 July 1, 1997 to implement portions of the Livestock Management
17 Facilities Act, (iii) emergency rules adopted by the Illinois
18 Department of Public Health under subsections (a) through (i)
19 of Section 2 of the Department of Public Health Act when
20 necessary to protect the public's health, (iv) emergency rules
21 adopted pursuant to subsection (n) of this Section, (v)
22 emergency rules adopted pursuant to subsection (o) of this
23 Section, or (vi) emergency rules adopted pursuant to
24 subsection (c-5) of this Section. Two or more emergency rules
25 having substantially the same purpose and effect shall be
26 deemed to be a single rule for purposes of this Section.

1 (c-5) To facilitate the maintenance of the program of
2 group health benefits provided to annuitants, survivors, and
3 retired employees under the State Employees Group Insurance
4 Act of 1971, rules to alter the contributions to be paid by the
5 State, annuitants, survivors, retired employees, or any
6 combination of those entities, for that program of group
7 health benefits, shall be adopted as emergency rules. The
8 adoption of those rules shall be considered an emergency and
9 necessary for the public interest, safety, and welfare.

10 (d) In order to provide for the expeditious and timely
11 implementation of the State's fiscal year 1999 budget,
12 emergency rules to implement any provision of Public Act
13 90-587 or 90-588 or any other budget initiative for fiscal
14 year 1999 may be adopted in accordance with this Section by the
15 agency charged with administering that provision or
16 initiative, except that the 24-month limitation on the
17 adoption of emergency rules and the provisions of Sections
18 5-115 and 5-125 do not apply to rules adopted under this
19 subsection (d). The adoption of emergency rules authorized by
20 this subsection (d) shall be deemed to be necessary for the
21 public interest, safety, and welfare.

22 (e) In order to provide for the expeditious and timely
23 implementation of the State's fiscal year 2000 budget,
24 emergency rules to implement any provision of Public Act 91-24
25 or any other budget initiative for fiscal year 2000 may be
26 adopted in accordance with this Section by the agency charged

1 with administering that provision or initiative, except that
2 the 24-month limitation on the adoption of emergency rules and
3 the provisions of Sections 5-115 and 5-125 do not apply to
4 rules adopted under this subsection (e). The adoption of
5 emergency rules authorized by this subsection (e) shall be
6 deemed to be necessary for the public interest, safety, and
7 welfare.

8 (f) In order to provide for the expeditious and timely
9 implementation of the State's fiscal year 2001 budget,
10 emergency rules to implement any provision of Public Act
11 91-712 or any other budget initiative for fiscal year 2001 may
12 be adopted in accordance with this Section by the agency
13 charged with administering that provision or initiative,
14 except that the 24-month limitation on the adoption of
15 emergency rules and the provisions of Sections 5-115 and 5-125
16 do not apply to rules adopted under this subsection (f). The
17 adoption of emergency rules authorized by this subsection (f)
18 shall be deemed to be necessary for the public interest,
19 safety, and welfare.

20 (g) In order to provide for the expeditious and timely
21 implementation of the State's fiscal year 2002 budget,
22 emergency rules to implement any provision of Public Act 92-10
23 or any other budget initiative for fiscal year 2002 may be
24 adopted in accordance with this Section by the agency charged
25 with administering that provision or initiative, except that
26 the 24-month limitation on the adoption of emergency rules and

1 the provisions of Sections 5-115 and 5-125 do not apply to
2 rules adopted under this subsection (g). The adoption of
3 emergency rules authorized by this subsection (g) shall be
4 deemed to be necessary for the public interest, safety, and
5 welfare.

6 (h) In order to provide for the expeditious and timely
7 implementation of the State's fiscal year 2003 budget,
8 emergency rules to implement any provision of Public Act
9 92-597 or any other budget initiative for fiscal year 2003 may
10 be adopted in accordance with this Section by the agency
11 charged with administering that provision or initiative,
12 except that the 24-month limitation on the adoption of
13 emergency rules and the provisions of Sections 5-115 and 5-125
14 do not apply to rules adopted under this subsection (h). The
15 adoption of emergency rules authorized by this subsection (h)
16 shall be deemed to be necessary for the public interest,
17 safety, and welfare.

18 (i) In order to provide for the expeditious and timely
19 implementation of the State's fiscal year 2004 budget,
20 emergency rules to implement any provision of Public Act 93-20
21 or any other budget initiative for fiscal year 2004 may be
22 adopted in accordance with this Section by the agency charged
23 with administering that provision or initiative, except that
24 the 24-month limitation on the adoption of emergency rules and
25 the provisions of Sections 5-115 and 5-125 do not apply to
26 rules adopted under this subsection (i). The adoption of

1 emergency rules authorized by this subsection (i) shall be
2 deemed to be necessary for the public interest, safety, and
3 welfare.

4 (j) In order to provide for the expeditious and timely
5 implementation of the provisions of the State's fiscal year
6 2005 budget as provided under the Fiscal Year 2005 Budget
7 Implementation (Human Services) Act, emergency rules to
8 implement any provision of the Fiscal Year 2005 Budget
9 Implementation (Human Services) Act may be adopted in
10 accordance with this Section by the agency charged with
11 administering that provision, except that the 24-month
12 limitation on the adoption of emergency rules and the
13 provisions of Sections 5-115 and 5-125 do not apply to rules
14 adopted under this subsection (j). The Department of Public
15 Aid may also adopt rules under this subsection (j) necessary
16 to administer the Illinois Public Aid Code and the Children's
17 Health Insurance Program Act. The adoption of emergency rules
18 authorized by this subsection (j) shall be deemed to be
19 necessary for the public interest, safety, and welfare.

20 (k) In order to provide for the expeditious and timely
21 implementation of the provisions of the State's fiscal year
22 2006 budget, emergency rules to implement any provision of
23 Public Act 94-48 or any other budget initiative for fiscal
24 year 2006 may be adopted in accordance with this Section by the
25 agency charged with administering that provision or
26 initiative, except that the 24-month limitation on the

1 adoption of emergency rules and the provisions of Sections
2 5-115 and 5-125 do not apply to rules adopted under this
3 subsection (k). The Department of Healthcare and Family
4 Services may also adopt rules under this subsection (k)
5 necessary to administer the Illinois Public Aid Code, the
6 Senior Citizens and Persons with Disabilities Property Tax
7 Relief Act, the Senior Citizens and Disabled Persons
8 Prescription Drug Discount Program Act (now the Illinois
9 Prescription Drug Discount Program Act), and the Children's
10 Health Insurance Program Act. The adoption of emergency rules
11 authorized by this subsection (k) shall be deemed to be
12 necessary for the public interest, safety, and welfare.

13 (l) In order to provide for the expeditious and timely
14 implementation of the provisions of the State's fiscal year
15 2007 budget, the Department of Healthcare and Family Services
16 may adopt emergency rules during fiscal year 2007, including
17 rules effective July 1, 2007, in accordance with this
18 subsection to the extent necessary to administer the
19 Department's responsibilities with respect to amendments to
20 the State plans and Illinois waivers approved by the federal
21 Centers for Medicare and Medicaid Services necessitated by the
22 requirements of Title XIX and Title XXI of the federal Social
23 Security Act. The adoption of emergency rules authorized by
24 this subsection (l) shall be deemed to be necessary for the
25 public interest, safety, and welfare.

26 (m) In order to provide for the expeditious and timely

1 implementation of the provisions of the State's fiscal year
2 2008 budget, the Department of Healthcare and Family Services
3 may adopt emergency rules during fiscal year 2008, including
4 rules effective July 1, 2008, in accordance with this
5 subsection to the extent necessary to administer the
6 Department's responsibilities with respect to amendments to
7 the State plans and Illinois waivers approved by the federal
8 Centers for Medicare and Medicaid Services necessitated by the
9 requirements of Title XIX and Title XXI of the federal Social
10 Security Act. The adoption of emergency rules authorized by
11 this subsection (m) shall be deemed to be necessary for the
12 public interest, safety, and welfare.

13 (n) In order to provide for the expeditious and timely
14 implementation of the provisions of the State's fiscal year
15 2010 budget, emergency rules to implement any provision of
16 Public Act 96-45 or any other budget initiative authorized by
17 the 96th General Assembly for fiscal year 2010 may be adopted
18 in accordance with this Section by the agency charged with
19 administering that provision or initiative. The adoption of
20 emergency rules authorized by this subsection (n) shall be
21 deemed to be necessary for the public interest, safety, and
22 welfare. The rulemaking authority granted in this subsection
23 (n) shall apply only to rules promulgated during Fiscal Year
24 2010.

25 (o) In order to provide for the expeditious and timely
26 implementation of the provisions of the State's fiscal year

1 2011 budget, emergency rules to implement any provision of
2 Public Act 96-958 or any other budget initiative authorized by
3 the 96th General Assembly for fiscal year 2011 may be adopted
4 in accordance with this Section by the agency charged with
5 administering that provision or initiative. The adoption of
6 emergency rules authorized by this subsection (o) is deemed to
7 be necessary for the public interest, safety, and welfare. The
8 rulemaking authority granted in this subsection (o) applies
9 only to rules promulgated on or after July 1, 2010 (the
10 effective date of Public Act 96-958) through June 30, 2011.

11 (p) In order to provide for the expeditious and timely
12 implementation of the provisions of Public Act 97-689,
13 emergency rules to implement any provision of Public Act
14 97-689 may be adopted in accordance with this subsection (p)
15 by the agency charged with administering that provision or
16 initiative. The 150-day limitation of the effective period of
17 emergency rules does not apply to rules adopted under this
18 subsection (p), and the effective period may continue through
19 June 30, 2013. The 24-month limitation on the adoption of
20 emergency rules does not apply to rules adopted under this
21 subsection (p). The adoption of emergency rules authorized by
22 this subsection (p) is deemed to be necessary for the public
23 interest, safety, and welfare.

24 (q) In order to provide for the expeditious and timely
25 implementation of the provisions of Articles 7, 8, 9, 11, and
26 12 of Public Act 98-104, emergency rules to implement any

1 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104
2 may be adopted in accordance with this subsection (q) by the
3 agency charged with administering that provision or
4 initiative. The 24-month limitation on the adoption of
5 emergency rules does not apply to rules adopted under this
6 subsection (q). The adoption of emergency rules authorized by
7 this subsection (q) is deemed to be necessary for the public
8 interest, safety, and welfare.

9 (r) In order to provide for the expeditious and timely
10 implementation of the provisions of Public Act 98-651,
11 emergency rules to implement Public Act 98-651 may be adopted
12 in accordance with this subsection (r) by the Department of
13 Healthcare and Family Services. The 24-month limitation on the
14 adoption of emergency rules does not apply to rules adopted
15 under this subsection (r). The adoption of emergency rules
16 authorized by this subsection (r) is deemed to be necessary
17 for the public interest, safety, and welfare.

18 (s) In order to provide for the expeditious and timely
19 implementation of the provisions of Sections 5-5b.1 and 5A-2
20 of the Illinois Public Aid Code, emergency rules to implement
21 any provision of Section 5-5b.1 or Section 5A-2 of the
22 Illinois Public Aid Code may be adopted in accordance with
23 this subsection (s) by the Department of Healthcare and Family
24 Services. The rulemaking authority granted in this subsection
25 (s) shall apply only to those rules adopted prior to July 1,
26 2015. Notwithstanding any other provision of this Section, any

1 emergency rule adopted under this subsection (s) shall only
2 apply to payments made for State fiscal year 2015. The
3 adoption of emergency rules authorized by this subsection (s)
4 is deemed to be necessary for the public interest, safety, and
5 welfare.

6 (t) In order to provide for the expeditious and timely
7 implementation of the provisions of Article II of Public Act
8 99-6, emergency rules to implement the changes made by Article
9 II of Public Act 99-6 to the Emergency Telephone System Act may
10 be adopted in accordance with this subsection (t) by the
11 Department of State Police. The rulemaking authority granted
12 in this subsection (t) shall apply only to those rules adopted
13 prior to July 1, 2016. The 24-month limitation on the adoption
14 of emergency rules does not apply to rules adopted under this
15 subsection (t). The adoption of emergency rules authorized by
16 this subsection (t) is deemed to be necessary for the public
17 interest, safety, and welfare.

18 (u) In order to provide for the expeditious and timely
19 implementation of the provisions of the Burn Victims Relief
20 Act, emergency rules to implement any provision of the Act may
21 be adopted in accordance with this subsection (u) by the
22 Department of Insurance. The rulemaking authority granted in
23 this subsection (u) shall apply only to those rules adopted
24 prior to December 31, 2015. The adoption of emergency rules
25 authorized by this subsection (u) is deemed to be necessary
26 for the public interest, safety, and welfare.

1 (v) In order to provide for the expeditious and timely
2 implementation of the provisions of Public Act 99-516,
3 emergency rules to implement Public Act 99-516 may be adopted
4 in accordance with this subsection (v) by the Department of
5 Healthcare and Family Services. The 24-month limitation on the
6 adoption of emergency rules does not apply to rules adopted
7 under this subsection (v). The adoption of emergency rules
8 authorized by this subsection (v) is deemed to be necessary
9 for the public interest, safety, and welfare.

10 (w) In order to provide for the expeditious and timely
11 implementation of the provisions of Public Act 99-796,
12 emergency rules to implement the changes made by Public Act
13 99-796 may be adopted in accordance with this subsection (w)
14 by the Adjutant General. The adoption of emergency rules
15 authorized by this subsection (w) is deemed to be necessary
16 for the public interest, safety, and welfare.

17 (x) In order to provide for the expeditious and timely
18 implementation of the provisions of Public Act 99-906,
19 emergency rules to implement subsection (i) of Section
20 16-115D, subsection (g) of Section 16-128A, and subsection (a)
21 of Section 16-128B of the Public Utilities Act may be adopted
22 in accordance with this subsection (x) by the Illinois
23 Commerce Commission. The rulemaking authority granted in this
24 subsection (x) shall apply only to those rules adopted within
25 180 days after June 1, 2017 (the effective date of Public Act
26 99-906). The adoption of emergency rules authorized by this

1 subsection (x) is deemed to be necessary for the public
2 interest, safety, and welfare.

3 (y) In order to provide for the expeditious and timely
4 implementation of the provisions of Public Act 100-23,
5 emergency rules to implement the changes made by Public Act
6 100-23 to Section 4.02 of the Illinois Act on the Aging,
7 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,
8 Section 55-30 of the Alcoholism and Other Drug Abuse and
9 Dependency Act, and Sections 74 and 75 of the Mental Health and
10 Developmental Disabilities Administrative Act may be adopted
11 in accordance with this subsection (y) by the respective
12 Department. The adoption of emergency rules authorized by this
13 subsection (y) is deemed to be necessary for the public
14 interest, safety, and welfare.

15 (z) In order to provide for the expeditious and timely
16 implementation of the provisions of Public Act 100-554,
17 emergency rules to implement the changes made by Public Act
18 100-554 to Section 4.7 of the Lobbyist Registration Act may be
19 adopted in accordance with this subsection (z) by the
20 Secretary of State. The adoption of emergency rules authorized
21 by this subsection (z) is deemed to be necessary for the public
22 interest, safety, and welfare.

23 (aa) In order to provide for the expeditious and timely
24 initial implementation of the changes made to Articles 5, 5A,
25 12, and 14 of the Illinois Public Aid Code under the provisions
26 of Public Act 100-581, the Department of Healthcare and Family

1 Services may adopt emergency rules in accordance with this
2 subsection (aa). The 24-month limitation on the adoption of
3 emergency rules does not apply to rules to initially implement
4 the changes made to Articles 5, 5A, 12, and 14 of the Illinois
5 Public Aid Code adopted under this subsection (aa). The
6 adoption of emergency rules authorized by this subsection (aa)
7 is deemed to be necessary for the public interest, safety, and
8 welfare.

9 (bb) In order to provide for the expeditious and timely
10 implementation of the provisions of Public Act 100-587,
11 emergency rules to implement the changes made by Public Act
12 100-587 to Section 4.02 of the Illinois Act on the Aging,
13 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,
14 subsection (b) of Section 55-30 of the Alcoholism and Other
15 Drug Abuse and Dependency Act, Section 5-104 of the
16 Specialized Mental Health Rehabilitation Act of 2013, and
17 Section 75 and subsection (b) of Section 74 of the Mental
18 Health and Developmental Disabilities Administrative Act may
19 be adopted in accordance with this subsection (bb) by the
20 respective Department. The adoption of emergency rules
21 authorized by this subsection (bb) is deemed to be necessary
22 for the public interest, safety, and welfare.

23 (cc) In order to provide for the expeditious and timely
24 implementation of the provisions of Public Act 100-587,
25 emergency rules may be adopted in accordance with this
26 subsection (cc) to implement the changes made by Public Act

1 100-587 to: Sections 14-147.5 and 14-147.6 of the Illinois
2 Pension Code by the Board created under Article 14 of the Code;
3 Sections 15-185.5 and 15-185.6 of the Illinois Pension Code by
4 the Board created under Article 15 of the Code; and Sections
5 16-190.5 and 16-190.6 of the Illinois Pension Code by the
6 Board created under Article 16 of the Code. The adoption of
7 emergency rules authorized by this subsection (cc) is deemed
8 to be necessary for the public interest, safety, and welfare.

9 (dd) In order to provide for the expeditious and timely
10 implementation of the provisions of Public Act 100-864,
11 emergency rules to implement the changes made by Public Act
12 100-864 to Section 3.35 of the Newborn Metabolic Screening Act
13 may be adopted in accordance with this subsection (dd) by the
14 Secretary of State. The adoption of emergency rules authorized
15 by this subsection (dd) is deemed to be necessary for the
16 public interest, safety, and welfare.

17 (ee) In order to provide for the expeditious and timely
18 implementation of the provisions of Public Act 100-1172,
19 emergency rules implementing the Illinois Underground Natural
20 Gas Storage Safety Act may be adopted in accordance with this
21 subsection by the Department of Natural Resources. The
22 adoption of emergency rules authorized by this subsection is
23 deemed to be necessary for the public interest, safety, and
24 welfare.

25 (ff) In order to provide for the expeditious and timely
26 initial implementation of the changes made to Articles 5A and

1 14 of the Illinois Public Aid Code under the provisions of
2 Public Act 100-1181, the Department of Healthcare and Family
3 Services may on a one-time-only basis adopt emergency rules in
4 accordance with this subsection (ff). The 24-month limitation
5 on the adoption of emergency rules does not apply to rules to
6 initially implement the changes made to Articles 5A and 14 of
7 the Illinois Public Aid Code adopted under this subsection
8 (ff). The adoption of emergency rules authorized by this
9 subsection (ff) is deemed to be necessary for the public
10 interest, safety, and welfare.

11 (gg) In order to provide for the expeditious and timely
12 implementation of the provisions of Public Act 101-1,
13 emergency rules may be adopted by the Department of Labor in
14 accordance with this subsection (gg) to implement the changes
15 made by Public Act 101-1 to the Minimum Wage Law. The adoption
16 of emergency rules authorized by this subsection (gg) is
17 deemed to be necessary for the public interest, safety, and
18 welfare.

19 (hh) In order to provide for the expeditious and timely
20 implementation of the provisions of Public Act 101-10,
21 emergency rules may be adopted in accordance with this
22 subsection (hh) to implement the changes made by Public Act
23 101-10 to subsection (j) of Section 5-5.2 of the Illinois
24 Public Aid Code. The adoption of emergency rules authorized by
25 this subsection (hh) is deemed to be necessary for the public
26 interest, safety, and welfare.

1 (ii) In order to provide for the expeditious and timely
2 implementation of the provisions of Public Act 101-10,
3 emergency rules to implement the changes made by Public Act
4 101-10 to Sections 5-5.4 and 5-5.4i of the Illinois Public Aid
5 Code may be adopted in accordance with this subsection (ii) by
6 the Department of Public Health. The adoption of emergency
7 rules authorized by this subsection (ii) is deemed to be
8 necessary for the public interest, safety, and welfare.

9 (jj) In order to provide for the expeditious and timely
10 implementation of the provisions of Public Act 101-10,
11 emergency rules to implement the changes made by Public Act
12 101-10 to Section 74 of the Mental Health and Developmental
13 Disabilities Administrative Act may be adopted in accordance
14 with this subsection (jj) by the Department of Human Services.
15 The adoption of emergency rules authorized by this subsection
16 (jj) is deemed to be necessary for the public interest,
17 safety, and welfare.

18 (kk) In order to provide for the expeditious and timely
19 implementation of the Cannabis Regulation and Tax Act and
20 Public Act 101-27, the Department of Revenue, the Department
21 of Public Health, the Department of Agriculture, the
22 Department of State Police, and the Department of Financial
23 and Professional Regulation may adopt emergency rules in
24 accordance with this subsection (kk). The rulemaking authority
25 granted in this subsection (kk) shall apply only to rules
26 adopted before December 31, 2021. Notwithstanding the

1 provisions of subsection (c), emergency rules adopted under
2 this subsection (kk) shall be effective for 180 days. The
3 adoption of emergency rules authorized by this subsection (kk)
4 is deemed to be necessary for the public interest, safety, and
5 welfare.

6 (ll) In order to provide for the expeditious and timely
7 implementation of the provisions of the Leveling the Playing
8 Field for Illinois Retail Act, emergency rules may be adopted
9 in accordance with this subsection (ll) to implement the
10 changes made by the Leveling the Playing Field for Illinois
11 Retail Act. The adoption of emergency rules authorized by this
12 subsection (ll) is deemed to be necessary for the public
13 interest, safety, and welfare.

14 (mm) In order to provide for the expeditious and timely
15 implementation of the provisions of Section 25-70 of the
16 Sports Wagering Act, emergency rules to implement Section
17 25-70 of the Sports Wagering Act may be adopted in accordance
18 with this subsection (mm) by the Department of the Lottery as
19 provided in the Sports Wagering Act. The adoption of emergency
20 rules authorized by this subsection (mm) is deemed to be
21 necessary for the public interest, safety, and welfare.

22 (nn) In order to provide for the expeditious and timely
23 implementation of the Sports Wagering Act, emergency rules to
24 implement the Sports Wagering Act may be adopted in accordance
25 with this subsection (nn) by the Illinois Gaming Board. The
26 adoption of emergency rules authorized by this subsection (nn)

1 is deemed to be necessary for the public interest, safety, and
2 welfare.

3 (oo) In order to provide for the expeditious and timely
4 implementation of the provisions of subsection (c) of Section
5 20 of the Video Gaming Act, emergency rules to implement the
6 provisions of subsection (c) of Section 20 of the Video Gaming
7 Act may be adopted in accordance with this subsection (oo) by
8 the Illinois Gaming Board. The adoption of emergency rules
9 authorized by this subsection (oo) is deemed to be necessary
10 for the public interest, safety, and welfare.

11 (pp) In order to provide for the expeditious and timely
12 implementation of the provisions of Section 50 of the Sexual
13 Assault Evidence Submission Act, emergency rules to implement
14 Section 50 of the Sexual Assault Evidence Submission Act may
15 be adopted in accordance with this subsection (pp) by the
16 Department of State Police. The adoption of emergency rules
17 authorized by this subsection (pp) is deemed to be necessary
18 for the public interest, safety, and welfare.

19 (qq) In order to provide for the expeditious and timely
20 implementation of the provisions of the Illinois Works Jobs
21 Program Act, emergency rules may be adopted in accordance with
22 this subsection (qq) to implement the Illinois Works Jobs
23 Program Act. The adoption of emergency rules authorized by
24 this subsection (qq) is deemed to be necessary for the public
25 interest, safety, and welfare.

26 (rr) In order to provide for the expeditious and timely

1 implementation of the provisions of subsection (c) of Section
2 2-3.25 of the School Code, subsection (b) of Section 2-3.25o
3 of the School Code, paragraph (1.5) of Section 10-30 of the
4 School Code, and paragraph (1.5) of Section 34-18.66 of the
5 School Code, emergency rules to implement subsection (c) of
6 Section 2-3.25 of the School Code, subsection (b) of Section
7 2-3.25o of the School Code, paragraph (1.5) of Section 10-30
8 of the School Code, and paragraph (1.5) of Section 34-18.66 of
9 the School Code may be adopted in accordance with this
10 subsection (rr) by the State Board of Education. The adoption
11 of emergency rules authorized by this subsection (rr) is
12 deemed to be necessary for the public interest, safety, and
13 welfare.

14 (Source: P.A. 100-23, eff. 7-6-17; 100-554, eff. 11-16-17;
15 100-581, eff. 3-12-18; 100-587, Article 95, Section 95-5, eff.
16 6-4-18; 100-587, Article 110, Section 110-5, eff. 6-4-18;
17 100-864, eff. 8-14-18; 100-1172, eff. 1-4-19; 100-1181, eff.
18 3-8-19; 101-1, eff. 2-19-19; 101-10, Article 20, Section 20-5,
19 eff. 6-5-19; 101-10, Article 35, Section 35-5, eff. 6-5-19;
20 101-27, eff. 6-25-19; 101-31, Article 15, Section 15-5, eff.
21 6-28-19; 101-31, Article 25, Section 25-900, eff. 6-28-19;
22 101-31, Article 35, Section 35-3, eff. 6-28-19; 101-377, eff.
23 8-16-19; 101-601, eff. 12-10-19.)

24 Section 10. The School Code is amended by changing
25 Sections 2-3.25, 2-3.25o, 10-20, 10-30, 21B-5, and 34-18.66 as

1 follows:

2 (105 ILCS 5/2-3.25) (from Ch. 122, par. 2-3.25)

3 Sec. 2-3.25. Standards for schools.

4 (a) To determine for all types of schools conducted under
5 this Act efficient and adequate standards for the physical
6 plant, heating, lighting, ventilation, sanitation, safety,
7 equipment and supplies, instruction and teaching, curriculum,
8 library, operation, maintenance, administration and
9 supervision, and to issue, refuse to issue or revoke
10 ~~certificates of~~ recognition for schools or school districts
11 pursuant to standards established hereunder; to determine and
12 establish efficient and adequate standards for approval of
13 credit for courses given and conducted by schools outside of
14 the regular school term.

15 (a-5) On or before July 1, 2021, the State Board of
16 Education must adopt revised social science learning standards
17 that are inclusive and reflective of all individuals in this
18 country.

19 (b) Whenever it appears that a secondary or unit school
20 district may be unable to offer courses enabling students in
21 grades 9 through 12 to meet the minimum preparation and
22 admission requirements for public colleges and universities
23 adopted by the Board of Higher Education, the State Board of
24 Education shall assist the district in reviewing and analyzing
25 its existing curriculum with particular reference to the

1 educational needs of all pupils of the district and the
2 sufficiency of existing and future revenues and payments
3 available to the district for development of a curriculum
4 which will provide maximum educational opportunity to pupils
5 of the district. The review and analysis may consider
6 achievement of this goal not only through implementation of
7 traditional classroom methods but also through development of
8 and participation in joint educational programs with other
9 school districts or institutions of higher education, or
10 alternative programs employing modern technological methods
11 including but not limited to the use of television,
12 telephones, computers, radio and other electronic devices.

13 (c) The State Board of Education shall adopt rules to
14 revoke recognition pursuant to subsection (a) for schools or
15 school districts that do not comply with public health
16 requirements established by the Department of Public Health
17 when the Governor has declared a disaster due to a public
18 health emergency pursuant to Section 7 of the Illinois
19 Emergency Management Agency Act.

20 (Source: P.A. 101-654, eff. 3-8-21.)

21 (105 ILCS 5/2-3.25o)

22 Sec. 2-3.25o. Registration and recognition of non-public
23 elementary and secondary schools.

24 (a) Findings. The General Assembly finds and declares (i)
25 that the Constitution of the State of Illinois provides that a

1 "fundamental goal of the People of the State is the
2 educational development of all persons to the limits of their
3 capacities" and (ii) that the educational development of every
4 school student serves the public purposes of the State. In
5 order to ensure that all Illinois students and teachers have
6 the opportunity to enroll and work in State-approved
7 educational institutions and programs, the State Board of
8 Education shall provide for the voluntary registration and
9 recognition of non-public elementary and secondary schools.

10 (b) Registration. All non-public elementary and secondary
11 schools in the State of Illinois may voluntarily register with
12 the State Board of Education on an annual basis. Registration
13 shall be completed in conformance with procedures prescribed
14 by the State Board of Education. Information required for
15 registration shall include assurances of compliance (i) with
16 federal and State laws regarding health examination and
17 immunization, attendance, length of term, and
18 nondiscrimination and (ii) with applicable fire and health
19 safety requirements and assurances that the school will comply
20 with public health requirements established by the Department
21 of Public Health when the Governor has declared a disaster due
22 to a public health emergency pursuant to Section 7 of the
23 Illinois Emergency Management Agency Act. All non-public
24 elementary and secondary schools must investigate complaints
25 of noncompliance with public health requirements. A complaint
26 filed with a non-public school does not preclude a complaint

1 from being filed with the regional superintendent of schools.
2 Regional superintendents of schools must investigate
3 complaints received of noncompliance with public health
4 requirements at non-public schools. An appeal contesting the
5 findings of a regional superintendent of schools may be filed
6 with the State Board of Education. Upon receiving notice of an
7 appeal, the State Board of Education must investigate
8 complaints of noncompliance with public health requirements.

9 (c) Recognition. All non-public elementary and secondary
10 schools in the State of Illinois may voluntarily seek the
11 status of "Non-public School Recognition" from the State Board
12 of Education. This status may be obtained by compliance with
13 administrative guidelines and review procedures as prescribed
14 by the State Board of Education. The guidelines and procedures
15 must recognize that some of the aims and the financial bases of
16 non-public schools are different from public schools and will
17 not be identical to those for public schools, nor will they be
18 more burdensome. The guidelines and procedures must also
19 recognize the diversity of non-public schools and shall not
20 impinge upon the noneducational relationships between those
21 schools and their clientele.

22 (c-5) Prohibition against recognition. A non-public
23 elementary or secondary school may not obtain "Non-public
24 School Recognition" status unless the school requires all
25 certified and non-certified applicants for employment with the
26 school, after July 1, 2007, to authorize a fingerprint-based

1 criminal history records check as a condition of employment to
2 determine if such applicants have been convicted of any of the
3 enumerated criminal or drug offenses set forth in Section
4 21B-80 of this Code or have been convicted, within 7 years of
5 the application for employment, of any other felony under the
6 laws of this State or of any offense committed or attempted in
7 any other state or against the laws of the United States that,
8 if committed or attempted in this State, would have been
9 punishable as a felony under the laws of this State.

10 Authorization for the check shall be furnished by the
11 applicant to the school, except that if the applicant is a
12 substitute teacher seeking employment in more than one
13 non-public school, a teacher seeking concurrent part-time
14 employment positions with more than one non-public school (as
15 a reading specialist, special education teacher, or
16 otherwise), or an educational support personnel employee
17 seeking employment positions with more than one non-public
18 school, then only one of the non-public schools employing the
19 individual shall request the authorization. Upon receipt of
20 this authorization, the non-public school shall submit the
21 applicant's name, sex, race, date of birth, social security
22 number, fingerprint images, and other identifiers, as
23 prescribed by the Department of State Police, to the
24 Department of State Police.

25 The Department of State Police and Federal Bureau of
26 Investigation shall furnish, pursuant to a fingerprint-based

1 criminal history records check, records of convictions,
2 forever and hereafter, until expunged, to the president or
3 principal of the non-public school that requested the check.
4 The Department of State Police shall charge that school a fee
5 for conducting such check, which fee must be deposited into
6 the State Police Services Fund and must not exceed the cost of
7 the inquiry. Subject to appropriations for these purposes, the
8 State Superintendent of Education shall reimburse non-public
9 schools for fees paid to obtain criminal history records
10 checks under this Section.

11 A non-public school may not obtain recognition status
12 unless the school also performs a check of the Statewide Sex
13 Offender Database, as authorized by the Sex Offender Community
14 Notification Law, for each applicant for employment, after
15 July 1, 2007, to determine whether the applicant has been
16 adjudicated a sex offender.

17 Any information concerning the record of convictions
18 obtained by a non-public school's president or principal under
19 this Section is confidential and may be disseminated only to
20 the governing body of the non-public school or any other
21 person necessary to the decision of hiring the applicant for
22 employment. A copy of the record of convictions obtained from
23 the Department of State Police shall be provided to the
24 applicant for employment. Upon a check of the Statewide Sex
25 Offender Database, the non-public school shall notify the
26 applicant as to whether or not the applicant has been

1 identified in the Sex Offender Database as a sex offender. Any
2 information concerning the records of conviction obtained by
3 the non-public school's president or principal under this
4 Section for a substitute teacher seeking employment in more
5 than one non-public school, a teacher seeking concurrent
6 part-time employment positions with more than one non-public
7 school (as a reading specialist, special education teacher, or
8 otherwise), or an educational support personnel employee
9 seeking employment positions with more than one non-public
10 school may be shared with another non-public school's
11 principal or president to which the applicant seeks
12 employment. Any unauthorized release of confidential
13 information may be a violation of Section 7 of the Criminal
14 Identification Act.

15 No non-public school may obtain recognition status that
16 knowingly employs a person, hired after July 1, 2007, for whom
17 a Department of State Police and Federal Bureau of
18 Investigation fingerprint-based criminal history records check
19 and a Statewide Sex Offender Database check has not been
20 initiated or who has been convicted of any offense enumerated
21 in Section 21B-80 of this Code or any offense committed or
22 attempted in any other state or against the laws of the United
23 States that, if committed or attempted in this State, would
24 have been punishable as one or more of those offenses. No
25 non-public school may obtain recognition status under this
26 Section that knowingly employs a person who has been found to

1 be the perpetrator of sexual or physical abuse of a minor under
2 18 years of age pursuant to proceedings under Article II of the
3 Juvenile Court Act of 1987.

4 In order to obtain recognition status under this Section,
5 a non-public school must require compliance with the
6 provisions of this subsection (c-5) from all employees of
7 persons or firms holding contracts with the school, including,
8 but not limited to, food service workers, school bus drivers,
9 and other transportation employees, who have direct, daily
10 contact with pupils. Any information concerning the records of
11 conviction or identification as a sex offender of any such
12 employee obtained by the non-public school principal or
13 president must be promptly reported to the school's governing
14 body.

15 Prior to the commencement of any student teaching
16 experience or required internship (which is referred to as
17 student teaching in this Section) in any non-public elementary
18 or secondary school that has obtained or seeks to obtain
19 recognition status under this Section, a student teacher is
20 required to authorize a fingerprint-based criminal history
21 records check. Authorization for and payment of the costs of
22 the check must be furnished by the student teacher to the chief
23 administrative officer of the non-public school where the
24 student teaching is to be completed. Upon receipt of this
25 authorization and payment, the chief administrative officer of
26 the non-public school shall submit the student teacher's name,

1 sex, race, date of birth, social security number, fingerprint
2 images, and other identifiers, as prescribed by the Department
3 of State Police, to the Department of State Police. The
4 Department of State Police and the Federal Bureau of
5 Investigation shall furnish, pursuant to a fingerprint-based
6 criminal history records check, records of convictions,
7 forever and hereinafter, until expunged, to the chief
8 administrative officer of the non-public school that requested
9 the check. The Department of State Police shall charge the
10 school a fee for conducting the check, which fee must be passed
11 on to the student teacher, must not exceed the cost of the
12 inquiry, and must be deposited into the State Police Services
13 Fund. The school shall further perform a check of the
14 Statewide Sex Offender Database, as authorized by the Sex
15 Offender Community Notification Law, and of the Statewide
16 Murderer and Violent Offender Against Youth Database, as
17 authorized by the Murderer and Violent Offender Against Youth
18 Registration Act, for each student teacher. No school that has
19 obtained or seeks to obtain recognition status under this
20 Section may knowingly allow a person to student teach for whom
21 a criminal history records check, a Statewide Sex Offender
22 Database check, and a Statewide Murderer and Violent Offender
23 Against Youth Database check have not been completed and
24 reviewed by the chief administrative officer of the non-public
25 school.

26 A copy of the record of convictions obtained from the

1 Department of State Police must be provided to the student
2 teacher. Any information concerning the record of convictions
3 obtained by the chief administrative officer of the non-public
4 school is confidential and may be transmitted only to the
5 chief administrative officer of the non-public school or his
6 or her designee, the State Superintendent of Education, the
7 State Educator Preparation and Licensure Board, or, for
8 clarification purposes, the Department of State Police or the
9 Statewide Sex Offender Database or Statewide Murderer and
10 Violent Offender Against Youth Database. Any unauthorized
11 release of confidential information may be a violation of
12 Section 7 of the Criminal Identification Act.

13 No school that has obtained or seeks to obtain recognition
14 status under this Section may knowingly allow a person to
15 student teach who has been convicted of any offense that would
16 subject him or her to license suspension or revocation
17 pursuant to Section 21B-80 of this Code or who has been found
18 to be the perpetrator of sexual or physical abuse of a minor
19 under 18 years of age pursuant to proceedings under Article II
20 of the Juvenile Court Act of 1987.

21 (d) Public purposes. The provisions of this Section are in
22 the public interest, for the public benefit, and serve secular
23 public purposes.

24 (e) Definition. For purposes of this Section, a non-public
25 school means any non-profit, non-home-based, and non-public
26 elementary or secondary school that is in compliance with

1 Title VI of the Civil Rights Act of 1964 and attendance at
2 which satisfies the requirements of Section 26-1 of this Code.

3 (f) The State Board of Education shall adopt rules to
4 revoke registration or recognition, as appropriate, for
5 schools that do not comply with public health requirements
6 established by the Department of Public Health when 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.

10 (Source: P.A. 99-21, eff. 1-1-16; 99-30, eff. 7-10-15.)

11 (105 ILCS 5/10-20) (from Ch. 122, par. 10-20)

12 Sec. 10-20. Powers of school board. The school board has
13 the powers enumerated in the Sections of this Article
14 following this Section. This enumeration of powers is not
15 exclusive, but the board may exercise all other powers not
16 inconsistent with this Act that may be requisite or proper for
17 the maintenance, operation, and development of any school or
18 schools under the jurisdiction of the board. This grant of
19 powers does not release a school board from any duty imposed
20 upon it by this Act or any other law. When the Governor has
21 declared a disaster due to a public health emergency pursuant
22 to Section 7 of the Illinois Emergency Management Agency Act,
23 a school board may not pass any resolution that is in
24 contravention of any requirement established by the Department
25 of Public Health.

1 (Source: P.A. 88-670, eff. 12-2-94; 89-159, eff. 1-1-96.)

2 (105 ILCS 5/10-30)

3 Sec. 10-30. Remote and blended remote learning. This
4 Section applies if the Governor has declared a disaster due to
5 a public health emergency pursuant to Section 7 of the
6 Illinois Emergency Management Agency Act.

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

22 (1.5) Nonpublic schools and public school districts
23 must comply with public health requirements established by
24 the Department of Public Health. School districts must
25 investigate complaints of noncompliance with public health

1 requirements. Filing a complaint with a school district
2 does not preclude a complaint from being filed with the
3 regional superintendent of schools. Regional
4 superintendents of schools must investigate complaints
5 received of noncompliance with public health requirements
6 at nonpublic schools and public school districts. An
7 appeal contesting the findings of a regional
8 superintendent of schools may be filed with the State
9 Board of Education. Upon receiving an appeal, the State
10 Board of Education must investigate complaints of
11 noncompliance with public health requirements. The State
12 Superintendent of Education may require nonpublic schools
13 and public school districts to operate fully remotely if
14 the public health requirements established by the
15 Department are not followed. Nonpublic schools and public
16 school districts that do not comply with the requirements
17 of this paragraph are subject to penalties pursuant to
18 Section 2-3.25 or 2-3.25o, as appropriate. The State Board
19 of Education may adopt rules to implement this paragraph.

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

24 (3) For any district that does not implement an
25 e-learning program under Section 10-20.56, the district
26 shall adopt a remote and blended remote learning day plan

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

10 (4) Each remote and blended remote learning day plan
11 shall address the following:

12 (i) accessibility of the remote instruction to all
13 students enrolled in the district;

14 (ii) if applicable, a requirement that the remote
15 learning day and blended remote learning day
16 activities reflect State learning standards;

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

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

26 (v) how the district will take attendance and

1 monitor and verify each student's remote
2 participation; and

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

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

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

15 (7) This Section does not create any additional
16 employee bargaining rights and does not remove any
17 employee bargaining rights.

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

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

2 (105 ILCS 5/21B-5)

3 Sec. 21B-5. Licensure powers of the State Board of
4 Education.

5 (a) Recognizing that the education of our citizens is the
6 single most important influence on the prosperity and success
7 of this State and recognizing that new developments in
8 education require a flexible approach to our educational
9 system, the State Board of Education, in consultation with the
10 State Educator Preparation and Licensure Board, shall have the
11 power and authority to do all of the following:

12 (1) Set standards for teaching, supervising, or
13 otherwise holding licensed employment in the public
14 schools of this State and administer the licensure process
15 as provided in this Article.

16 (2) Approve, evaluate, and sanction educator
17 preparation programs.

18 (3) Enter into agreements with other states relative
19 to reciprocal approval of educator preparation programs.

20 (4) Establish standards for the issuance of new types
21 of educator licenses.

22 (5) Establish a code of ethics for all educators.

23 (6) Maintain a system of licensure examination aligned
24 with standards determined by the State Board of Education.

25 (7) Take such other action relating to the improvement

1 of instruction in the public schools as is appropriate and
2 consistent with applicable laws.

3 (8) Take action to sanction any educator or individual
4 licensed under this Code who implements any practice that
5 is in contravention of any public health requirement
6 established by the Department of Public Health when 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.

10 (b) Only the State Board of Education, acting in
11 accordance with the applicable provisions of this Article and
12 rules, shall have the authority to issue or endorse any
13 license required for teaching, supervising, or otherwise
14 holding licensed employment in the public schools; and no
15 other State agency shall have any power or authority (i) to
16 establish or prescribe any qualifications or other
17 requirements applicable to the issuance or endorsement of any
18 such license or (ii) to establish or prescribe any licensure
19 or equivalent requirement that must be satisfied in order to
20 teach, supervise, or hold licensed employment in the public
21 schools.

22 (Source: P.A. 100-596, eff. 7-1-18.)

23 (105 ILCS 5/34-18.66)

24 Sec. 34-18.66. Remote and blended remote learning. This
25 Section applies if the Governor has declared a disaster due to

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

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

18 (1.5) When individuals are present in school
19 buildings, the school district must comply with public
20 health requirements established by the Department of
21 Public Health. The school district must investigate
22 complaints of noncompliance with public health
23 requirements. Filing a complaint with the school district
24 does not preclude a complaint from being filed with the
25 State Board of Education. The State Board of Education
26 must investigate complaints received of noncompliance with

1 public health requirements in the school district. The
2 State Superintendent of Education may require a school or
3 the school district to operate fully remotely if the
4 public health requirements established by the Department
5 are not followed. If the school district does not comply
6 with the requirements of this paragraph, the school
7 district is subject to penalties pursuant to Section
8 2-3.25. The State Board of Education may adopt rules to
9 implement this paragraph.

10 (2) For purposes of this Section, a remote learning
11 day or blended remote learning day may be met through the
12 district's implementation of an e-learning program under
13 Section 10-20.56.

14 (3) If the district does not implement an e-learning
15 program under Section 10-20.56, the district shall adopt a
16 remote and blended remote learning day plan approved by
17 the general superintendent of schools. The district may
18 utilize remote and blended remote learning planning days,
19 consecutively or in separate increments, to develop,
20 review, or amend its remote and blended remote learning
21 day plan or provide professional development to staff
22 regarding remote education. Up to 5 remote and blended
23 remote learning planning days may be deemed pupil
24 attendance days for calculation of the length of a school
25 term under Section 10-19.

26 (4) Each remote and blended remote learning day plan

1 shall address the following:

2 (i) accessibility of the remote instruction to all
3 students enrolled in the district;

4 (ii) if applicable, a requirement that the remote
5 learning day and blended remote learning day
6 activities reflect State learning standards;

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

9 (iv) the unique needs of students in special
10 populations, including, but not limited to, students
11 eligible for special education under Article 14,
12 students who are English learners as defined in
13 Section 14C-2, and students experiencing homelessness
14 under the Education for Homeless Children Act, or
15 vulnerable student populations;

16 (v) how the district will take attendance and
17 monitor and verify each student's remote
18 participation; and

19 (vi) transitions from remote learning to on-site
20 learning upon the State Superintendent's declaration
21 that remote learning days or blended remote learning
22 days are no longer deemed necessary.

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

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

5 (7) This Section does not create any additional
6 employee bargaining rights and does not remove any
7 employee bargaining rights.

8 (8) Statutory and regulatory curricular mandates and
9 offerings may be administered via the district's remote
10 and blended remote learning day plan, except that the
11 district may not offer individual behind-the-wheel
12 instruction required by Section 27-24.2 via the district's
13 remote and blended remote learning day plan. This Section
14 does not relieve schools and the district from completing
15 all statutory and regulatory curricular mandates and
16 offerings.

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