

# FRANCZEK

## Illinois COVID-19 Resources for Schools

### MARCH 27, 2020 EXECUTIVE ORDER, RULES, AND GUIDANCE

On March 27, 2020, the Governor and ISBE issued 91 pages of orders, declarations, guidance, statements, and recommendations for K-12 public schools relating to the current physical school closure during the COVID-19 pandemic. Rather than restating all legal requirements discussed in those documents—unnecessarily creating even more for your review—we offer a high-level summary of the essential points school leaders should glean from these resources.

### Remote Learning Days Beginning March 31, 2020

Most of the resources issued on March 27 address changes to the remote learning landscape in Illinois as we shift from Act of God Days to Remote Learning Days (RLDs) beginning March 31. Relevant resources include the Governor's [Executive Order](#) (2020-15); ISBE's [emergency rule](#) and related [declaration](#); and ISBE's [updated joint statement](#) and [Guidance](#).

From these resources, we know that Illinois public and private schools remain closed through April 7. The resources confirm that days between March 17 and March 30 were "Act of God Days," which count as student attendance days even if no instruction was provided. However, all days from March 31 through the end of the Governor's disaster proclamation have been declared RLDs. Districts must engage in approved instruction or planning on days after March 30 for those days to count toward the 176 "pupil attendance" days required each school year. Districts should work with local unions on the specifics of remote learning, with a continued emphasis on maximizing student access, engagement, and connection. ISBE cautions against requiring students to master new content or penalizing them for failure to do so during RLDs.

#### Approved instruction and planning on RLDs includes:

- 1. Instruction provided through an e-learning program approved by the ROE under Section 10-20.56 of the School Code.** These standards remain relaxed, as we discussed in a prior [alert](#). E-learning programs created for a limited number of emergency days prior to the COVID-19 pandemic may need to be reviewed in light of the extended physical closure. For example, e-learning programs approved prior to this crisis may not have maximized student engagement and access to learning for a closure lasting more than five days. To the extent such plans do not account for work by support staff, schools should consider incorporating them into the plan to assist with student outreach, engagement efforts, and other needs during this time.
- 2. Instruction provided through an approved "Remote Learning Day Plan," as defined by ISBE rules and guidance.** The plan must be approved by the school's chief administrator—typically the Superintendent. ISBE's emergency rules require that: RLD Plans address specific components; work connected to RLD Plans be mutually agreed upon between management and unions; and RLD Plans be posted on the district's website and shared with students and faculty.
- 3. Planning work on "Remote Learning Planning Days." Districts need not seek approval from ISBE or the ROE to use these days.** We also confirmed with ISBE that these 5 days are available for districts using an approved e-learning program under Section 10-20.56 or a RLD Plan. Note that because ISBE has stated that RLD Plans should be posted on websites before being implemented, a conservative approach for a district that does not have an approved e-learning plan under Section 10-20.56 or an approved RLD Plan posted on its website by March 31 is to use that day as a planning day. Moreover, in a recent town hall, ISBE noted that Remote Learning Planning Days can be used to focus on transition planning from remote learning back to on-site instruction.

Thus, while schools still must provide 176 days of “pupil attendance,” these can include a mixture of in-person instruction days before or after the closure, Act of God Days, RLDs, and Remote Learning Planning Days.

To assist schools in preparing for remote learning, ISBE issued [Remote Learning Recommendations During COVID-19 Emergency](#) with input from an advisory group of educators and students from across the state. Although not mandates, ISBE “strongly recommends” districts consult the recommendations in preparing for remote learning. The recommendations include considerations for instruction, student engagement, students’ social-emotional needs, and suggestions for instructional minutes by grade level; grading considerations and suggestions by grade level (with emphasis on the principle of “no educational harm to any child”); considerations for ensuring all students have fair and meaningful access to content and materials during the mandatory closure; and specific suggestions for multilingual instruction and special education. The Recommendations emphasize that districts have flexibility in developing their remote learning plans, acknowledging that some districts may be providing instruction completely online, completely offline (through hard-copy materials), or through a hybrid approach. ISBE encourages each district to develop the most appropriate plan for its district and school community in consultation with local counsel and to use the most robust plan possible.

## Labor & Employment Issues

As noted previously, ISBE updated its joint statement with the Governor’s office and the Illinois Education Association, the Illinois Federation of Teachers, the Illinois Association of School Administrators, and the Illinois Principals Association including a number of important points regarding employment issues. The initial version of the [joint statement](#) issued on May 17 addressed pay and work issues during Act of God Days. The updated joint statement addresses such issues during RLDs. The key points of the previous joint statement, including those relating to pay and benefits and what work employees can be required to complete, remain in place; those points are discussed in our earlier [alert](#) on the statement. The key points of the updated joint statement are:

- Timelines for teacher evaluations, honorable dismissals and non-renewals, and educational support staff Reductions in Force remain in effect. So, notice of Board action must be provided 45 days before the end of the school term for teachers and 30 days before the effective date of layoff for support staff.
- If a teacher evaluation is substantially complete, finish the process (summative conference) remotely. If not, the teacher rating will default to proficient.
- Timelines for professional development plans and remediation are paused during the physical school closure. It is possible, however, that remediation plans for teachers who did not complete 45 days of classroom observation before school closure may start over next school year.
- Notice requirements for tenured teacher dismissals remain in effect. It is possible that hearing procedures may be paused unless there is mutual agreement to continue remotely.
- “Act of God Days” and Remote Learning Days count towards a probationary teacher’s “tenure acquisition.”

## Other Issues

The March 27 resources also address several other miscellaneous issues of interest to school leaders. These include:

- Confirming that state assessments are not required for Spring 2020.
- Noting that particular School Code provisions addressing student attendance that are impacted by school closure have been suspended. Schools can be confident that attendance will not impact funding for the school year; ISBE is evaluating additional guidance for schools regarding tracking attendance and other expectations for schools.
- Allowing construction bids to be communicated, accepted, and opened electronically (addressed in a separate [alert](#).)
- Discussion of grant funds available for several purposes, including to provide emergency childcare for essential workers (which schools can, but are not required to, do) and for reimbursement for cancelled trips.