

CLIENT ALERT

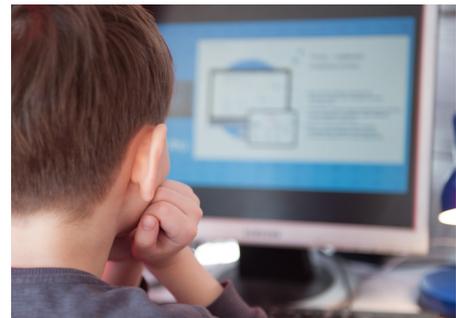
Special Legislative Session Addresses Remote Learning Issues

During its Special Session last week, the Illinois General Assembly did not decide when or how schools should open in light of the ongoing pandemic. However, the legislature did pass Senate Bill 1569, which made significant changes to the School Code in the event more school closures are needed. The bill also resolved certain teacher employment related issues that were caused by school building closures. The bill now awaits Governor Pritzker's signature and will become law at that time.

Remote Learning Days for Public Health Emergencies

When e-learning was recently added to the School Code, no one anticipated using it for more than a few days in any given school year. The recent, sudden two-month experiment provided enough guidance for legislators to create new sections of the School Code (105 ILCS 5/10-30 and 5/34-18.66) for remote and blended remote learning, specifically for declared disasters due to public health emergencies.

There are two types of remote learning days: pure remote learning days, in which no lessons are conducted in-person; and blended remote learning days, which are hybrid days consisting of both in-person and remote instruction depending on the student. These remote learning days apply to Pre-k through 12th grade and count as attendance days. Remote learning days are not subject to the five-clock hour requirement of e-learning days implemented under Section 10-20.56 of the School Code, 105 ILCS 5/10-20.56.



If a district has implemented an e-learning program, that program satisfies the requirements of remote learning days. Those districts without an approved e-learning program may develop a remote or blended remote learning plan through the use of "remote and blended remote learning planning days," either consecutively or in separate increments. These planning days can be used for professional development, and up to five such days can be considered student attendance days.

The new law codifies the expectations required of all remote learning plans during the past several months and expands such expectations to blended remote learning plans. Specifically, all remote or blended remote learning plans must address the following: (1) accessibility of remote instruction to all enrolled students; (2) a requirement that activities are designed to reflect State learning standards, if applicable; (3) a means for students to communicate with a teacher for help as needed; (4) the unique needs of certain students including but not limited to special education, English learner, homeless or vulnerable students; (5) how the district will take attendance, and monitor and verify each student's remote participation; and (6) transitions back to on-site learning when remote learning days are no longer necessary.

Once developed, each remote and blended remote learning day plan must be posted on the District's website and be given to students and faculty. Each district superintendent is tasked with reviewing and amending the plans as needed to meet the needs of all students. It is important to note that the new statute does not create or remove any employee bargaining rights. The law expressly allows all statutory and regulatory curricular requirements except individual behind-the-wheel driver's education instruction to be met via remote learning.

Teacher-Specific Topics

The abrupt closure of school buildings in March impacted many teachers who were waiting for their evaluations. The School Code provides that a teacher whose evaluation was not completed will receive a default rating of "Proficient." Because teachers who expected an "Excellent" rating were upset, the General

Assembly provided the following fix: any tenured teacher whose most recent evaluation was “Excellent” will retain that rating without defaulting to “Proficient,” but only during a public health disaster declaration. The bill does allow a school board and union to agree in writing to a different rating in this circumstance.

Several other changes to teacher employment were added in this bill. Relating to tenured teacher dismissals, a notice of dismissal may now be given *by email* to a teacher. All prehearing and hearing requirements regarding dismissal are delayed until after the public health emergency declaration has ended, unless mutually agreed upon by both parties. Any hearing during the emergency can be done remotely, and a hearing officer may voluntarily withdraw to allow another hearing officer to hear the case remotely.

With regard to remediation plans, the timelines for commencement and completion of such plans are waived during the school closures. Unless the parties agree to a different arrangement in writing, a remediation plan that had been in place for more than 45 days before suspension of in-person instruction will resume once in-person instruction resumes. Similarly, unless the parties agree in writing to a different arrangement, a remediation plan that had been in place fewer than 45 days prior to the school closure will be discontinued and a new remediation period will begin when in-person instruction resumes.

Student Teaching Requirements

Because of the impossibility of in-person student teaching this past semester, the General Assembly waived the student teaching requirement for candidates seeking an educator license. If remote learning days are required next school year due to the pandemic, student teaching requirements can be satisfied remotely.

Expiring Teacher Licenses

All licenses issued by the ISBE that expire on June 30, 2020 and have not been renewed by that date will be extended one year, expiring on June 30, 2021. Teacher performance assessments are waived for license applicants during the public health emergency.

Miscellaneous Provisions

Other changes to the School Code during a public health emergency include:

- Testing on patriotism and representative government can be administered remotely
- Required physical education assessments are waived
- A school may not withhold a student’s report card, despite emergency declaration
- Early childhood program grant recipients may serve ages 0 to 12 if they are the children of essential workers



Perhaps the most important provision adopted by the General Assembly is in Section 22-89 of the School Code. It provides that any diplomas that were conferred in the 2019-2020 school year (including the summer of 2020), under modified graduation requirements due to COVID-19, will be deemed valid.

These changes are just the first of what will likely be many alterations to the 2020-2021 school year. As your district continues planning how best to educate students, Ottosen DiNolfo Hasenbalg & Castaldo will continue monitoring the latest health-related and education-related developments to help guide your decisions.

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