

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 10-20.56, 24-6, and 27A-5 and by adding Sections 10-20.83,
6 34-18.78, and 34-85e as follows:

7 (105 ILCS 5/10-20.56)

8 (Text of Section before amendment by P.A. 102-584)

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

10 (a) The State Board of Education shall establish and
11 maintain, for implementation in school districts, a program
12 for use of electronic-learning (e-learning) days, as described
13 in this Section. School districts may utilize a program
14 approved under this Section for use during remote learning
15 days and blended remote learning days under Section 10-30 or
16 34-18.66.

17 (b) The school board of a school district may, by
18 resolution, adopt a research-based program or research-based
19 programs for e-learning days district-wide that shall permit
20 student instruction to be received electronically while
21 students are not physically present in lieu of the district's
22 scheduled emergency days as required by Section 10-19 of this
23 Code. The research-based program or programs may not exceed

1 the minimum number of emergency days in the approved school
2 calendar and must be verified by the regional office of
3 education or intermediate service center for the school
4 district on or before September 1st annually to ensure access
5 for all students. The regional office of education or
6 intermediate service center shall ensure that the specific
7 needs of all students are met, including special education
8 students and English learners, and that all mandates are still
9 met using the proposed research-based program. The e-learning
10 program may utilize the Internet, telephones, texts, chat
11 rooms, or other similar means of electronic communication for
12 instruction and interaction between teachers and students that
13 meet the needs of all learners. The e-learning program shall
14 address the school district's responsibility to ensure that
15 all teachers and staff who may be involved in the provision of
16 e-learning have access to any and all hardware and software
17 that may be required for the program. If a proposed program
18 does not address this responsibility, the school district must
19 propose an alternate program.

20 (c) Before its adoption by a school board, the school
21 board must hold a public hearing on a school district's
22 initial proposal for an e-learning program or for renewal of
23 such a program, at a regular or special meeting of the school
24 board, in which the terms of the proposal must be
25 substantially presented and an opportunity for allowing public
26 comments must be provided. Notice of such public hearing must

1 be provided at least 10 days prior to the hearing by:

2 (1) publication in a newspaper of general circulation
3 in the school district;

4 (2) written or electronic notice designed to reach the
5 parents or guardians of all students enrolled in the
6 school district; and

7 (3) written or electronic notice designed to reach any
8 exclusive collective bargaining representatives of school
9 district employees and all those employees not in a
10 collective bargaining unit.

11 (d) The regional office of education or intermediate
12 service center for the school district must timely verify that
13 a proposal for an e-learning program has met the requirements
14 specified in this Section and that the proposal contains
15 provisions designed to reasonably and practicably accomplish
16 the following:

17 (1) to ensure and verify at least 5 clock hours of
18 instruction or school work, as required under Section
19 10-19.05, for each student participating in an e-learning
20 day;

21 (2) to ensure access from home or other appropriate
22 remote facility for all students participating, including
23 computers, the Internet, and other forms of electronic
24 communication that must be utilized in the proposed
25 program;

26 (2.5) to ensure that non-electronic materials are made

1 available to students participating in the program who do
2 not have access to the required technology or to
3 participating teachers or students who are prevented from
4 accessing the required technology;

5 (3) to ensure appropriate learning opportunities for
6 students with special needs;

7 (4) to monitor and verify each student's electronic
8 participation;

9 (5) to address the extent to which student
10 participation is within the student's control as to the
11 time, pace, and means of learning;

12 (6) to provide effective notice to students and their
13 parents or guardians of the use of particular days for
14 e-learning;

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

17 (8) to ensure an opportunity for any collective
18 bargaining negotiations with representatives of the school
19 district's employees that would be legally required,
20 including all classifications of school district employees
21 who are represented by collective bargaining agreements
22 and who would be affected in the event of an e-learning
23 day;

24 (9) to review and revise the program as implemented to
25 address difficulties confronted; and

26 (10) to ensure that the protocol regarding general

1 expectations and responsibilities of the program is
2 communicated to teachers, staff, and students at least 30
3 days prior to utilizing an e-learning day.

4 The school board's approval of a school district's initial
5 e-learning program and renewal of the e-learning program shall
6 be for a term of 3 years.

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

20 (d-15) A school district shall make full payment that
21 would have otherwise been paid to its contractors who provide
22 educational support services to the district, including, but
23 not limited to, custodial, building maintenance,
24 transportation, food service providers, classroom assistants,
25 or administrative staff, their daily, regular rate of pay and
26 benefits rendered for any school closure or e-learning day if

1 any closure precludes them from performing their regularly
2 scheduled duties and employees would have reported for work
3 but for the closure. The employees who provide the support
4 services covered by such contracts shall be paid their daily
5 bid package rates and benefits as defined by their local
6 operating agreements or collective bargaining agreements,
7 except this requirement does not apply if the day is
8 rescheduled and the employee will be paid their daily, regular
9 rate of pay and benefits for the rescheduled day when services
10 are rendered.

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

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

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

26 "Employee" means anyone employed by a school district on

1 or after the effective date of this amendatory Act of the 102nd
2 General Assembly.

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

6 (Source: P.A. 100-760, eff. 8-10-18; 101-12, eff. 7-1-19;
7 101-643, eff. 6-18-20.)

8 (Text of Section after amendment by P.A. 102-584)

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

10 (a) The State Board of Education shall establish and
11 maintain, for implementation in school districts, a program
12 for use of electronic-learning (e-learning) days, as described
13 in this Section. School districts may utilize a program
14 approved under this Section for use during remote learning
15 days and blended remote learning days under Section 10-30 or
16 34-18.66.

17 (b) The school board of a school district may, by
18 resolution, adopt a research-based program or research-based
19 programs for e-learning days district-wide that shall permit
20 student instruction to be received electronically while
21 students are not physically present in lieu of the district's
22 scheduled emergency days as required by Section 10-19 of this
23 Code or because a school was selected to be a polling place
24 under Section 11-4.1 of the Election Code. The research-based
25 program or programs may not exceed the minimum number of

1 emergency days in the approved school calendar and must be
2 verified by the regional office of education or intermediate
3 service center for the school district on or before September
4 1st annually to ensure access for all students. The regional
5 office of education or intermediate service center shall
6 ensure that the specific needs of all students are met,
7 including special education students and English learners, and
8 that all mandates are still met using the proposed
9 research-based program. The e-learning program may utilize the
10 Internet, telephones, texts, chat rooms, or other similar
11 means of electronic communication for instruction and
12 interaction between teachers and students that meet the needs
13 of all learners. The e-learning program shall address the
14 school district's responsibility to ensure that all teachers
15 and staff who may be involved in the provision of e-learning
16 have access to any and all hardware and software that may be
17 required for the program. If a proposed program does not
18 address this responsibility, the school district must propose
19 an alternate program.

20 (c) Before its adoption by a school board, the school
21 board must hold a public hearing on a school district's
22 initial proposal for an e-learning program or for renewal of
23 such a program, at a regular or special meeting of the school
24 board, in which the terms of the proposal must be
25 substantially presented and an opportunity for allowing public
26 comments must be provided. Notice of such public hearing must

1 be provided at least 10 days prior to the hearing by:

2 (1) publication in a newspaper of general circulation
3 in the school district;

4 (2) written or electronic notice designed to reach the
5 parents or guardians of all students enrolled in the
6 school district; and

7 (3) written or electronic notice designed to reach any
8 exclusive collective bargaining representatives of school
9 district employees and all those employees not in a
10 collective bargaining unit.

11 (d) The regional office of education or intermediate
12 service center for the school district must timely verify that
13 a proposal for an e-learning program has met the requirements
14 specified in this Section and that the proposal contains
15 provisions designed to reasonably and practicably accomplish
16 the following:

17 (1) to ensure and verify at least 5 clock hours of
18 instruction or school work, as required under Section
19 10-19.05, for each student participating in an e-learning
20 day;

21 (2) to ensure access from home or other appropriate
22 remote facility for all students participating, including
23 computers, the Internet, and other forms of electronic
24 communication that must be utilized in the proposed
25 program;

26 (2.5) to ensure that non-electronic materials are made

1 available to students participating in the program who do
2 not have access to the required technology or to
3 participating teachers or students who are prevented from
4 accessing the required technology;

5 (3) to ensure appropriate learning opportunities for
6 students with special needs;

7 (4) to monitor and verify each student's electronic
8 participation;

9 (5) to address the extent to which student
10 participation is within the student's control as to the
11 time, pace, and means of learning;

12 (6) to provide effective notice to students and their
13 parents or guardians of the use of particular days for
14 e-learning;

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

17 (8) to ensure an opportunity for any collective
18 bargaining negotiations with representatives of the school
19 district's employees that would be legally required,
20 including all classifications of school district employees
21 who are represented by collective bargaining agreements
22 and who would be affected in the event of an e-learning
23 day;

24 (9) to review and revise the program as implemented to
25 address difficulties confronted; and

26 (10) to ensure that the protocol regarding general

1 expectations and responsibilities of the program is
2 communicated to teachers, staff, and students at least 30
3 days prior to utilizing an e-learning day.

4 The school board's approval of a school district's initial
5 e-learning program and renewal of the e-learning program shall
6 be for a term of 3 years.

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

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

1 except this requirement does not apply if the day is
2 rescheduled and the employee will be paid their daily, regular
3 rate of pay and benefits for the rescheduled day when services
4 are rendered.

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

22 (d-20) A school district shall make full payment or
23 reimbursement to an employee or contractor as specified in
24 subsection (d-10) or (d-15) of this Section for any school
25 closure or e-learning day in the 2021-2022 school year that
26 occurred prior to the effective date of this amendatory Act of

1 the 102nd General Assembly if the employee or contractor did
2 not receive pay or was required to use earned paid time off,
3 except this requirement does not apply if the day is
4 rescheduled and the employee will be paid their daily, regular
5 rate of pay and benefits for the rescheduled day when services
6 are rendered.

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

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

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

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

17 (Source: P.A. 101-12, eff. 7-1-19; 101-643, eff. 6-18-20;
18 102-584, eff. 6-1-22.)

19 (105 ILCS 5/10-20.83 new)

20 Sec. 10-20.83. COVID-19 paid administrative leave.

21 (a) In this Section:

22 "Employee" means a person employed by a school district on
23 or after the effective date of this amendatory Act of the 102nd
24 General Assembly.

25 "Fully vaccinated against COVID-19" means:

1 (1) 2 weeks after receiving the second dose in a
2 2-dose series of a COVID-19 vaccine authorized for
3 emergency use, licensed, or otherwise approved by the
4 United States Food and Drug Administration; or

5 (2) 2 weeks after receiving a single dose of a
6 COVID-19 vaccine authorized for emergency use, licensed,
7 or otherwise approved by the United States Food and Drug
8 Administration.

9 "Fully vaccinated against COVID-19" also includes any
10 recommended booster doses for which the individual is eligible
11 upon the adoption by the Department of Public Health of any
12 changes made by the Centers for Disease Control and Prevention
13 of the United States Department of Health and Human Services
14 to the definition of "fully vaccinated against COVID-19" to
15 include any such booster doses. For purposes of this Section,
16 individuals who are eligible for a booster dose but have not
17 received a booster dose by 5 weeks after the Department of
18 Public Health adopts a revised definition of "fully vaccinated
19 against COVID-19" are not considered fully vaccinated for
20 determining eligibility for future paid administrative leave
21 pursuant to this Section.

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

25 (b) During any time when the Governor has declared a
26 disaster due to a public health emergency pursuant to Section

1 7 of the Illinois Emergency Management Agency Act and a school
2 district, the State or any of its agencies, or a local public
3 health department has issued guidance, mandates, or rules
4 related to COVID-19 that restrict an employee of the school
5 district from being on school district property because the
6 employee (i) has a confirmed positive COVID-19 diagnosis via a
7 molecular amplification diagnostic test, such as a polymerase
8 chain reaction (PCR) test for COVID-19, (ii) has a probable
9 COVID-19 diagnosis via an antigen diagnostic test, (iii) has
10 been in close contact with a person who had a confirmed case of
11 COVID-19 and is required to be excluded from the school, or
12 (iv) is required by the school or school district policy to be
13 excluded from school district property due to COVID-19
14 symptoms, the employee of the school district shall receive as
15 many days of administrative leave as required to abide by the
16 public health guidance, mandates, and requirements issued by
17 the Department of Public Health, unless a longer period of
18 paid administrative leave has been negotiated with the
19 exclusive bargaining representative if any. Such leave shall
20 be provided to an employee for any days for which the employee
21 was required to be excluded from school property prior to the
22 effective date of this amendatory Act of the 102nd General
23 Assembly, provided that the employee receives all doses
24 required to meet the definition of "fully vaccinated against
25 COVID-19" under this Section no later than 5 weeks after the
26 effective date of this amendatory Act of the 102nd General

1 Assembly.

2 (c) An employee of a school district shall receive paid
3 administrative leave pursuant to subsection (b) of this
4 Section, unless a longer period of paid administrative leave
5 has been negotiated with the exclusive bargaining
6 representative if any, to care for a child of the employee if
7 the child is unable to attend elementary or secondary school
8 because the child has:

9 (1) a confirmed positive COVID-19 diagnosis via a
10 molecular amplification diagnostic test, such as a
11 polymerase chain reaction (PCR) test for COVID-19;

12 (2) a probable COVID-19 diagnosis via an antigen
13 diagnostic test;

14 (3) been in close contact with a person who has a
15 confirmed case of COVID-19 and is required to be excluded
16 from school; or

17 (4) been required by the school or school district
18 policy to be excluded from school district property due to
19 COVID-19 symptoms.

20 Such leave shall be provided to an employee for any days needed
21 to care for a child of the employee prior to the effective date
22 of this amendatory Act of the 102nd General Assembly, provided
23 that the employee receives the doses required to meet the
24 definition of "fully vaccinated against COVID-19" under this
25 Section no later than 5 weeks after the effective date of this
26 amendatory Act of the 102nd General Assembly.

1 (d) An employee of a school district who is on paid
2 administrative leave pursuant to this Section must provide all
3 documentation requested by the school board.

4 (e) An employee of a school district who is on paid
5 administrative leave pursuant to this Section shall receive
6 the employee's regular rate of pay. The use of a paid
7 administrative leave day or days by an employee pursuant to
8 this Section may not diminish any other leave or benefits of
9 the employee.

10 (f) An employee of a school district may not accrue paid
11 administrative leave pursuant to this Section.

12 (g) For an employee of a school district to be eligible to
13 receive paid administrative leave pursuant to this Section,
14 the employee must:

15 (1) have received all required doses to be fully
16 vaccinated against COVID-19, as defined in this Section;
17 and

18 (2) participate in the COVID-19 testing program
19 adopted by the school district to the extent such a
20 testing program requires participation by individuals who
21 are fully vaccinated against COVID-19.

22 (h) Nothing in this Section is intended to affect any
23 right or remedy under federal law.

24 (i) No paid administrative leave awarded to or used by a
25 fully vaccinated employee prior to the Department of Public
26 Health's adoption of a revised definition of the term "fully

1 vaccinated against COVID-19" may be rescinded on the basis
2 that the employee no longer meets the definition of "fully
3 vaccinated against COVID-19" based on the revised definition.

4 (105 ILCS 5/24-6)

5 Sec. 24-6. Sick leave. The school boards of all school
6 districts, including special charter districts, but not
7 including school districts in municipalities of 500,000 or
8 more, shall grant their full-time teachers, and also shall
9 grant such of their other employees as are eligible to
10 participate in the Illinois Municipal Retirement Fund under
11 the "600-Hour Standard" established, or under such other
12 eligibility participation standard as may from time to time be
13 established, by rules and regulations now or hereafter
14 promulgated by the Board of that Fund under Section 7-198 of
15 the Illinois Pension Code, as now or hereafter amended, sick
16 leave provisions not less in amount than 10 days at full pay in
17 each school year. If any such teacher or employee does not use
18 the full amount of annual leave thus allowed, the unused
19 amount shall be allowed to accumulate to a minimum available
20 leave of 180 days at full pay, including the leave of the
21 current year. Sick leave shall be interpreted to mean personal
22 illness, quarantine at home, or serious illness or death in
23 the immediate family or household. The school board may
24 require a certificate from a physician licensed in Illinois to
25 practice medicine and surgery in all its branches, a

1 chiropractic physician licensed under the Medical Practice Act
2 of 1987, a licensed advanced practice registered nurse, a
3 licensed physician assistant, or, if the treatment is by
4 prayer or spiritual means, a spiritual adviser or practitioner
5 of the teacher's or employee's faith as a basis for pay during
6 leave after an absence of 3 days for personal illness or as the
7 school board may deem necessary in other cases. If the school
8 board does require a certificate as a basis for pay during
9 leave of less than 3 days for personal illness, the school
10 board shall pay, from school funds, the expenses incurred by
11 the teachers or other employees in obtaining the certificate.

12 Sick leave shall also be interpreted to mean birth,
13 adoption, placement for adoption, and the acceptance of a
14 child in need of foster care. Teachers and other employees to
15 which this Section applies are entitled to use up to 30 days of
16 paid sick leave because of the birth of a child that is not
17 dependent on the need to recover from childbirth. Paid sick
18 leave because of the birth of a child may be used absent
19 medical certification for up to 30 working school days, which
20 days may be used at any time within the 12-month period
21 following the birth of the child. The use of up to 30 working
22 school days of paid sick leave because of the birth of a child
23 may not be diminished as a result of any intervening period of
24 nonworking days or school not being in session, such as for
25 summer, winter, or spring break or holidays, that may occur
26 during the use of the paid sick leave. For paid sick leave for

1 adoption, placement for adoption, or the acceptance of a child
2 in need of foster care, the school board may require that the
3 teacher or other employee to which this Section applies
4 provide evidence that the formal adoption process or the
5 formal foster care process is underway, and such sick leave is
6 limited to 30 days unless a longer leave has been negotiated
7 with the exclusive bargaining representative. Paid sick leave
8 for adoption, placement for adoption, or the acceptance of a
9 child in need of foster care need not be used consecutively
10 once the formal adoption process or the formal foster care
11 process is underway, and such sick leave may be used for
12 reasons related to the formal adoption process or the formal
13 foster care process prior to taking custody of the child or
14 accepting the child in need of foster care, in addition to
15 using such sick leave upon taking custody of the child or
16 accepting the child in need of foster care.

17 If, by reason of any change in the boundaries of school
18 districts, or by reason of the creation of a new school
19 district, the employment of a teacher is transferred to a new
20 or different board, the accumulated sick leave of such teacher
21 is not thereby lost, but is transferred to such new or
22 different district.

23 Any sick leave used by a teacher or employee during the
24 2021-2022 school year shall be returned to a teacher or
25 employee who receives all doses required to be fully
26 vaccinated against COVID-19, as defined in Section 10-20.83 of

1 this Code, if:

2 (1) the sick leave was taken because the teacher or
3 employee was restricted from being on school district
4 property because the teacher or employee:

5 (A) had a confirmed positive COVID-19 diagnosis
6 via a molecular amplification diagnostic test, such as
7 a polymerase chain reaction (PCR) test for COVID-19;

8 (B) had a probable COVID-19 diagnosis via an
9 antigen diagnostic test;

10 (C) was in close contact with a person who had a
11 confirmed case of COVID-19 and was required to be
12 excluded from school; or

13 (D) was required by the school or school district
14 policy to be excluded from school district property
15 due to COVID-19 symptoms; or

16 (2) the sick leave was taken to care for a child of the
17 teacher or employee who was unable to attend elementary or
18 secondary school because the child:

19 (A) had a confirmed positive COVID-19 diagnosis
20 via a molecular amplification diagnostic test, such as
21 a polymerase chain reaction (PCR) test for COVID-19;

22 (B) had a probable COVID-19 diagnosis via an
23 antigen diagnostic test;

24 (C) was in close contact with a person who had a
25 confirmed case of COVID-19 and was required to be
26 excluded from school; or

1 (D) was required by the school or school district
2 policy to be excluded from school district property
3 due to COVID-19 symptoms.

4 For purposes of return of sick leave used in the 2021-2022
5 school year pursuant this Section, an "employee" is a teacher
6 or employee employed by the school district on or after the
7 effective date of this amendatory Act of the 102nd General
8 Assembly.

9 Leave shall be returned to a teacher or employee pursuant
10 to this Section provided that the teacher or employee has
11 received all required doses to meet the definition of "fully
12 vaccinated against COVID-19" under Section 10-20.83 of this
13 Code no later than 5 weeks after the effective date of this
14 amendatory Act of the 102nd General Assembly.

15 No school may rescind any sick leave returned to a teacher
16 or employee on the basis of a revision to the definition of
17 "fully vaccinated against COVID-19" by the Centers for Disease
18 Control and Prevention of the United States Department of
19 Health and Human Services or the Department of Public Health,
20 provided that the teacher or employee received all doses
21 required to be fully vaccinated against COVID-19, as defined
22 in Section 10-20.83 of this Code, at the time the sick leave
23 was returned to the teacher or employee.

24 For purposes of this Section, "immediate family" shall
25 include parents, spouse, brothers, sisters, children,
26 grandparents, grandchildren, parents-in-law, brothers-in-law,

1 sisters-in-law, and legal guardians.

2 (Source: P.A. 102-275, eff. 8-6-21.)

3 (105 ILCS 5/27A-5)

4 (Text of Section before amendment by P.A. 102-157 and P.A.
5 102-466)

6 Sec. 27A-5. Charter school; legal entity; requirements.

7 (a) A charter school shall be a public, nonsectarian,
8 nonreligious, non-home based, and non-profit school. A charter
9 school shall be organized and operated as a nonprofit
10 corporation or other discrete, legal, nonprofit entity
11 authorized under the laws of the State of Illinois.

12 (b) A charter school may be established under this Article
13 by creating a new school or by converting an existing public
14 school or attendance center to charter school status.
15 Beginning on April 16, 2003 (the effective date of Public Act
16 93-3), in all new applications to establish a charter school
17 in a city having a population exceeding 500,000, operation of
18 the charter school shall be limited to one campus. The changes
19 made to this Section by Public Act 93-3 do not apply to charter
20 schools existing or approved on or before April 16, 2003 (the
21 effective date of Public Act 93-3).

22 (b-5) In this subsection (b-5), "virtual-schooling" means
23 a cyber school where students engage in online curriculum and
24 instruction via the Internet and electronic communication with
25 their teachers at remote locations and with students

1 participating at different times.

2 From April 1, 2013 through December 31, 2016, there is a
3 moratorium on the establishment of charter schools with
4 virtual-schooling components in school districts other than a
5 school district organized under Article 34 of this Code. This
6 moratorium does not apply to a charter school with
7 virtual-schooling components existing or approved prior to
8 April 1, 2013 or to the renewal of the charter of a charter
9 school with virtual-schooling components already approved
10 prior to April 1, 2013.

11 (c) A charter school shall be administered and governed by
12 its board of directors or other governing body in the manner
13 provided in its charter. The governing body of a charter
14 school shall be subject to the Freedom of Information Act and
15 the Open Meetings Act. No later than January 1, 2021 (one year
16 after the effective date of Public Act 101-291), a charter
17 school's board of directors or other governing body must
18 include at least one parent or guardian of a pupil currently
19 enrolled in the charter school who may be selected through the
20 charter school or a charter network election, appointment by
21 the charter school's board of directors or other governing
22 body, or by the charter school's Parent Teacher Organization
23 or its equivalent.

24 (c-5) No later than January 1, 2021 (one year after the
25 effective date of Public Act 101-291) or within the first year
26 of his or her first term, every voting member of a charter

1 school's board of directors or other governing body shall
2 complete a minimum of 4 hours of professional development
3 leadership training to ensure that each member has sufficient
4 familiarity with the board's or governing body's role and
5 responsibilities, including financial oversight and
6 accountability of the school, evaluating the principal's and
7 school's performance, adherence to the Freedom of Information
8 Act and the Open Meetings Act, and compliance with education
9 and labor law. In each subsequent year of his or her term, a
10 voting member of a charter school's board of directors or
11 other governing body shall complete a minimum of 2 hours of
12 professional development training in these same areas. The
13 training under this subsection may be provided or certified by
14 a statewide charter school membership association or may be
15 provided or certified by other qualified providers approved by
16 the State Board of Education.

17 (d) For purposes of this subsection (d), "non-curricular
18 health and safety requirement" means any health and safety
19 requirement created by statute or rule to provide, maintain,
20 preserve, or safeguard safe or healthful conditions for
21 students and school personnel or to eliminate, reduce, or
22 prevent threats to the health and safety of students and
23 school personnel. "Non-curricular health and safety
24 requirement" does not include any course of study or
25 specialized instructional requirement for which the State
26 Board has established goals and learning standards or which is

1 designed primarily to impart knowledge and skills for students
2 to master and apply as an outcome of their education.

3 A charter school shall comply with all non-curricular
4 health and safety requirements applicable to public schools
5 under the laws of the State of Illinois. On or before September
6 1, 2015, the State Board shall promulgate and post on its
7 Internet website a list of non-curricular health and safety
8 requirements that a charter school must meet. The list shall
9 be updated annually no later than September 1. Any charter
10 contract between a charter school and its authorizer must
11 contain a provision that requires the charter school to follow
12 the list of all non-curricular health and safety requirements
13 promulgated by the State Board and any non-curricular health
14 and safety requirements added by the State Board to such list
15 during the term of the charter. Nothing in this subsection (d)
16 precludes an authorizer from including non-curricular health
17 and safety requirements in a charter school contract that are
18 not contained in the list promulgated by the State Board,
19 including non-curricular health and safety requirements of the
20 authorizing local school board.

21 (e) Except as otherwise provided in the School Code, a
22 charter school shall not charge tuition; provided that a
23 charter school may charge reasonable fees for textbooks,
24 instructional materials, and student activities.

25 (f) A charter school shall be responsible for the
26 management and operation of its fiscal affairs, including, but

1 not limited to, the preparation of its budget. An audit of each
2 charter school's finances shall be conducted annually by an
3 outside, independent contractor retained by the charter
4 school. The contractor shall not be an employee of the charter
5 school or affiliated with the charter school or its authorizer
6 in any way, other than to audit the charter school's finances.
7 To ensure financial accountability for the use of public
8 funds, on or before December 1 of every year of operation, each
9 charter school shall submit to its authorizer and the State
10 Board a copy of its audit and a copy of the Form 990 the
11 charter school filed that year with the federal Internal
12 Revenue Service. In addition, if deemed necessary for proper
13 financial oversight of the charter school, an authorizer may
14 require quarterly financial statements from each charter
15 school.

16 (g) A charter school shall comply with all provisions of
17 this Article, the Illinois Educational Labor Relations Act,
18 all federal and State laws and rules applicable to public
19 schools that pertain to special education and the instruction
20 of English learners, and its charter. A charter school is
21 exempt from all other State laws and regulations in this Code
22 governing public schools and local school board policies;
23 however, a charter school is not exempt from the following:

24 (1) Sections 10-21.9 and 34-18.5 of this Code
25 regarding criminal history records checks and checks of
26 the Statewide Sex Offender Database and Statewide Murderer

1 and Violent Offender Against Youth Database of applicants
2 for employment;

3 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
4 34-84a of this Code regarding discipline of students;

5 (3) the Local Governmental and Governmental Employees
6 Tort Immunity Act;

7 (4) Section 108.75 of the General Not For Profit
8 Corporation Act of 1986 regarding indemnification of
9 officers, directors, employees, and agents;

10 (5) the Abused and Neglected Child Reporting Act;

11 (5.5) subsection (b) of Section 10-23.12 and
12 subsection (b) of Section 34-18.6 of this Code;

13 (6) the Illinois School Student Records Act;

14 (7) Section 10-17a of this Code regarding school
15 report cards;

16 (8) the P-20 Longitudinal Education Data System Act;

17 (9) Section 27-23.7 of this Code regarding bullying
18 prevention;

19 (10) Section 2-3.162 of this Code regarding student
20 discipline reporting;

21 (11) Sections 22-80 and 27-8.1 of this Code;

22 (12) Sections 10-20.60 and 34-18.53 of this Code;

23 (13) Sections 10-20.63 and 34-18.56 of this Code;

24 (14) Section 26-18 of this Code;

25 (15) Section 22-30 of this Code;

26 (16) Sections 24-12 and 34-85 of this Code; ~~and~~

- 1 (17) the Seizure Smart School Act;
- 2 (18) Section 2-3.64a-10 of this Code; ~~and~~
- 3 (19) ~~(18)~~ Sections 10-20.73 and 34-21.9 of this Code;
- 4 (20) ~~(19)~~ Section 10-22.25b of this Code;
- 5 (21) ~~(19)~~ Section 27-9.1a of this Code;
- 6 (22) ~~(20)~~ Section 27-9.1b of this Code; and
- 7 (23) ~~(21)~~ Section 34-18.8 of this Code;
- 8 (25) ~~(19)~~ Section 2-3.188 of this Code; and
- 9 (26) ~~(20)~~ Section 22-85.5 of this Code;
- 10 (27) Subsections (d-10), (d-15), and (d-20) of Section
- 11 10-20.56 of this Code; and
- 12 (28) Sections 10-20.83 and 34-18.78 of this Code.

13 The change made by Public Act 96-104 to this subsection

14 (g) is declaratory of existing law.

15 (h) A charter school may negotiate and contract with a

16 school district, the governing body of a State college or

17 university or public community college, or any other public or

18 for-profit or nonprofit private entity for: (i) the use of a

19 school building and grounds or any other real property or

20 facilities that the charter school desires to use or convert

21 for use as a charter school site, (ii) the operation and

22 maintenance thereof, and (iii) the provision of any service,

23 activity, or undertaking that the charter school is required

24 to perform in order to carry out the terms of its charter.

25 However, a charter school that is established on or after

26 April 16, 2003 (the effective date of Public Act 93-3) and that

1 operates in a city having a population exceeding 500,000 may
2 not contract with a for-profit entity to manage or operate the
3 school during the period that commences on April 16, 2003 (the
4 effective date of Public Act 93-3) and concludes at the end of
5 the 2004-2005 school year. Except as provided in subsection
6 (i) of this Section, a school district may charge a charter
7 school reasonable rent for the use of the district's
8 buildings, grounds, and facilities. Any services for which a
9 charter school contracts with a school district shall be
10 provided by the district at cost. Any services for which a
11 charter school contracts with a local school board or with the
12 governing body of a State college or university or public
13 community college shall be provided by the public entity at
14 cost.

15 (i) In no event shall a charter school that is established
16 by converting an existing school or attendance center to
17 charter school status be required to pay rent for space that is
18 deemed available, as negotiated and provided in the charter
19 agreement, in school district facilities. However, all other
20 costs for the operation and maintenance of school district
21 facilities that are used by the charter school shall be
22 subject to negotiation between the charter school and the
23 local school board and shall be set forth in the charter.

24 (j) A charter school may limit student enrollment by age
25 or grade level.

26 (k) If the charter school is approved by the State Board or

1 Commission, then the charter school is its own local education
2 agency.

3 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
4 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.
5 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-360,
6 eff. 1-1-22; 102-445, eff. 8-20-21; 102-522, eff. 8-20-21;
7 102-558, eff. 8-20-21; 102-676, eff. 12-3-21; revised
8 12-21-21.)

9 (Text of Section after amendment by P.A. 102-157 but
10 before amendment by P.A. 102-466)

11 Sec. 27A-5. Charter school; legal entity; requirements.

12 (a) A charter school shall be a public, nonsectarian,
13 nonreligious, non-home based, and non-profit school. A charter
14 school shall be organized and operated as a nonprofit
15 corporation or other discrete, legal, nonprofit entity
16 authorized under the laws of the State of Illinois.

17 (b) A charter school may be established under this Article
18 by creating a new school or by converting an existing public
19 school or attendance center to charter school status.
20 Beginning on April 16, 2003 (the effective date of Public Act
21 93-3), in all new applications to establish a charter school
22 in a city having a population exceeding 500,000, operation of
23 the charter school shall be limited to one campus. The changes
24 made to this Section by Public Act 93-3 do not apply to charter
25 schools existing or approved on or before April 16, 2003 (the

1 effective date of Public Act 93-3).

2 (b-5) In this subsection (b-5), "virtual-schooling" means
3 a cyber school where students engage in online curriculum and
4 instruction via the Internet and electronic communication with
5 their teachers at remote locations and with students
6 participating at different times.

7 From April 1, 2013 through December 31, 2016, there is a
8 moratorium on the establishment of charter schools with
9 virtual-schooling components in school districts other than a
10 school district organized under Article 34 of this Code. This
11 moratorium does not apply to a charter school with
12 virtual-schooling components existing or approved prior to
13 April 1, 2013 or to the renewal of the charter of a charter
14 school with virtual-schooling components already approved
15 prior to April 1, 2013.

16 (c) A charter school shall be administered and governed by
17 its board of directors or other governing body in the manner
18 provided in its charter. The governing body of a charter
19 school shall be subject to the Freedom of Information Act and
20 the Open Meetings Act. No later than January 1, 2021 (one year
21 after the effective date of Public Act 101-291), a charter
22 school's board of directors or other governing body must
23 include at least one parent or guardian of a pupil currently
24 enrolled in the charter school who may be selected through the
25 charter school or a charter network election, appointment by
26 the charter school's board of directors or other governing

1 body, or by the charter school's Parent Teacher Organization
2 or its equivalent.

3 (c-5) No later than January 1, 2021 (one year after the
4 effective date of Public Act 101-291) or within the first year
5 of his or her first term, every voting member of a charter
6 school's board of directors or other governing body shall
7 complete a minimum of 4 hours of professional development
8 leadership training to ensure that each member has sufficient
9 familiarity with the board's or governing body's role and
10 responsibilities, including financial oversight and
11 accountability of the school, evaluating the principal's and
12 school's performance, adherence to the Freedom of Information
13 Act and the Open Meetings Act, and compliance with education
14 and labor law. In each subsequent year of his or her term, a
15 voting member of a charter school's board of directors or
16 other governing body shall complete a minimum of 2 hours of
17 professional development training in these same areas. The
18 training under this subsection may be provided or certified by
19 a statewide charter school membership association or may be
20 provided or certified by other qualified providers approved by
21 the State Board of Education.

22 (d) For purposes of this subsection (d), "non-curricular
23 health and safety requirement" means any health and safety
24 requirement created by statute or rule to provide, maintain,
25 preserve, or safeguard safe or healthful conditions for
26 students and school personnel or to eliminate, reduce, or

1 prevent threats to the health and safety of students and
2 school personnel. "Non-curricular health and safety
3 requirement" does not include any course of study or
4 specialized instructional requirement for which the State
5 Board has established goals and learning standards or which is
6 designed primarily to impart knowledge and skills for students
7 to master and apply as an outcome of their education.

8 A charter school shall comply with all non-curricular
9 health and safety requirements applicable to public schools
10 under the laws of the State of Illinois. On or before September
11 1, 2015, the State Board shall promulgate and post on its
12 Internet website a list of non-curricular health and safety
13 requirements that a charter school must meet. The list shall
14 be updated annually no later than September 1. Any charter
15 contract between a charter school and its authorizer must
16 contain a provision that requires the charter school to follow
17 the list of all non-curricular health and safety requirements
18 promulgated by the State Board and any non-curricular health
19 and safety requirements added by the State Board to such list
20 during the term of the charter. Nothing in this subsection (d)
21 precludes an authorizer from including non-curricular health
22 and safety requirements in a charter school contract that are
23 not contained in the list promulgated by the State Board,
24 including non-curricular health and safety requirements of the
25 authorizing local school board.

26 (e) Except as otherwise provided in the School Code, a

1 charter school shall not charge tuition; provided that a
2 charter school may charge reasonable fees for textbooks,
3 instructional materials, and student activities.

4 (f) A charter school shall be responsible for the
5 management and operation of its fiscal affairs, including, but
6 not limited to, the preparation of its budget. An audit of each
7 charter school's finances shall be conducted annually by an
8 outside, independent contractor retained by the charter
9 school. The contractor shall not be an employee of the charter
10 school or affiliated with the charter school or its authorizer
11 in any way, other than to audit the charter school's finances.
12 To ensure financial accountability for the use of public
13 funds, on or before December 1 of every year of operation, each
14 charter school shall submit to its authorizer and the State
15 Board a copy of its audit and a copy of the Form 990 the
16 charter school filed that year with the federal Internal
17 Revenue Service. In addition, if deemed necessary for proper
18 financial oversight of the charter school, an authorizer may
19 require quarterly financial statements from each charter
20 school.

21 (g) A charter school shall comply with all provisions of
22 this Article, the Illinois Educational Labor Relations Act,
23 all federal and State laws and rules applicable to public
24 schools that pertain to special education and the instruction
25 of English learners, and its charter. A charter school is
26 exempt from all other State laws and regulations in this Code

1 governing public schools and local school board policies;
2 however, a charter school is not exempt from the following:

3 (1) Sections 10-21.9 and 34-18.5 of this Code
4 regarding criminal history records checks and checks of
5 the Statewide Sex Offender Database and Statewide Murderer
6 and Violent Offender Against Youth Database of applicants
7 for employment;

8 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
9 34-84a of this Code regarding discipline of students;

10 (3) the Local Governmental and Governmental Employees
11 Tort Immunity Act;

12 (4) Section 108.75 of the General Not For Profit
13 Corporation Act of 1986 regarding indemnification of
14 officers, directors, employees, and agents;

15 (5) the Abused and Neglected Child Reporting Act;

16 (5.5) subsection (b) of Section 10-23.12 and
17 subsection (b) of Section 34-18.6 of this Code;

18 (6) the Illinois School Student Records Act;

19 (7) Section 10-17a of this Code regarding school
20 report cards;

21 (8) the P-20 Longitudinal Education Data System Act;

22 (9) Section 27-23.7 of this Code regarding bullying
23 prevention;

24 (10) Section 2-3.162 of this Code regarding student
25 discipline reporting;

26 (11) Sections 22-80 and 27-8.1 of this Code;

- 1 (12) Sections 10-20.60 and 34-18.53 of this Code;
2 (13) Sections 10-20.63 and 34-18.56 of this Code;
3 (14) Sections 22-90 and 26-18 of this Code;
4 (15) Section 22-30 of this Code;
5 (16) Sections 24-12 and 34-85 of this Code; ~~and~~
6 (17) the Seizure Smart School Act;
7 (18) Section 2-3.64a-10 of this Code; ~~and~~
8 (19) ~~(18)~~ Sections 10-20.73 and 34-21.9 of this Code; ~~i-~~
9 (20) ~~(19)~~ Section 10-22.25b of this Code; ~~i-~~
10 (21) ~~(19)~~ Section 27-9.1a of this Code;
11 (22) ~~(20)~~ Section 27-9.1b of this Code; ~~and~~
12 (23) ~~(21)~~ Section 34-18.8 of this Code; ~~i-~~
13 (25) ~~(19)~~ Section 2-3.188 of this Code; ~~and~~
14 (26) ~~(20)~~ Section 22-85.5 of this Code; ~~i-~~
15 (27) Subsections (d-10), (d-15), and (d-20) of Section
16 10-20.56 of this Code; and
17 (28) Sections 10-20.83 and 34-18.78 of this Code.

18 The change made by Public Act 96-104 to this subsection
19 (g) is declaratory of existing law.

20 (h) A charter school may negotiate and contract with a
21 school district, the governing body of a State college or
22 university or public community college, or any other public or
23 for-profit or nonprofit private entity for: (i) the use of a
24 school building and grounds or any other real property or
25 facilities that the charter school desires to use or convert
26 for use as a charter school site, (ii) the operation and

1 maintenance thereof, and (iii) the provision of any service,
2 activity, or undertaking that the charter school is required
3 to perform in order to carry out the terms of its charter.
4 However, a charter school that is established on or after
5 April 16, 2003 (the effective date of Public Act 93-3) and that
6 operates in a city having a population exceeding 500,000 may
7 not contract with a for-profit entity to manage or operate the
8 school during the period that commences on April 16, 2003 (the
9 effective date of Public Act 93-3) and concludes at the end of
10 the 2004-2005 school year. Except as provided in subsection
11 (i) of this Section, a school district may charge a charter
12 school reasonable rent for the use of the district's
13 buildings, grounds, and facilities. Any services for which a
14 charter school contracts with a school district shall be
15 provided by the district at cost. Any services for which a
16 charter school contracts with a local school board or with the
17 governing body of a State college or university or public
18 community college shall be provided by the public entity at
19 cost.

20 (i) In no event shall a charter school that is established
21 by converting an existing school or attendance center to
22 charter school status be required to pay rent for space that is
23 deemed available, as negotiated and provided in the charter
24 agreement, in school district facilities. However, all other
25 costs for the operation and maintenance of school district
26 facilities that are used by the charter school shall be

1 subject to negotiation between the charter school and the
2 local school board and shall be set forth in the charter.

3 (j) A charter school may limit student enrollment by age
4 or grade level.

5 (k) If the charter school is approved by the State Board or
6 Commission, then the charter school is its own local education
7 agency.

8 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
9 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.
10 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,
11 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;
12 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676, eff.
13 12-3-21; revised 12-21-21.)

14 (Text of Section after amendment by P.A. 102-466)

15 Sec. 27A-5. Charter school; legal entity; requirements.

16 (a) A charter school shall be a public, nonsectarian,
17 nonreligious, non-home based, and non-profit school. A charter
18 school shall be organized and operated as a nonprofit
19 corporation or other discrete, legal, nonprofit entity
20 authorized under the laws of the State of Illinois.

21 (b) A charter school may be established under this Article
22 by creating a new school or by converting an existing public
23 school or attendance center to charter school status.
24 Beginning on April 16, 2003 (the effective date of Public Act
25 93-3), in all new applications to establish a charter school

1 in a city having a population exceeding 500,000, operation of
2 the charter school shall be limited to one campus. The changes
3 made to this Section by Public Act 93-3 do not apply to charter
4 schools existing or approved on or before April 16, 2003 (the
5 effective date of Public Act 93-3).

6 (b-5) In this subsection (b-5), "virtual-schooling" means
7 a cyber school where students engage in online curriculum and
8 instruction via the Internet and electronic communication with
9 their teachers at remote locations and with students
10 participating at different times.

11 From April 1, 2013 through December 31, 2016, there is a
12 moratorium on the establishment of charter schools with
13 virtual-schooling components in school districts other than a
14 school district organized under Article 34 of this Code. This
15 moratorium does not apply to a charter school with
16 virtual-schooling components existing or approved prior to
17 April 1, 2013 or to the renewal of the charter of a charter
18 school with virtual-schooling components already approved
19 prior to April 1, 2013.

20 (c) A charter school shall be administered and governed by
21 its board of directors or other governing body in the manner
22 provided in its charter. The governing body of a charter
23 school shall be subject to the Freedom of Information Act and
24 the Open Meetings Act. No later than January 1, 2021 (one year
25 after the effective date of Public Act 101-291), a charter
26 school's board of directors or other governing body must

1 include at least one parent or guardian of a pupil currently
2 enrolled in the charter school who may be selected through the
3 charter school or a charter network election, appointment by
4 the charter school's board of directors or other governing
5 body, or by the charter school's Parent Teacher Organization
6 or its equivalent.

7 (c-5) No later than January 1, 2021 (one year after the
8 effective date of Public Act 101-291) or within the first year
9 of his or her first term, every voting member of a charter
10 school's board of directors or other governing body shall
11 complete a minimum of 4 hours of professional development
12 leadership training to ensure that each member has sufficient
13 familiarity with the board's or governing body's role and
14 responsibilities, including financial oversight and
15 accountability of the school, evaluating the principal's and
16 school's performance, adherence to the Freedom of Information
17 Act and the Open Meetings Act, and compliance with education
18 and labor law. In each subsequent year of his or her term, a
19 voting member of a charter school's board of directors or
20 other governing body shall complete a minimum of 2 hours of
21 professional development training in these same areas. The
22 training under this subsection may be provided or certified by
23 a statewide charter school membership association or may be
24 provided or certified by other qualified providers approved by
25 the State Board of Education.

26 (d) For purposes of this subsection (d), "non-curricular

1 health and safety requirement" means any health and safety
2 requirement created by statute or rule to provide, maintain,
3 preserve, or safeguard safe or healthful conditions for
4 students and school personnel or to eliminate, reduce, or
5 prevent threats to the health and safety of students and
6 school personnel. "Non-curricular health and safety
7 requirement" does not include any course of study or
8 specialized instructional requirement for which the State
9 Board has established goals and learning standards or which is
10 designed primarily to impart knowledge and skills for students
11 to master and apply as an outcome of their education.

12 A charter school shall comply with all non-curricular
13 health and safety requirements applicable to public schools
14 under the laws of the State of Illinois. On or before September
15 1, 2015, the State Board shall promulgate and post on its
16 Internet website a list of non-curricular health and safety
17 requirements that a charter school must meet. The list shall
18 be updated annually no later than September 1. Any charter
19 contract between a charter school and its authorizer must
20 contain a provision that requires the charter school to follow
21 the list of all non-curricular health and safety requirements
22 promulgated by the State Board and any non-curricular health
23 and safety requirements added by the State Board to such list
24 during the term of the charter. Nothing in this subsection (d)
25 precludes an authorizer from including non-curricular health
26 and safety requirements in a charter school contract that are

1 not contained in the list promulgated by the State Board,
2 including non-curricular health and safety requirements of the
3 authorizing local school board.

4 (e) Except as otherwise provided in the School Code, a
5 charter school shall not charge tuition; provided that a
6 charter school may charge reasonable fees for textbooks,
7 instructional materials, and student activities.

8 (f) A charter school shall be responsible for the
9 management and operation of its fiscal affairs, including, but
10 not limited to, the preparation of its budget. An audit of each
11 charter school's finances shall be conducted annually by an
12 outside, independent contractor retained by the charter
13 school. The contractor shall not be an employee of the charter
14 school or affiliated with the charter school or its authorizer
15 in any way, other than to audit the charter school's finances.
16 To ensure financial accountability for the use of public
17 funds, on or before December 1 of every year of operation, each
18 charter school shall submit to its authorizer and the State
19 Board a copy of its audit and a copy of the Form 990 the
20 charter school filed that year with the federal Internal
21 Revenue Service. In addition, if deemed necessary for proper
22 financial oversight of the charter school, an authorizer may
23 require quarterly financial statements from each charter
24 school.

25 (g) A charter school shall comply with all provisions of
26 this Article, the Illinois Educational Labor Relations Act,

1 all federal and State laws and rules applicable to public
2 schools that pertain to special education and the instruction
3 of English learners, and its charter. A charter school is
4 exempt from all other State laws and regulations in this Code
5 governing public schools and local school board policies;
6 however, a charter school is not exempt from the following:

7 (1) Sections 10-21.9 and 34-18.5 of this Code
8 regarding criminal history records checks and checks of
9 the Statewide Sex Offender Database and Statewide Murderer
10 and Violent Offender Against Youth Database of applicants
11 for employment;

12 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
13 34-84a of this Code regarding discipline of students;

14 (3) the Local Governmental and Governmental Employees
15 Tort Immunity Act;

16 (4) Section 108.75 of the General Not For Profit
17 Corporation Act of 1986 regarding indemnification of
18 officers, directors, employees, and agents;

19 (5) the Abused and Neglected Child Reporting Act;

20 (5.5) subsection (b) of Section 10-23.12 and
21 subsection (b) of Section 34-18.6 of this Code;

22 (6) the Illinois School Student Records Act;

23 (7) Section 10-17a of this Code regarding school
24 report cards;

25 (8) the P-20 Longitudinal Education Data System Act;

26 (9) Section 27-23.7 of this Code regarding bullying

1 prevention;

2 (10) Section 2-3.162 of this Code regarding student
3 discipline reporting;

4 (11) Sections 22-80 and 27-8.1 of this Code;

5 (12) Sections 10-20.60 and 34-18.53 of this Code;

6 (13) Sections 10-20.63 and 34-18.56 of this Code;

7 (14) Sections 22-90 and 26-18 of this Code;

8 (15) Section 22-30 of this Code;

9 (16) Sections 24-12 and 34-85 of this Code; ~~and~~

10 (17) the Seizure Smart School Act;

11 (18) Section 2-3.64a-10 of this Code; ~~and~~

12 (19) ~~(18)~~ Sections 10-20.73 and 34-21.9 of this Code; ~~;~~

13 (20) ~~(19)~~ Section 10-22.25b of this Code; ~~;~~

14 (21) ~~(19)~~ Section 27-9.1a of this Code;

15 (22) ~~(20)~~ Section 27-9.1b of this Code; ~~and~~

16 (23) ~~(21)~~ Section 34-18.8 of this Code; ~~;~~

17 (24) ~~(19)~~ Article 26A of this Code; ~~;~~

18 (25) ~~(19)~~ Section 2-3.188 of this Code; ~~and~~

19 (26) ~~(20)~~ Section 22-85.5 of this Code; ~~;~~

20 (27) Subsections (d-10), (d-15), and (d-20) of Section
21 10-20.56 of this Code; and

22 (28) Sections 10-20.83 and 34-18.78 of this Code.

23 The change made by Public Act 96-104 to this subsection
24 (g) is declaratory of existing law.

25 (h) A charter school may negotiate and contract with a
26 school district, the governing body of a State college or

1 university or public community college, or any other public or
2 for-profit or nonprofit private entity for: (i) the use of a
3 school building and grounds or any other real property or
4 facilities that the charter school desires to use or convert
5 for use as a charter school site, (ii) the operation and
6 maintenance thereof, and (iii) the provision of any service,
7 activity, or undertaking that the charter school is required
8 to perform in order to carry out the terms of its charter.
9 However, a charter school that is established on or after
10 April 16, 2003 (the effective date of Public Act 93-3) and that
11 operates in a city having a population exceeding 500,000 may
12 not contract with a for-profit entity to manage or operate the
13 school during the period that commences on April 16, 2003 (the
14 effective date of Public Act 93-3) and concludes at the end of
15 the 2004-2005 school year. Except as provided in subsection
16 (i) of this Section, a school district may charge a charter
17 school reasonable rent for the use of the district's
18 buildings, grounds, and facilities. Any services for which a
19 charter school contracts with a school district shall be
20 provided by the district at cost. Any services for which a
21 charter school contracts with a local school board or with the
22 governing body of a State college or university or public
23 community college shall be provided by the public entity at
24 cost.

25 (i) In no event shall a charter school that is established
26 by converting an existing school or attendance center to

1 charter school status be required to pay rent for space that is
2 deemed available, as negotiated and provided in the charter
3 agreement, in school district facilities. However, all other
4 costs for the operation and maintenance of school district
5 facilities that are used by the charter school shall be
6 subject to negotiation between the charter school and the
7 local school board and shall be set forth in the charter.

8 (j) A charter school may limit student enrollment by age
9 or grade level.

10 (k) If the charter school is approved by the State Board or
11 Commission, then the charter school is its own local education
12 agency.

13 (Source: P.A. 101-50, eff. 7-1-20; 101-81, eff. 7-12-19;
14 101-291, eff. 1-1-20; 101-531, eff. 8-23-19; 101-543, eff.
15 8-23-19; 101-654, eff. 3-8-21; 102-51, eff. 7-9-21; 102-157,
16 eff. 7-1-22; 102-360, eff. 1-1-22; 102-445, eff. 8-20-21;
17 102-466, eff. 7-1-25; 102-522, eff. 8-20-21; 102-558, eff.
18 8-20-21; 102-676, eff. 12-3-21; revised 12-21-21.)

19 (105 ILCS 5/34-18.78 new)

20 Sec. 34-18.78. COVID-19 paid administrative leave.

21 (a) In this Section:

22 "Employee" means a person employed by the school district
23 on or after the effective date of this amendatory Act of the
24 102nd General Assembly.

25 "Fully vaccinated against COVID-19" means:

1 (1) 2 weeks after receiving the second dose in a
2 2-dose series of a COVID-19 vaccine authorized for
3 emergency use, licensed, or otherwise approved by the
4 United States Food and Drug Administration; or

5 (2) 2 weeks after receiving a single dose of a
6 COVID-19 vaccine authorized for emergency use, licensed,
7 or otherwise approved by the United States Food and Drug
8 Administration.

9 "Fully vaccinated against COVID-19" also includes any
10 recommended booster doses for which the individual is eligible
11 upon the adoption by the Department of Public Health of any
12 changes made by the Centers for Disease Control and Prevention
13 of the United States Department of Health and Human Services
14 to the definition of "fully vaccinated against COVID-19" to
15 include any such booster doses. For purposes of this Section,
16 individuals who are eligible for a booster dose but have not
17 received a booster dose by 5 weeks after the Department of
18 Public Health adopts a revised definition of "fully vaccinated
19 against COVID-19" are not considered fully vaccinated for
20 determining eligibility for future paid administrative leave
21 pursuant to this Section.

22 "School district" includes charter schools established
23 under Article 27A of this Code.

24 (b) During any time when the Governor has declared a
25 disaster due to a public health emergency pursuant to Section
26 7 of the Illinois Emergency Management Agency Act and the

1 school district, the State or any of its agencies, or a local
2 public health department has issued guidance, mandates, or
3 rules related to COVID-19 that restrict an employee of the
4 school district from being on school district property because
5 the employee (i) has a confirmed positive COVID-19 diagnosis
6 via a molecular amplification diagnostic test, such as a
7 polymerase chain reaction (PCR) test for COVID-19, (ii) has a
8 probable COVID-19 diagnosis via an antigen diagnostic test,
9 (iii) has been in close contact with a person who had a
10 confirmed case of COVID-19 and is required to be excluded from
11 the school, or (iv) is required by the school or school
12 district policy to be excluded from school district property
13 due to COVID-19 symptoms, the employee of the school district
14 shall receive as many days of administrative leave as required
15 to abide by the public health guidance, mandates, and
16 requirements issued by the Department of Public Health, unless
17 a longer period of paid administrative leave has been
18 negotiated with the exclusive bargaining representative. Such
19 leave shall be provided to an employee for any days for which
20 the employee was required to be excluded from school property
21 prior to the effective date of this amendatory Act of the 102nd
22 General Assembly, provided that the employee receives all
23 doses required to meet the definition of "fully vaccinated
24 against COVID-19" under this Section no later than 5 weeks
25 after the effective date of this amendatory Act of the 102nd
26 General Assembly.

1 (c) An employee of the school district shall receive paid
2 administrative leave pursuant to subsection (b) of this
3 Section, unless a longer period of paid administrative leave
4 has been negotiated with the exclusive bargaining
5 representative, to care for a child of the employee if the
6 child is unable to attend elementary or secondary school
7 because the child has:

8 (1) a confirmed positive COVID-19 diagnosis via a
9 molecular amplification diagnostic test, such as a
10 polymerase chain reaction (PCR) test for COVID-19;

11 (2) a probable COVID-19 diagnosis via an antigen
12 diagnostic test;

13 (3) been in close contact with a person who has a
14 confirmed case of COVID-19 and is required to be excluded
15 from school; or

16 (4) been required by the school or school district
17 policy to be excluded from school district property due to
18 COVID-19 symptoms.

19 Such leave shall be provided to an employee for any days needed
20 to care for a child of the employee prior to the effective date
21 of this amendatory Act of the 102nd General Assembly, provided
22 that the employee receives the doses required to meet the
23 definition of "fully vaccinated against COVID-19" under this
24 Section no later than 5 weeks after the effective date of this
25 amendatory Act of the 102nd General Assembly.

26 (d) An employee of the school district who is on paid

1 administrative leave pursuant to this Section must provide all
2 documentation requested by the board.

3 (e) An employee of the school district who is on paid
4 administrative leave pursuant to this Section shall receive
5 the employee's regular rate of pay. The use of a paid
6 administrative leave day or days by an employee pursuant to
7 this Section may not diminish any other leave or benefits of
8 the employee.

9 (f) An employee of the school district may not accrue paid
10 administrative leave pursuant to this Section.

11 (g) For an employee of the school district to be eligible
12 to receive paid administrative leave pursuant to this Section,
13 the employee must:

14 (1) have received all required doses to be fully
15 vaccinated against COVID-19, as defined in this Section;

16 and

17 (2) participate in the COVID-19 testing program
18 adopted by the school district to the extent such a
19 testing program requires participation by individuals who
20 are fully vaccinated against COVID-19.

21 (h) Nothing in this Section is intended to affect any
22 right or remedy under federal law.

23 (i) No paid administrative leave awarded to or used by a
24 fully vaccinated employee prior to the Department of Public
25 Health's adoption of a revised definition of the term "fully
26 vaccinated against COVID-19" may be rescinded on the basis

1 that the employee no longer meets the definition of "fully
2 vaccinated against COVID-19" based on the revised definition.

3 (105 ILCS 5/34-85e new)

4 Sec. 34-85e. COVID-19 sick leave.

5 For purposes of this Section, "employee" means a person
6 employed by the school district on or after the effective date
7 of this amendatory Act of the 102nd General Assembly.

8 Any sick leave used by a teacher or employee during the
9 2021-2022 school year shall be returned to a teacher or
10 employee who receives all doses required to be fully
11 vaccinated against COVID-19, as defined in Section 34-18.78 of
12 this Code, if:

13 (1) the sick leave was taken because the teacher or
14 employee was restricted from being on school district
15 property because the teacher or employee:

16 (A) had a confirmed positive COVID-19 diagnosis
17 via a molecular amplification diagnostic test, such as
18 a polymerase chain reaction (PCR) test for COVID-19;

19 (B) had a probable COVID-19 diagnosis via an
20 antigen diagnostic test;

21 (C) was in close contact with a person who had a
22 confirmed case of COVID-19 and was required to be
23 excluded from school; or

24 (D) was required by the school or school district
25 policy to be excluded from school district property

1 due to COVID-19 symptoms; or

2 (2) the sick leave was taken to care for a child of the
3 teacher or employee who was unable to attend elementary or
4 secondary school because the child:

5 (A) had a confirmed positive COVID-19 diagnosis
6 via a molecular amplification diagnostic test, such as
7 a polymerase chain reaction (PCR) test for COVID-19;

8 (B) had a probable COVID-19 diagnosis via an
9 antigen diagnostic test;

10 (C) was in close contact with a person who had a
11 confirmed case of COVID-19 and was required to be
12 excluded from school; or

13 (D) was required by the school or school district
14 policy to be excluded from school district property
15 due to COVID-19 symptoms.

16 Leave shall be returned to a teacher or employee pursuant
17 to this Section provided that the teacher or employee has
18 received all required doses to meet the definition of "fully
19 vaccinated against COVID-19" under Section 34-18.78 of this
20 Code no later than 5 weeks after the effective date of this
21 amendatory Act of the 102nd General Assembly.

22 No school may rescind any sick leave returned to a teacher
23 or employee on the basis of a revision to the definition of
24 "fully vaccinated against COVID-19" by the Centers for Disease
25 Control and Prevention of the United States Department of
26 Health and Human Services or the Department of Public Health,

1 provided that the teacher or employee received all doses
2 required to be fully vaccinated against COVID-19, as defined
3 in Section 34-18.78 of this Code, at the time the sick leave
4 was returned to the teacher or employee.

5 Section 10. The University of Illinois Act is amended by
6 adding Sections 160 and 175 as follows:

7 (110 ILCS 305/160 new)

8 Sec. 160. COVID-19 sick leave. For purposes of this
9 Section, "employee" means a person employed by the University
10 on or after the effective date of this amendatory Act of the
11 102nd General Assembly.

12 Any sick leave used by an employee of the University
13 during the 2021-2022 academic year shall be returned to an
14 employee of the University who receives all doses required to
15 be fully vaccinated against COVID-19, as defined in Section
16 175 of this Act, if:

17 (1) the sick leave was taken because the employee was
18 restricted from being on University property because the
19 employee:

20 (A) had a confirmed positive COVID-19 diagnosis
21 via a molecular amplification diagnostic test, such as
22 a polymerase chain reaction (PCR) test for COVID-19;

23 (B) had a probable COVID-19 diagnosis via an
24 antigen diagnostic test;

1 (C) was in close contact with a person who had a
2 confirmed case of COVID-19 and was required to be
3 excluded from the University; or

4 (D) was required by the University to be excluded
5 from University property due to COVID-19 symptoms; or

6 (2) the sick leave was taken to care for a child of the
7 employee who was unable to attend elementary or secondary
8 school because the child:

9 (A) had a confirmed positive COVID-19 diagnosis
10 via a molecular amplification diagnostic test, such as
11 a polymerase chain reaction (PCR) test for COVID-19;

12 (B) had a probable COVID-19 diagnosis via an
13 antigen diagnostic test;

14 (C) was in close contact with a person who had a
15 confirmed case of COVID-19 and was required to be
16 excluded from school; or

17 (D) was required by the school or school district
18 policy to be excluded from school district property
19 due to COVID-19 symptoms.

20 Leave shall be returned to an employee pursuant to this
21 Section provided that the employee has received all required
22 doses to meet the definition of "fully vaccinated against
23 COVID-19" under Section 175 of this Act no later than 5 weeks
24 after the effective date of this amendatory Act of the 102nd
25 General Assembly.

26 The University may not rescind any sick leave returned to

1 an employee of the University on the basis of a revision to the
2 definition of "fully vaccinated against COVID-19" by the
3 Centers for Disease Control and Prevention of the United
4 States Department of Health and Human Services or the
5 Department of Public Health, provided that the employee
6 received all doses required to be fully vaccinated against
7 COVID-19, as defined in Section 175 of this Act, at the time
8 the sick leave was returned to the employee.

9 (110 ILCS 305/175 new)

10 Sec. 175. COVID-19 paid administrative leave.

11 (a) In this Section:

12 "Employee" means a person employed by the University on or
13 after the effective date of this amendatory Act of the 102nd
14 General Assembly.

15 "Fully vaccinated against COVID-19" means:

16 (1) 2 weeks after receiving the second dose in a
17 2-dose series of a COVID-19 vaccine authorized for
18 emergency use, licensed, or otherwise approved by the
19 United States Food and Drug Administration; or

20 (2) 2 weeks after receiving a single dose of a
21 COVID-19 vaccine authorized for emergency use, licensed,
22 or otherwise approved by the United States Food and Drug
23 Administration.

24 "Fully vaccinated against COVID-19" also includes any
25 recommended booster doses for which the individual is eligible

1 upon the adoption by the Department of Public Health of any
2 changes made by the Centers for Disease Control and Prevention
3 of the United States Department of Health and Human Services
4 to the definition of "fully vaccinated against COVID-19" to
5 include any such booster doses. For purposes of this Section,
6 individuals who are eligible for a booster dose but have not
7 received a booster dose by 5 weeks after the Department of
8 Public Health adopts a revised definition of "fully vaccinated
9 against COVID-19" are not considered fully vaccinated for
10 determining eligibility for future paid administrative leave
11 pursuant to this Section.

12 (b) During any time when the Governor has declared a
13 disaster due to a public health emergency pursuant to Section
14 7 of the Illinois Emergency Management Agency Act and the
15 University, the State or any of its agencies, or a local public
16 health department has issued guidance, mandates, or rules
17 related to COVID-19 that restrict an employee of the
18 University from being on University property because the
19 employee (i) has a confirmed positive COVID-19 diagnosis via a
20 molecular amplification diagnostic test, such as a polymerase
21 chain reaction (PCR) test for COVID-19, (ii) has a probable
22 COVID-19 diagnosis via an antigen diagnostic test, (iii) has
23 been in close contact with a person who had a confirmed case of
24 COVID-19 and is required to be excluded from the University,
25 or (iv) is required by University policy to be excluded from
26 University property due to COVID-19 symptoms, the employee of

1 the University shall receive as many days of administrative
2 leave as required to abide by the public health guidance,
3 mandates, and requirements issued by the Department of Public
4 Health, unless a longer period of paid administrative leave
5 has been negotiated with the exclusive bargaining
6 representative if any. Such leave shall be provided to an
7 employee for any days for which the employee was required to be
8 excluded from University property prior to the effective date
9 of this amendatory Act of the 102nd General Assembly, provided
10 that the employee receives all doses required to meet the
11 definition of "fully vaccinated against COVID-19" under this
12 Section no later than 5 weeks after the effective date of this
13 amendatory Act of the 102nd General Assembly.

14 (c) An employee of the University shall receive paid
15 administrative leave pursuant to subsection (b) of this
16 Section, unless a longer period of paid administrative leave
17 has been negotiated with the exclusive bargaining
18 representative if any, to care for a child of the employee if
19 the child is unable to attend elementary or secondary school
20 because the child:

21 (1) has a confirmed positive COVID-19 diagnosis via a
22 molecular amplification diagnostic test, such as a
23 polymerase chain reaction (PCR) test for COVID-19;

24 (2) has probable COVID-19 diagnosis via an antigen
25 diagnostic test;

26 (3) was in close contact with a person who has a

1 confirmed case of COVID-19 and is required to be excluded
2 from school; or

3 (4) was required by school or school district policy
4 to be excluded from school district property due to
5 COVID-19 symptoms.

6 Such leave shall be provided to an employee for any days
7 needed to care for a child of the employee prior to the
8 effective date of this amendatory Act of the 102nd General
9 Assembly, provided that the employee receives the doses
10 required to meet the definition of "fully vaccinated against
11 COVID-19" under this Section no later than 5 weeks after the
12 effective date of this amendatory Act of the 102nd General
13 Assembly.

14 (d) An employee of the University who is on paid
15 administrative leave pursuant to this Section must provide all
16 documentation requested by the University.

17 (e) An employee of the University who is on paid
18 administrative leave pursuant to this Section shall receive
19 the employee's regular rate of pay. The use of a paid
20 administrative leave day or days by an employee pursuant to
21 this Section may not diminish any other leave or benefits of
22 the employee.

23 (f) An employee of the University may not accrue paid
24 administrative leave pursuant to this Section.

25 (g) For an employee of the University to be eligible to
26 receive paid administrative leave pursuant to this Section,

1 the employee must:

2 (1) have received all doses required to be fully
3 vaccinated against COVID-19; and

4 (2) participate in the COVID-19 testing program
5 adopted by the University to the extent such a testing
6 program requires participation by individuals who are
7 fully vaccinated against COVID-19.

8 (h) Nothing in this Section is intended to affect any
9 right or remedy under federal law.

10 (i) No paid administrative leave awarded to or used by a
11 fully vaccinated employee prior to the Department of Public
12 Health's adoption of a revised definition of the term "fully
13 vaccinated against COVID-19" may be rescinded on the basis
14 that the employee no longer meets the definition of "fully
15 vaccinated against COVID-19" based on the revised definition.

16 Section 15. The Southern Illinois University Management
17 Act is amended by adding Sections 135 and 150 as follows:

18 (110 ILCS 520/135 new)

19 Sec. 135. COVID-19 sick leave. For purposes of this
20 Section, "employee" means a person employed by the University
21 on or after the effective date of this amendatory Act of the
22 102nd General Assembly.

23 Any sick leave used by an employee of the University
24 during the 2021-2022 academic year shall be returned to an

1 employee of the University who receives all doses required to
2 be fully vaccinated against COVID-19, as defined in Section
3 150 of this Act, if:

4 (1) the sick leave was taken because the employee was
5 restricted from being on University property because the
6 employee:

7 (A) had a confirmed positive COVID-19 diagnosis
8 via a molecular amplification diagnostic test, such as
9 a polymerase chain reaction (PCR) test for COVID-19;

10 (B) had a probable COVID-19 diagnosis via an
11 antigen diagnostic test;

12 (C) was in close contact with a person who had a
13 confirmed case of COVID-19 and was required to be
14 excluded from the University; or

15 (D) was required by the University to be excluded
16 from University property due to COVID-19 symptoms; or

17 (2) the sick leave was taken to care for a child of the
18 employee who was unable to attend elementary or secondary
19 school because the child:

20 (A) had a confirmed positive COVID-19 diagnosis
21 via a molecular amplification diagnostic test, such as
22 a polymerase chain reaction (PCR) test for COVID-19;

23 (B) had a probable COVID-19 diagnosis via an
24 antigen diagnostic test;

25 (C) was in close contact with a person who had a
26 confirmed case of COVID-19 and was required to be

1 excluded from school; or
2 (D) was required by the school or school district
3 policy to be excluded from school district property
4 due to COVID-19 symptoms.

5 Leave shall be returned to an employee pursuant to this
6 Section provided that the employee has received all required
7 doses to meet the definition of "fully vaccinated against
8 COVID-19" under Section 150 of this Act no later than 5 weeks
9 after the effective date of this amendatory Act of the 102nd
10 General Assembly.

11 The University may not rescind any sick leave returned to
12 an employee of the University on the basis of a revision to the
13 definition of "fully vaccinated against COVID-19" by the
14 Centers for Disease Control and Prevention of the United
15 States Department of Health and Human Services or the
16 Department of Public Health, provided that the employee
17 received all doses required to be fully vaccinated against
18 COVID-19, as defined in Section 150 of this Act, at the time
19 the sick leave was returned to the employee.

20 (110 ILCS 520/150 new)

21 Sec. 150. COVID-19 paid administrative leave.

22 (a) In this Section:

23 "Employee" means a person employed by the University on or
24 after the effective date of this amendatory Act of the 102nd
25 General Assembly.

1 "Fully vaccinated against COVID-19" means:

2 (1) 2 weeks after receiving the second dose in a
3 2-dose series of a COVID-19 vaccine authorized for
4 emergency use, licensed, or otherwise approved by the
5 United States Food and Drug Administration; or

6 (2) 2 weeks after receiving a single dose of a
7 COVID-19 vaccine authorized for emergency use, licensed,
8 or otherwise approved by the United States Food and Drug
9 Administration.

10 "Fully vaccinated against COVID-19" also includes any
11 recommended booster doses for which the individual is eligible
12 upon the adoption by the Department of Public Health of any
13 changes made by the Centers for Disease Control and Prevention
14 of the United States Department of Health and Human Services
15 to the definition of "fully vaccinated against COVID-19" to
16 include any such booster doses. For purposes of this Section,
17 individuals who are eligible for a booster dose but have not
18 received a booster dose by 5 weeks after the Department of
19 Public Health adopts a revised definition of "fully vaccinated
20 against COVID-19" are not considered fully vaccinated for
21 determining eligibility for future paid administrative leave
22 pursuant to this Section.

23 (b) During any time when the Governor has declared a
24 disaster due to a public health emergency pursuant to Section
25 7 of the Illinois Emergency Management Agency Act and the
26 University, the State or any of its agencies, or a local public

1 health department has issued guidance, mandates, or rules
2 related to COVID-19 that restrict an employee of the
3 University from being on University property because the
4 employee (i) has a confirmed positive COVID-19 diagnosis via a
5 molecular amplification diagnostic test, such as a polymerase
6 chain reaction (PCR) test for COVID-19, (ii) has a probable
7 COVID-19 diagnosis via an antigen diagnostic test, (iii) has
8 been in close contact with a person who had a confirmed case of
9 COVID-19 and is required to be excluded from the University,
10 or (iv) is required by University policy to be excluded from
11 University property due to COVID-19 symptoms, the employee of
12 the University shall receive as many days of administrative
13 leave as required to abide by the public health guidance,
14 mandates, and requirements issued by the Department of Public
15 Health, unless a longer period of paid administrative leave
16 has been negotiated with the exclusive bargaining
17 representative if any. Such leave shall be provided to an
18 employee for any days for which the employee was required to be
19 excluded from University property prior to the effective date
20 of this amendatory Act of the 102nd General Assembly, provided
21 that the employee receives all doses required to meet the
22 definition of "fully vaccinated against COVID-19" under this
23 Section no later than 5 weeks after the effective date of this
24 amendatory Act of the 102nd General Assembly.

25 (c) An employee of the University shall receive paid
26 administrative leave pursuant to subsection (b) of this

1 Section, unless a longer period of paid administrative leave
2 has been negotiated with the exclusive bargaining
3 representative if any, to care for a child of the employee if
4 the child is unable to attend elementary or secondary school
5 because the child:

6 (1) has a confirmed positive COVID-19 diagnosis via a
7 molecular amplification diagnostic test, such as a
8 polymerase chain reaction (PCR) test for COVID-19;

9 (2) has probable COVID-19 diagnosis via an antigen
10 diagnostic test;

11 (3) was in close contact with a person who has a
12 confirmed case of COVID-19 and is required to be excluded
13 from school; or

14 (4) was required by school or school district policy
15 to be excluded from school district property due to
16 COVID-19 symptoms.

17 Such leave shall be provided to an employee for any days
18 needed to care for a child of the employee prior to the
19 effective date of this amendatory Act of the 102nd General
20 Assembly, provided that the employee receives the doses
21 required to meet the definition of "fully vaccinated against
22 COVID-19" under this Section no later than 5 weeks after the
23 effective date of this amendatory Act of the 102nd General
24 Assembly.

25 (d) An employee of the University who is on paid
26 administrative leave pursuant to this Section must provide all

1 documentation requested by the University.

2 (e) An employee of the University who is on paid
3 administrative leave pursuant to this Section shall receive
4 the employee's regular rate of pay. The use of a paid
5 administrative leave day or days by an employee pursuant to
6 this Section may not diminish any other leave or benefits of
7 the employee.

8 (f) An employee of the University may not accrue paid
9 administrative leave pursuant to this Section.

10 (g) For an employee of to be eligible to receive paid
11 administrative leave pursuant to this Section, the employee
12 must:

13 (1) have received all doses required to be fully
14 vaccinated against COVID-19; and

15 (2) participate in the COVID-19 testing program
16 adopted by the University to the extent such a testing
17 program requires participation by individuals who are
18 fully vaccinated against COVID-19.

19 (h) Nothing in this Section is intended to affect any
20 right or remedy under federal law.

21 (i) No paid administrative leave awarded to or used by a
22 fully vaccinated employee prior to the Department of Public
23 Health's adoption of a revised definition of the term "fully
24 vaccinated against COVID-19" may be rescinded on the basis
25 that the employee no longer meets the definition of "fully
26 vaccinated against COVID-19" based on the revised definition.

1 Section 20. The Chicago State University Law is amended by
2 adding Sections 5-245 and 5-260 as follows:

3 (110 ILCS 660/5-245 new)

4 Sec. 5-245. COVID-19 sick leave. For purposes of this
5 Section, "employee" means a person employed by the University
6 on or after the effective date of this amendatory Act of the
7 102nd General Assembly.

8 Any sick leave used by an employee of the University
9 during the 2021-2022 academic year shall be returned to an
10 employee of the University who receives all doses required to
11 be fully vaccinated against COVID-19, as defined in Section
12 5-260 of this Act, if:

13 (1) the sick leave was taken because the employee was
14 restricted from being on University property because the
15 employee:

16 (A) had a confirmed positive COVID-19 diagnosis
17 via a molecular amplification diagnostic test, such as
18 a polymerase chain reaction (PCR) test for COVID-19;

19 (B) had a probable COVID-19 diagnosis via an
20 antigen diagnostic test;

21 (C) was in close contact with a person who had a
22 confirmed case of COVID-19 and was required to be
23 excluded from the University; or

24 (D) was required by the University to be excluded

1 from University property due to COVID-19 symptoms; or
2 (2) the sick leave was taken to care for a child of the
3 employee who was unable to attend elementary or secondary
4 school because the child:

5 (A) had a confirmed positive COVID-19 diagnosis
6 via a molecular amplification diagnostic test, such as
7 a polymerase chain reaction (PCR) test for COVID-19;

8 (B) had a probable COVID-19 diagnosis via an
9 antigen diagnostic test;

10 (C) was in close contact with a person who had a
11 confirmed case of COVID-19 and was required to be
12 excluded from school; or

13 (D) was required by the school or school district
14 policy to be excluded from school district property
15 due to COVID-19 symptoms.

16 Leave shall be returned to an employee pursuant to this
17 Section provided that the employee has received all required
18 doses to meet the definition of "fully vaccinated against
19 COVID-19" under Section 5-260 of this Act no later than 5 weeks
20 after the effective date of this amendatory Act of the 102nd
21 General Assembly.

22 The University may not rescind any sick leave returned to
23 an employee of the University on the basis of a revision to the
24 definition of "fully vaccinated against COVID-19" by the
25 Centers for Disease Control and Prevention of the United
26 States Department of Health and Human Services or the

1 Department of Public Health, provided that the employee
2 received all doses required to be fully vaccinated against
3 COVID-19, as defined in Section 5-260 of this Act, at the time
4 the sick leave was returned to the employee.

5 (110 ILCS 660/5-260 new)

6 Sec. 5-260. COVID-19 paid administrative leave.

7 (a) In this Section:

8 "Employee" means a person employed by the University on or
9 after the effective date of this amendatory Act of the 102nd
10 General Assembly.

11 "Fully vaccinated against COVID-19" means:

12 (1) 2 weeks after receiving the second dose in a
13 2-dose series of a COVID-19 vaccine authorized for
14 emergency use, licensed, or otherwise approved by the
15 United States Food and Drug Administration; or

16 (2) 2 weeks after receiving a single dose of a
17 COVID-19 vaccine authorized for emergency use, licensed,
18 or otherwise approved by the United States Food and Drug
19 Administration.

20 "Fully vaccinated against COVID-19" also includes any
21 recommended booster doses for which the individual is eligible
22 upon the adoption by the Department of Public Health of any
23 changes made by the Centers for Disease Control and Prevention
24 of the United States Department of Health and Human Services
25 to the definition of "fully vaccinated against COVID-19" to

1 include any such booster doses. For purposes of this Section,
2 individuals who are eligible for a booster dose but have not
3 received a booster dose by 5 weeks after the Department of
4 Public Health adopts a revised definition of "fully vaccinated
5 against COVID-19" are not considered fully vaccinated for
6 determining eligibility for future paid administrative leave
7 pursuant to this Section.

8 (b) During any time when the Governor has declared a
9 disaster due to a public health emergency pursuant to Section
10 7 of the Illinois Emergency Management Agency Act and the
11 University, the State or any of its agencies, or a local public
12 health department has issued guidance, mandates, or rules
13 related to COVID-19 that restrict an employee of the
14 University from being on University property because the
15 employee (i) has a confirmed positive COVID-19 diagnosis via a
16 molecular amplification diagnostic test, such as a polymerase
17 chain reaction (PCR) test for COVID-19, (ii) has a probable
18 COVID-19 diagnosis via an antigen diagnostic test, (iii) has
19 been in close contact with a person who had a confirmed case of
20 COVID-19 and is required to be excluded from the University,
21 or (iv) is required by University policy to be excluded from
22 University property due to COVID-19 symptoms, the employee of
23 the University shall receive as many days of administrative
24 leave as required to abide by the public health guidance,
25 mandates, and requirements issued by the Department of Public
26 Health, unless a longer period of paid administrative leave

1 has been negotiated with the exclusive bargaining
2 representative if any. Such leave shall be provided to an
3 employee for any days for which the employee was required to be
4 excluded from University property prior to the effective date
5 of this amendatory Act of the 102nd General Assembly, provided
6 that the employee receives all doses required to meet the
7 definition of "fully vaccinated against COVID-19" under this
8 Section no later than 5 weeks after the effective date of this
9 amendatory Act of the 102nd General Assembly.

10 (c) An employee of the University shall receive paid
11 administrative leave pursuant to subsection (b) of this
12 Section, unless a longer period of paid administrative leave
13 has been negotiated with the exclusive bargaining
14 representative if any, to care for a child of the employee if
15 the child is unable to attend elementary or secondary school
16 because the child:

17 (1) has a confirmed positive COVID-19 diagnosis via a
18 molecular amplification diagnostic test, such as a
19 polymerase chain reaction (PCR) test for COVID-19;

20 (2) has probable COVID-19 diagnosis via an antigen
21 diagnostic test;

22 (3) was in close contact with a person who has a
23 confirmed case of COVID-19 and is required to be excluded
24 from school; or

25 (4) was required by school or school district policy
26 to be excluded from school district property due to

1 COVID-19 symptoms.

2 Such leave shall be provided to an employee for any days
3 needed to care for a child of the employee prior to the
4 effective date of this amendatory Act of the 102nd General
5 Assembly, provided that the employee receives the doses
6 required to meet the definition of "fully vaccinated against
7 COVID-19" under this Section no later than 5 weeks after the
8 effective date of this amendatory Act of the 102nd General
9 Assembly.

10 (d) An employee of the University who is on paid
11 administrative leave pursuant to this Section must provide all
12 documentation requested by the University.

13 (e) An employee of the University who is on paid
14 administrative leave pursuant to this Section shall receive
15 the employee's regular rate of pay. The use of a paid
16 administrative leave day or days by an employee pursuant to
17 this Section may not diminish any other leave or benefits of
18 the employee.

19 (f) An employee of the University may not accrue paid
20 administrative leave pursuant to this Section.

21 (g) For an employee of the University to be eligible to
22 receive paid administrative leave pursuant to this Section,
23 the employee must:

24 (1) have received all doses required to be fully
25 vaccinated against COVID-19; and

26 (2) participate in the COVID-19 testing program

1 adopted by the University to the extent such a testing
2 program requires participation by individuals who are
3 fully vaccinated against COVID-19.

4 (h) Nothing in this Section is intended to affect any
5 right or remedy under federal law.

6 (i) No paid administrative leave awarded to or used by a
7 fully vaccinated employee prior to the Department of Public
8 Health's adoption of a revised definition of the term "fully
9 vaccinated against COVID-19" may be rescinded on the basis
10 that the employee no longer meets the definition of "fully
11 vaccinated against COVID-19" based on the revised definition.

12 Section 25. The Eastern Illinois University Law is amended
13 by adding Sections 10-245 and 10-265 as follows:

14 (110 ILCS 665/10-245 new)

15 Sec. 10-245. COVID-19 sick leave. For purposes of this
16 Section, "employee" means a person employed by the University
17 on or after the effective date of this amendatory Act of the
18 102nd General Assembly.

19 Any sick leave used by an employee of the University
20 during the 2021-2022 academic year shall be returned to an
21 employee of the University who receives all doses required to
22 be fully vaccinated against COVID-19, as defined in Section
23 10-265 of this Act, if:

24 (1) the sick leave was taken because the employee was

1 restricted from being on University property because the
2 employee:

3 (A) had a confirmed positive COVID-19 diagnosis
4 via a molecular amplification diagnostic test, such as
5 a polymerase chain reaction (PCR) test for COVID-19;

6 (B) had a probable COVID-19 diagnosis via an
7 antigen diagnostic test;

8 (C) was in close contact with a person who had a
9 confirmed case of COVID-19 and was required to be
10 excluded from the University; or

11 (D) was required by the University to be excluded
12 from University property due to COVID-19 symptoms; or

13 (2) the sick leave was taken to care for a child of the
14 employee who was unable to attend elementary or secondary
15 school because the child:

16 (A) had a confirmed positive COVID-19 diagnosis
17 via a molecular amplification diagnostic test, such as
18 a polymerase chain reaction (PCR) test for COVID-19;

19 (B) had a probable COVID-19 diagnosis via an
20 antigen diagnostic test;

21 (C) was in close contact with a person who had a
22 confirmed case of COVID-19 and was required to be
23 excluded from school; or

24 (D) was required by the school or school district
25 policy to be excluded from school district property
26 due to COVID-19 symptoms.

1 Leave shall be returned to an employee pursuant to this
2 Section provided that the employee has received all required
3 doses to meet the definition of "fully vaccinated against
4 COVID-19" under Section 10-265 of this Act no later than 5
5 weeks after the effective date of this amendatory Act of the
6 102nd General Assembly.

7 The University may not rescind any sick leave returned to
8 an employee of the University on the basis of a revision to the
9 definition of "fully vaccinated against COVID-19" by the
10 Centers for Disease Control and Prevention of the United
11 States Department of Health and Human Services or the
12 Department of Public Health, provided that the employee
13 received all doses required to be fully vaccinated against
14 COVID-19, as defined in Section 10-265 of this Act, at the time
15 the sick leave was returned to the employee.

16 (110 ILCS 665/10-265 new)

17 Sec. 10-265. COVID-19 paid administrative leave.

18 (a) In this Section:

19 "Employee" means a person employed by the University on or
20 after the effective date of this amendatory Act of the 102nd
21 General Assembly.

22 "Fully vaccinated against COVID-19" means:

23 (1) 2 weeks after receiving the second dose in a
24 2-dose series of a COVID-19 vaccine authorized for
25 emergency use, licensed, or otherwise approved by the

1 United States Food and Drug Administration; or

2 (2) 2 weeks after receiving a single dose of a
3 COVID-19 vaccine authorized for emergency use, licensed,
4 or otherwise approved by the United States Food and Drug
5 Administration.

6 "Fully vaccinated against COVID-19" also includes any
7 recommended booster doses for which the individual is eligible
8 upon the adoption by the Department of Public Health of any
9 changes made by the Centers for Disease Control and Prevention
10 of the United States Department of Health and Human Services
11 to the definition of "fully vaccinated against COVID-19" to
12 include any such booster doses. For purposes of this Section,
13 individuals who are eligible for a booster dose but have not
14 received a booster dose by 5 weeks after the Department of
15 Public Health adopts a revised definition of "fully vaccinated
16 against COVID-19" are not considered fully vaccinated for
17 determining eligibility for future paid administrative leave
18 pursuant to this Section.

19 (b) During any time when the Governor has declared a
20 disaster due to a public health emergency pursuant to Section
21 7 of the Illinois Emergency Management Agency Act and the
22 University, the State or any of its agencies, or a local public
23 health department has issued guidance, mandates, or rules
24 related to COVID-19 that restrict an employee of the
25 University from being on University property because the
26 employee (i) has a confirmed positive COVID-19 diagnosis via a

1 molecular amplification diagnostic test, such as a polymerase
2 chain reaction (PCR) test for COVID-19, (ii) has a probable
3 COVID-19 diagnosis via an antigen diagnostic test, (iii) has
4 been in close contact with a person who had a confirmed case of
5 COVID-19 and is required to be excluded from the University,
6 or (iv) is required by University policy to be excluded from
7 University property due to COVID-19 symptoms, the employee of
8 the University shall receive as many days of administrative
9 leave as required to abide by the public health guidance,
10 mandates, and requirements issued by the Department of Public
11 Health, unless a longer period of paid administrative leave
12 has been negotiated with the exclusive bargaining
13 representative if any. Such leave shall be provided to an
14 employee for any days for which the employee was required to be
15 excluded from University property prior to the effective date
16 of this amendatory Act of the 102nd General Assembly, provided
17 that the employee receives all doses required to meet the
18 definition of "fully vaccinated against COVID-19" under this
19 Section no later than 5 weeks after the effective date of this
20 amendatory Act of the 102nd General Assembly.

21 (c) An employee of the University shall receive paid
22 administrative leave pursuant to subsection (b) of this
23 Section, unless a longer period of paid administrative leave
24 has been negotiated with the exclusive bargaining
25 representative if any, to care for a child of the employee if
26 the child is unable to attend elementary or secondary school

1 because the child:

2 (1) has a confirmed positive COVID-19 diagnosis via a
3 molecular amplification diagnostic test, such as a
4 polymerase chain reaction (PCR) test for COVID-19;

5 (2) has probable COVID-19 diagnosis via an antigen
6 diagnostic test;

7 (3) was in close contact with a person who has a
8 confirmed case of COVID-19 and is required to be excluded
9 from school; or

10 (4) was required by school or school district policy
11 to be excluded from school district property due to
12 COVID-19 symptoms.

13 Such leave shall be provided to an employee for any days
14 needed to care for a child of the employee prior to the
15 effective date of this amendatory Act of the 102nd General
16 Assembly, provided that the employee receives the doses
17 required to meet the definition of "fully vaccinated against
18 COVID-19" under this Section no later than 5 weeks after the
19 effective date of this amendatory Act of the 102nd General
20 Assembly.

21 (d) An employee of the University who is on paid
22 administrative leave pursuant to this Section must provide all
23 documentation requested by the University.

24 (e) An employee of the University who is on paid
25 administrative leave pursuant to this Section shall receive
26 the employee's regular rate of pay. The use of a paid

1 administrative leave day or days by an employee pursuant to
2 this Section may not diminish any other leave or benefits of
3 the employee.

4 (f) An employee of the University may not accrue paid
5 administrative leave pursuant to this Section.

6 (g) For an employee of the University to be eligible to
7 receive paid administrative leave pursuant to this Section,
8 the employee must:

9 (1) have received all doses required to be fully
10 vaccinated against COVID-19; and

11 (2) participate in the COVID-19 testing program
12 adopted by the University to the extent such a testing
13 program requires participation by individuals who are
14 fully vaccinated against COVID-19.

15 (h) Nothing in this Section is intended to affect any
16 right or remedy under federal law.

17 (i) No paid administrative leave awarded to or used by a
18 fully vaccinated employee prior to the Department of Public
19 Health's adoption of a revised definition of the term "fully
20 vaccinated against COVID-19" may be rescinded on the basis
21 that the employee no longer meets the definition of "fully
22 vaccinated against COVID-19" based on the revised definition.

23 Section 30. The Governors State University Law is amended
24 by adding Sections 15-245 and 15-260 as follows:

1 (110 ILCS 670/15-245 new)

2 Sec. 15-245. COVID-19 sick leave. For purposes of this
3 Section, "employee" means a person employed by the University
4 on or after the effective date of this amendatory Act of the
5 102nd General Assembly.

6 Any sick leave used by an employee of the University
7 during the 2021-2022 academic year shall be returned to an
8 employee of the University who receives all doses required to
9 be fully vaccinated against COVID-19, as defined in Section
10 15-260 of this Act, if:

11 (1) the sick leave was taken because the employee was
12 restricted from being on University property because the
13 employee:

14 (A) had a confirmed positive COVID-19 diagnosis
15 via a molecular amplification diagnostic test, such as
16 a polymerase chain reaction (PCR) test for COVID-19;

17 (B) had a probable COVID-19 diagnosis via an
18 antigen diagnostic test;

19 (C) was in close contact with a person who had a
20 confirmed case of COVID-19 and was required to be
21 excluded from the University; or

22 (D) was required by the University to be excluded
23 from University property due to COVID-19 symptoms; or

24 (2) the sick leave was taken to care for a child of the
25 employee who was unable to attend elementary or secondary
26 school because the child:

1 (A) had a confirmed positive COVID-19 diagnosis
2 via a molecular amplification diagnostic test, such as
3 a polymerase chain reaction (PCR) test for COVID-19;

4 (B) had a probable COVID-19 diagnosis via an
5 antigen diagnostic test;

6 (C) was in close contact with a person who had a
7 confirmed case of COVID-19 and was required to be
8 excluded from school; or

9 (D) was required by the school or school district
10 policy to be excluded from school district property
11 due to COVID-19 symptoms.

12 Leave shall be returned to an employee pursuant to this
13 Section provided that the employee has received all required
14 doses to meet the definition of "fully vaccinated against
15 COVID-19" under Section 15-260 of this Act no later than 5
16 weeks after the effective date of this amendatory Act of the
17 102nd General Assembly.

18 The University may not rescind any sick leave returned to
19 an employee of the University on the basis of a revision to the
20 definition of "fully vaccinated against COVID-19" by the
21 Centers for Disease Control and Prevention of the United
22 States Department of Health and Human Services or the
23 Department of Public Health, provided that the employee
24 received all doses required to be fully vaccinated against
25 COVID-19, as defined in Section 15-260 of this Act, at the time
26 the sick leave was returned to the employee.

1 (110 ILCS 670/15-260 new)

2 Sec. 15-260. COVID-19 paid administrative leave.

3 (a) In this Section:

4 "Employee" means a person employed by the University on or
5 after the effective date of this amendatory Act of the 102nd
6 General Assembly.

7 "Fully vaccinated against COVID-19" means:

8 (1) 2 weeks after receiving the second dose in a
9 2-dose series of a COVID-19 vaccine authorized for
10 emergency use, licensed, or otherwise approved by the
11 United States Food and Drug Administration; or

12 (2) 2 weeks after receiving a single dose of a
13 COVID-19 vaccine authorized for emergency use, licensed,
14 or otherwise approved by the United States Food and Drug
15 Administration.

16 "Fully vaccinated against COVID-19" also includes any
17 recommended booster doses for which the individual is eligible
18 upon the adoption by the Department of Public Health of any
19 changes made by the Centers for Disease Control and Prevention
20 of the United States Department of Health and Human Services
21 to the definition of "fully vaccinated against COVID-19" to
22 include any such booster doses. For purposes of this Section,
23 individuals who are eligible for a booster dose but have not
24 received a booster dose by 5 weeks after the Department of
25 Public Health adopts a revised definition of "fully vaccinated

1 against COVID-19" are not considered fully vaccinated for
2 determining eligibility for future paid administrative leave
3 pursuant to this Section.

4 (b) During any time when the Governor has declared a
5 disaster due to a public health emergency pursuant to Section
6 7 of the Illinois Emergency Management Agency Act and the
7 University, the State or any of its agencies, or a local public
8 health department has issued guidance, mandates, or rules
9 related to COVID-19 that restrict an employee of the
10 University from being on University property because the
11 employee (i) has a confirmed positive COVID-19 diagnosis via a
12 molecular amplification diagnostic test, such as a polymerase
13 chain reaction (PCR) test for COVID-19, (ii) has a probable
14 COVID-19 diagnosis via an antigen diagnostic test, (iii) has
15 been in close contact with a person who had a confirmed case of
16 COVID-19 and is required to be excluded from the University,
17 or (iv) is required by University policy to be excluded from
18 University property due to COVID-19 symptoms, the employee of
19 the University shall receive as many days of administrative
20 leave as required to abide by the public health guidance,
21 mandates, and requirements issued by the Department of Public
22 Health, unless a longer period of paid administrative leave
23 has been negotiated with the exclusive bargaining
24 representative if any. Such leave shall be provided to an
25 employee for any days for which the employee was required to be
26 excluded from University property prior to the effective date

1 of this amendatory Act of the 102nd General Assembly, provided
2 that the employee receives all doses required to meet the
3 definition of "fully vaccinated against COVID-19" under this
4 Section no later than 5 weeks after the effective date of this
5 amendatory Act of the 102nd General Assembly.

6 (c) An employee of the University shall receive paid
7 administrative leave pursuant to subsection (b) of this
8 Section, unless a longer period of paid administrative leave
9 has been negotiated with the exclusive bargaining
10 representative if any, to care for a child of the employee if
11 the child is unable to attend elementary or secondary school
12 because the child:

13 (1) has a confirmed positive COVID-19 diagnosis via a
14 molecular amplification diagnostic test, such as a
15 polymerase chain reaction (PCR) test for COVID-19;

16 (2) has probable COVID-19 diagnosis via an antigen
17 diagnostic test;

18 (3) was in close contact with a person who has a
19 confirmed case of COVID-19 and is required to be excluded
20 from school; or

21 (4) was required by school or school district policy
22 to be excluded from school district property due to
23 COVID-19 symptoms.

24 Such leave shall be provided to an employee for any days
25 needed to care for a child of the employee prior to the
26 effective date of this amendatory Act of the 102nd General

1 Assembly, provided that the employee receives the doses
2 required to meet the definition of "fully vaccinated against
3 COVID-19" under this Section no later than 5 weeks after the
4 effective date of this amendatory Act of the 102nd General
5 Assembly.

6 (d) An employee of the University who is on paid
7 administrative leave pursuant to this Section must provide all
8 documentation requested by the University.

9 (e) An employee of the University who is on paid
10 administrative leave pursuant to this Section shall receive
11 the employee's regular rate of pay. The use of a paid
12 administrative leave day or days by an employee pursuant to
13 this Section may not diminish any other leave or benefits of
14 the employee.

15 (f) An employee of the University may not accrue paid
16 administrative leave pursuant to this Section.

17 (g) For an employee of the University to be eligible to
18 receive paid administrative leave pursuant to this Section,
19 the employee must:

20 (1) have received all doses required to be fully
21 vaccinated against COVID-19; and

22 (2) participate in the COVID-19 testing program
23 adopted by the University to the extent such a testing
24 program requires participation by individuals who are
25 fully vaccinated against COVID-19.

26 (h) Nothing in this Section is intended to affect any

1 right or remedy under federal law.

2 (i) No paid administrative leave awarded to or used by a
3 fully vaccinated employee prior to the Department of Public
4 Health's adoption of a revised definition of the term "fully
5 vaccinated against COVID-19" may be rescinded on the basis
6 that the employee no longer meets the definition of "fully
7 vaccinated against COVID-19" based on the revised definition.

8 Section 35. The Illinois State University Law is amended
9 by adding Sections 20-250 and 20-270 as follows:

10 (110 ILCS 675/20-250 new)

11 Sec. 20-250. COVID-19 sick leave. For purposes of this
12 Section, "employee" means a person employed by the University
13 on or after the effective date of this amendatory Act of the
14 102nd General Assembly.

15 Any sick leave used by an employee of the University
16 during the 2021-2022 academic year shall be returned to an
17 employee of the University who receives all doses required to
18 be fully vaccinated against COVID-19, as defined in Section
19 20-270 of this Act, if:

20 (1) the sick leave was taken because the employee was
21 restricted from being on University property because the
22 employee:

23 (A) had a confirmed positive COVID-19 diagnosis
24 via a molecular amplification diagnostic test, such as

1 a polymerase chain reaction (PCR) test for COVID-19;

2 (B) had a probable COVID-19 diagnosis via an
3 antigen diagnostic test;

4 (C) was in close contact with a person who had a
5 confirmed case of COVID-19 and was required to be
6 excluded from the University; or

7 (D) was required by the University to be excluded
8 from University property due to COVID-19 symptoms; or

9 (2) the sick leave was taken to care for a child of the
10 employee who was unable to attend elementary or secondary
11 school because the child:

12 (A) had a confirmed positive COVID-19 diagnosis
13 via a molecular amplification diagnostic test, such as
14 a polymerase chain reaction (PCR) test for COVID-19;

15 (B) had a probable COVID-19 diagnosis via an
16 antigen diagnostic test;

17 (C) was in close contact with a person who had a
18 confirmed case of COVID-19 and was required to be
19 excluded from school; or

20 (D) was required by the school or school district
21 policy to be excluded from school district property
22 due to COVID-19 symptoms.

23 Leave shall be returned to an employee pursuant to this
24 Section provided that the employee has received all required
25 doses to meet the definition of "fully vaccinated against
26 COVID-19" under Section 20-270 of this Act no later than 5

1 weeks after the effective date of this amendatory Act of the
2 102nd General Assembly.

3 The University may not rescind any sick leave returned to
4 an employee of the University on the basis of a revision to the
5 definition of "fully vaccinated against COVID-19" by the
6 Centers for Disease Control and Prevention of the United
7 States Department of Health and Human Services or the
8 Department of Public Health, provided that the employee
9 received all doses required to be fully vaccinated against
10 COVID-19, as defined in Section 20-270 of this Act, at the time
11 the sick leave was returned to the employee.

12 (110 ILCS 675/20-270 new)

13 Sec. 20-270. COVID-19 paid administrative leave.

14 (a) In this Section:

15 "Employee" means a person employed by the University on or
16 after the effective date of this amendatory Act of the 102nd
17 General Assembly.

18 "Fully vaccinated against COVID-19" means:

19 (1) 2 weeks after receiving the second dose in a
20 2-dose series of a COVID-19 vaccine authorized for
21 emergency use, licensed, or otherwise approved by the
22 United States Food and Drug Administration; or

23 (2) 2 weeks after receiving a single dose of a
24 COVID-19 vaccine authorized for emergency use, licensed,
25 or otherwise approved by the United States Food and Drug

1 Administration.

2 "Fully vaccinated against COVID-19" also includes any
3 recommended booster doses for which the individual is eligible
4 upon the adoption by the Department of Public Health of any
5 changes made by the Centers for Disease Control and Prevention
6 of the United States Department of Health and Human Services
7 to the definition of "fully vaccinated against COVID-19" to
8 include any such booster doses. For purposes of this Section,
9 individuals who are eligible for a booster dose but have not
10 received a booster dose by 5 weeks after the Department of
11 Public Health adopts a revised definition of "fully vaccinated
12 against COVID-19" are not considered fully vaccinated for
13 determining eligibility for future paid administrative leave
14 pursuant to this Section.

15 (b) During any time when the Governor has declared a
16 disaster due to a public health emergency pursuant to Section
17 7 of the Illinois Emergency Management Agency Act and the
18 University, the State or any of its agencies, or a local public
19 health department has issued guidance, mandates, or rules
20 related to COVID-19 that restrict an employee of the
21 University from being on University property because the
22 employee (i) has a confirmed positive COVID-19 diagnosis via a
23 molecular amplification diagnostic test, such as a polymerase
24 chain reaction (PCR) test for COVID-19, (ii) has a probable
25 COVID-19 diagnosis via an antigen diagnostic test, (iii) has
26 been in close contact with a person who had a confirmed case of

1 COVID-19 and is required to be excluded from the University,
2 or (iv) is required by University policy to be excluded from
3 University property due to COVID-19 symptoms, the employee of
4 the University shall receive as many days of administrative
5 leave as required to abide by the public health guidance,
6 mandates, and requirements issued by the Department of Public
7 Health, unless a longer period of paid administrative leave
8 has been negotiated with the exclusive bargaining
9 representative if any. Such leave shall be provided to an
10 employee for any days for which the employee was required to be
11 excluded from University property prior to the effective date
12 of this amendatory Act of the 102nd General Assembly, provided
13 that the employee receives all doses required to meet the
14 definition of "fully vaccinated against COVID-19" under this
15 Section no later than 5 weeks after the effective date of this
16 amendatory Act of the 102nd General Assembly.

17 (c) An employee of the University shall receive paid
18 administrative leave pursuant to subsection (b) of this
19 Section, unless a longer period of paid administrative leave
20 has been negotiated with the exclusive bargaining
21 representative if any, to care for a child of the employee if
22 the child is unable to attend elementary or secondary school
23 because the child:

24 (1) has a confirmed positive COVID-19 diagnosis via a
25 molecular amplification diagnostic test, such as a
26 polymerase chain reaction (PCR) test for COVID-19;

1 (2) has probable COVID-19 diagnosis via an antigen
2 diagnostic test;

3 (3) was in close contact with a person who has a
4 confirmed case of COVID-19 and is required to be excluded
5 from school; or

6 (4) was required by school or school district policy
7 to be excluded from school district property due to
8 COVID-19 symptoms.

9 Such leave shall be provided to an employee for any days
10 needed to care for a child of the employee prior to the
11 effective date of this amendatory Act of the 102nd General
12 Assembly, provided that the employee receives the doses
13 required to meet the definition of "fully vaccinated against
14 COVID-19" under this Section no later than 5 weeks after the
15 effective date of this amendatory Act of the 102nd General
16 Assembly.

17 (d) An employee of the University who is on paid
18 administrative leave pursuant to this Section must provide all
19 documentation requested by the University.

20 (e) An employee of the University who is on paid
21 administrative leave pursuant to this Section shall receive
22 the employee's regular rate of pay. The use of a paid
23 administrative leave day or days by an employee pursuant to
24 this Section may not diminish any other leave or benefits of
25 the employee.

26 (f) An employee of the University may not accrue paid

1 administrative leave pursuant to this Section.

2 (g) For an employee of the University to be eligible to
3 receive paid administrative leave pursuant to this Section,
4 the employee must:

5 (1) have received all doses required to be fully
6 vaccinated against COVID-19; and

7 (2) participate in the COVID-19 testing program
8 adopted by the University to the extent such a testing
9 program requires participation by individuals who are
10 fully vaccinated against COVID-19.

11 (h) Nothing in this Section is intended to affect any
12 right or remedy under federal law.

13 (i) No paid administrative leave awarded to or used by a
14 fully vaccinated employee prior to the Department of Public
15 Health's adoption of a revised definition of the term "fully
16 vaccinated against COVID-19" may be rescinded on the basis
17 that the employee no longer meets the definition of "fully
18 vaccinated against COVID-19" based on the revised definition.

19 Section 40. The Northeastern Illinois University Law is
20 amended by adding Sections 25-245 and 25-265 as follows:

21 (110 ILCS 680/25-245 new)

22 Sec. 25-245. COVID-19 sick leave. For purposes of this
23 Section, "employee" means a person employed by the University
24 on or after the effective date of this amendatory Act of the

1 102nd General Assembly.

2 Any sick leave used by an employee of the University
3 during the 2021-2022 academic year shall be returned to an
4 employee of the University who receives all doses required to
5 be fully vaccinated against COVID-19, as defined in Section
6 25-265 of this Act, if:

7 (1) the sick leave was taken because the employee was
8 restricted from being on University property because the
9 employee:

10 (A) had a confirmed positive COVID-19 diagnosis
11 via a molecular amplification diagnostic test, such as
12 a polymerase chain reaction (PCR) test for COVID-19;

13 (B) had a probable COVID-19 diagnosis via an
14 antigen diagnostic test;

15 (C) was in close contact with a person who had a
16 confirmed case of COVID-19 and was required to be
17 excluded from the University; or

18 (D) was required by the University to be excluded
19 from University property due to COVID-19 symptoms; or

20 (2) the sick leave was taken to care for a child of the
21 employee who was unable to attend elementary or secondary
22 school because the child:

23 (A) had a confirmed positive COVID-19 diagnosis
24 via a molecular amplification diagnostic test, such as
25 a polymerase chain reaction (PCR) test for COVID-19;

26 (B) had a probable COVID-19 diagnosis via an

1 antigen diagnostic test;

2 (C) was in close contact with a person who had a
3 confirmed case of COVID-19 and was required to be
4 excluded from school; or

5 (D) was required by the school or school district
6 policy to be excluded from school district property
7 due to COVID-19 symptoms.

8 Leave shall be returned to an employee pursuant to this
9 Section provided that the employee has received all required
10 doses to meet the definition of "fully vaccinated against
11 COVID-19" under Section 25-265 of this Act no later than 5
12 weeks after the effective date of this amendatory Act of the
13 102nd General Assembly.

14 The University may not rescind any sick leave returned to
15 an employee of the University on the basis of a revision to the
16 definition of "fully vaccinated against COVID-19" by the
17 Centers for Disease Control and Prevention of the United
18 States Department of Health and Human Services or the
19 Department of Public Health, provided that the employee
20 received all doses required to be fully vaccinated against
21 COVID-19, as defined in Section 25-265 of this Act, at the time
22 the sick leave was returned to the employee.

23 (110 ILCS 680/25-265 new)

24 Sec. 25-265. COVID-19 paid administrative leave.

25 (a) In this Section:

1 "Employee" means a person employed by the University on or
2 after the effective date of this amendatory Act of the 102nd
3 General Assembly.

4 "Fully vaccinated against COVID-19" means:

5 (1) 2 weeks after receiving the second dose in a
6 2-dose series of a COVID-19 vaccine authorized for
7 emergency use, licensed, or otherwise approved by the
8 United States Food and Drug Administration; or

9 (2) 2 weeks after receiving a single dose of a
10 COVID-19 vaccine authorized for emergency use, licensed,
11 or otherwise approved by the United States Food and Drug
12 Administration.

13 "Fully vaccinated against COVID-19" also includes any
14 recommended booster doses for which the individual is eligible
15 upon the adoption by the Department of Public Health of any
16 changes made by the Centers for Disease Control and Prevention
17 of the United States Department of Health and Human Services
18 to the definition of "fully vaccinated against COVID-19" to
19 include any such booster doses. For purposes of this Section,
20 individuals who are eligible for a booster dose but have not
21 received a booster dose by 5 weeks after the Department of
22 Public Health adopts a revised definition of "fully vaccinated
23 against COVID-19" are not considered fully vaccinated for
24 determining eligibility for future paid administrative leave
25 pursuant to this Section.

26 (b) During any time when the Governor has declared a

1 disaster due to a public health emergency pursuant to Section
2 7 of the Illinois Emergency Management Agency Act and the
3 University, the State or any of its agencies, or a local public
4 health department has issued guidance, mandates, or rules
5 related to COVID-19 that restrict an employee of the
6 University from being on University property because the
7 employee (i) has a confirmed positive COVID-19 diagnosis via a
8 molecular amplification diagnostic test, such as a polymerase
9 chain reaction (PCR) test for COVID-19, (ii) has a probable
10 COVID-19 diagnosis via an antigen diagnostic test, (iii) has
11 been in close contact with a person who had a confirmed case of
12 COVID-19 and is required to be excluded from the University,
13 or (iv) is required by University policy to be excluded from
14 University property due to COVID-19 symptoms, the employee of
15 the University shall receive as many days of administrative
16 leave as required to abide by the public health guidance,
17 mandates, and requirements issued by the Department of Public
18 Health, unless a longer period of paid administrative leave
19 has been negotiated with the exclusive bargaining
20 representative if any. Such leave shall be provided to an
21 employee for any days for which the employee was required to be
22 excluded from University property prior to the effective date
23 of this amendatory Act of the 102nd General Assembly, provided
24 that the employee receives all doses required to meet the
25 definition of "fully vaccinated against COVID-19" under this
26 Section no later than 5 weeks after the effective date of this

1 amendatory Act of the 102nd General Assembly.

2 (c) An employee of the University shall receive paid
3 administrative leave pursuant to subsection (b) of this
4 Section, unless a longer period of paid administrative leave
5 has been negotiated with the exclusive bargaining
6 representative if any, to care for a child of the employee if
7 the child is unable to attend elementary or secondary school
8 because the child:

9 (1) has a confirmed positive COVID-19 diagnosis via a
10 molecular amplification diagnostic test, such as a
11 polymerase chain reaction (PCR) test for COVID-19;

12 (2) has probable COVID-19 diagnosis via an antigen
13 diagnostic test;

14 (3) was in close contact with a person who has a
15 confirmed case of COVID-19 and is required to be excluded
16 from school; or

17 (4) was required by school or school district policy
18 to be excluded from school district property due to
19 COVID-19 symptoms.

20 Such leave shall be provided to an employee for any days
21 needed to care for a child of the employee prior to the
22 effective date of this amendatory Act of the 102nd General
23 Assembly, provided that the employee receives the doses
24 required to meet the definition of "fully vaccinated against
25 COVID-19" under this Section no later than 5 weeks after the
26 effective date of this amendatory Act of the 102nd General

1 Assembly.

2 (d) An employee of the University who is on paid
3 administrative leave pursuant to this Section must provide all
4 documentation requested by the University.

5 (e) An employee of the University who is on paid
6 administrative leave pursuant to this Section shall receive
7 the employee's regular rate of pay. The use of a paid
8 administrative leave day or days by an employee pursuant to
9 this Section may not diminish any other leave or benefits of
10 the employee.

11 (f) An employee of the University may not accrue paid
12 administrative leave pursuant to this Section.

13 (g) For an employee of the University to be eligible to
14 receive paid administrative leave pursuant to this Section,
15 the employee must:

16 (1) have received all doses required to be fully
17 vaccinated against COVID-19; and

18 (2) participate in the COVID-19 testing program
19 adopted by the University to the extent such a testing
20 program requires participation by individuals who are
21 fully vaccinated against COVID-19.

22 (h) Nothing in this Section is intended to affect any
23 right or remedy under federal law.

24 (i) No paid administrative leave awarded to or used by a
25 fully vaccinated employee prior to the Department of Public
26 Health's adoption of a revised definition of the term "fully

1 vaccinated against COVID-19" may be rescinded on the basis
2 that the employee no longer meets the definition of "fully
3 vaccinated against COVID-19" based on the revised definition.

4 Section 45. The Northern Illinois University Law is
5 amended by adding Sections 30-255 and 30-275 as follows:

6 (110 ILCS 685/30-255 new)

7 Sec. 30-255. COVID-19 sick leave. For purposes of this
8 Section, "employee" means a person employed by the University
9 on or after the effective date of this amendatory Act of the
10 102nd General Assembly.

11 Any sick leave used by an employee of the University
12 during the 2021-2022 academic year shall be returned to an
13 employee of the University who receives all doses required to
14 be fully vaccinated against COVID-19, as defined in Section
15 30-275 of this Act, if:

16 (1) the sick leave was taken because the employee was
17 restricted from being on University property because the
18 employee:

19 (A) had a confirmed positive COVID-19 diagnosis
20 via a molecular amplification diagnostic test, such as
21 a polymerase chain reaction (PCR) test for COVID-19;

22 (B) had a probable COVID-19 diagnosis via an
23 antigen diagnostic test;

24 (C) was in close contact with a person who had a

1 confirmed case of COVID-19 and was required to be
2 excluded from the University; or

3 (D) was required by the University to be excluded
4 from University property due to COVID-19 symptoms; or

5 (2) the sick leave was taken to care for a child of the
6 employee who was unable to attend elementary or secondary
7 school because the child:

8 (A) had a confirmed positive COVID-19 diagnosis
9 via a molecular amplification diagnostic test, such as
10 a polymerase chain reaction (PCR) test for COVID-19;

11 (B) had a probable COVID-19 diagnosis via an
12 antigen diagnostic test;

13 (C) was in close contact with a person who had a
14 confirmed case of COVID-19 and was required to be
15 excluded from school; or

16 (D) was required by the school or school district
17 policy to be excluded from school district property
18 due to COVID-19 symptoms.

19 Leave shall be returned to an employee pursuant to this
20 Section provided that the employee has received all required
21 doses to meet the definition of "fully vaccinated against
22 COVID-19" under Section 30-275 of this Act no later than 5
23 weeks after the effective date of this amendatory Act of the
24 102nd General Assembly.

25 The University may not rescind any sick leave returned to
26 an employee of the University on the basis of a revision to the

1 definition of "fully vaccinated against COVID-19" by the
2 Centers for Disease Control and Prevention of the United
3 States Department of Health and Human Services or the
4 Department of Public Health, provided that the employee
5 received all doses required to be fully vaccinated against
6 COVID-19, as defined in Section 30-275 of this Act, at the time
7 the sick leave was returned to the employee.

8 (110 ILCS 685/30-275 new)

9 Sec. 30-275. COVID-19 paid administrative leave.

10 (a) In this Section:

11 "Employee" means a person employed by the University on or
12 after the effective date of this amendatory Act of the 102nd
13 General Assembly.

14 "Fully vaccinated against COVID-19" means:

15 (1) 2 weeks after receiving the second dose in a
16 2-dose series of a COVID-19 vaccine authorized for
17 emergency use, licensed, or otherwise approved by the
18 United States Food and Drug Administration; or

19 (2) 2 weeks after receiving a single dose of a
20 COVID-19 vaccine authorized for emergency use, licensed,
21 or otherwise approved by the United States Food and Drug
22 Administration.

23 "Fully vaccinated against COVID-19" also includes any
24 recommended booster doses for which the individual is eligible
25 upon the adoption by the Department of Public Health of any

1 changes made by the Centers for Disease Control and Prevention
2 of the United States Department of Health and Human Services
3 to the definition of "fully vaccinated against COVID-19" to
4 include any such booster doses. For purposes of this Section,
5 individuals who are eligible for a booster dose but have not
6 received a booster dose by 5 weeks after the Department of
7 Public Health adopts a revised definition of "fully vaccinated
8 against COVID-19" are not considered fully vaccinated for
9 determining eligibility for future paid administrative leave
10 pursuant to this Section.

11 (b) During any time when the Governor has declared a
12 disaster due to a public health emergency pursuant to Section
13 7 of the Illinois Emergency Management Agency Act and the
14 University, the State or any of its agencies, or a local public
15 health department has issued guidance, mandates, or rules
16 related to COVID-19 that restrict an employee of the
17 University from being on University property because the
18 employee (i) has a confirmed positive COVID-19 diagnosis via a
19 molecular amplification diagnostic test, such as a polymerase
20 chain reaction (PCR) test for COVID-19, (ii) has a probable
21 COVID-19 diagnosis via an antigen diagnostic test, (iii) has
22 been in close contact with a person who had a confirmed case of
23 COVID-19 and is required to be excluded from the University,
24 or (iv) is required by University policy to be excluded from
25 University property due to COVID-19 symptoms, the employee of
26 the University shall receive as many days of administrative

1 leave as required to abide by the public health guidance,
2 mandates, and requirements issued by the Department of Public
3 Health, unless a longer period of paid administrative leave
4 has been negotiated with the exclusive bargaining
5 representative if any. Such leave shall be provided to an
6 employee for any days for which the employee was required to be
7 excluded from University property prior to the effective date
8 of this amendatory Act of the 102nd General Assembly, provided
9 that the employee receives all doses required to meet the
10 definition of "fully vaccinated against COVID-19" under this
11 Section no later than 5 weeks after the effective date of this
12 amendatory Act of the 102nd General Assembly.

13 (c) An employee of the University shall receive paid
14 administrative leave pursuant to subsection (b) of this
15 Section, unless a longer period of paid administrative leave
16 has been negotiated with the exclusive bargaining
17 representative if any, to care for a child of the employee if
18 the child is unable to attend elementary or secondary school
19 because the child:

20 (1) has a confirmed positive COVID-19 diagnosis via a
21 molecular amplification diagnostic test, such as a
22 polymerase chain reaction (PCR) test for COVID-19;

23 (2) has probable COVID-19 diagnosis via an antigen
24 diagnostic test;

25 (3) was in close contact with a person who has a
26 confirmed case of COVID-19 and is required to be excluded

1 from school; or

2 (4) was required by school or school district policy
3 to be excluded from school district property due to
4 COVID-19 symptoms.

5 Such leave shall be provided to an employee for any days
6 needed to care for a child of the employee prior to the
7 effective date of this amendatory Act of the 102nd General
8 Assembly, provided that the employee receives the doses
9 required to meet the definition of "fully vaccinated against
10 COVID-19" under this Section no later than 5 weeks after the
11 effective date of this amendatory Act of the 102nd General
12 Assembly.

13 (d) An employee of the University who is on paid
14 administrative leave pursuant to this Section must provide all
15 documentation requested by the University.

16 (e) An employee of the University who is on paid
17 administrative leave pursuant to this Section shall receive
18 the employee's regular rate of pay. The use of a paid
19 administrative leave day or days by an employee pursuant to
20 this Section may not diminish any other leave or benefits of
21 the employee.

22 (f) An employee of the University may not accrue paid
23 administrative leave pursuant to this Section.

24 (g) For an employee of the University to be eligible to
25 receive paid administrative leave pursuant to this Section,
26 the employee must:

1 (1) have received all doses required to be fully
2 vaccinated against COVID-19; and

3 (2) participate in the COVID-19 testing program
4 adopted by the University to the extent such a testing
5 program requires participation by individuals who are
6 fully vaccinated against COVID-19.

7 (h) Nothing in this Section is intended to affect any
8 right or remedy under federal law.

9 (i) No paid administrative leave awarded to or used by a
10 fully vaccinated employee prior to the Department of Public
11 Health's adoption of a revised definition of the term "fully
12 vaccinated against COVID-19" may be rescinded on the basis
13 that the employee no longer meets the definition of "fully
14 vaccinated against COVID-19" based on the revised definition.

15 Section 50. The Western Illinois University Law is amended
16 by adding Sections 35-250 and 35-270 as follows:

17 (110 ILCS 690/35-250 new)

18 Sec. 35-250. COVID-19 sick leave. For purposes of this
19 Section, "employee" means a person employed by the University
20 on or after the effective date of this amendatory Act of the
21 102nd General Assembly.

22 Any sick leave used by an employee of the University
23 during the 2021-2022 academic year shall be returned to an
24 employee of the University who receives all doses required to

1 be fully vaccinated against COVID-19, as defined in Section
2 35-270 of this Act, if:

3 (1) the sick leave was taken because the employee was
4 restricted from being on University property because the
5 employee:

6 (A) had a confirmed positive COVID-19 diagnosis
7 via a molecular amplification diagnostic test, such as
8 a polymerase chain reaction (PCR) test for COVID-19;

9 (B) had a probable COVID-19 diagnosis via an
10 antigen diagnostic test;

11 (C) was in close contact with a person who had a
12 confirmed case of COVID-19 and was required to be
13 excluded from the University; or

14 (D) was required by the University to be excluded
15 from University property due to COVID-19 symptoms; or

16 (2) the sick leave was taken to care for a child of the
17 employee who was unable to attend elementary or secondary
18 school because the child:

19 (A) had a confirmed positive COVID-19 diagnosis
20 via a molecular amplification diagnostic test, such as
21 a polymerase chain reaction (PCR) test for COVID-19;

22 (B) had a probable COVID-19 diagnosis via an
23 antigen diagnostic test;

24 (C) was in close contact with a person who had a
25 confirmed case of COVID-19 and was required to be
26 excluded from school; or

1 (D) was required by the school or school district
2 policy to be excluded from school district property
3 due to COVID-19 symptoms.

4 Leave shall be returned to an employee pursuant to this
5 Section provided that the employee has received all required
6 doses to meet the definition of "fully vaccinated against
7 COVID-19" under Section 35-270 of this Act no later than 5
8 weeks after the effective date of this amendatory Act of the
9 102nd General Assembly.

10 The University may not rescind any sick leave returned to
11 an employee of the University on the basis of a revision to the
12 definition of "fully vaccinated against COVID-19" by the
13 Centers for Disease Control and Prevention of the United
14 States Department of Health and Human Services or the
15 Department of Public Health, provided that the employee
16 received all doses required to be fully vaccinated against
17 COVID-19, as defined in Section 35-270 of this Act, at the time
18 the sick leave was returned to the employee.

19 (110 ILCS 690/35-270 new)

20 Sec. 35-270. COVID-19 paid administrative leave.

21 (a) In this Section:

22 "Employee" means a person employed by the University on or
23 after the effective date of this amendatory Act of the 102nd
24 General Assembly.

25 "Fully vaccinated against COVID-19" means:

1 (1) 2 weeks after receiving the second dose in a
2 2-dose series of a COVID-19 vaccine authorized for
3 emergency use, licensed, or otherwise approved by the
4 United States Food and Drug Administration; or

5 (2) 2 weeks after receiving a single dose of a
6 COVID-19 vaccine authorized for emergency use, licensed,
7 or otherwise approved by the United States Food and Drug
8 Administration.

9 "Fully vaccinated against COVID-19" also includes any
10 recommended booster doses for which the individual is eligible
11 upon the adoption by the Department of Public Health of any
12 changes made by the Centers for Disease Control and Prevention
13 of the United States Department of Health and Human Services
14 to the definition of "fully vaccinated against COVID-19" to
15 include any such booster doses. For purposes of this Section,
16 individuals who are eligible for a booster dose but have not
17 received a booster dose by 5 weeks after the Department of
18 Public Health adopts a revised definition of "fully vaccinated
19 against COVID-19" are not considered fully vaccinated for
20 determining eligibility for future paid administrative leave
21 pursuant to this Section.

22 (b) During any time when the Governor has declared a
23 disaster due to a public health emergency pursuant to Section
24 7 of the Illinois Emergency Management Agency Act and the
25 University, the State or any of its agencies, or a local public
26 health department has issued guidance, mandates, or rules

1 related to COVID-19 that restrict an employee of the
2 University from being on University property because the
3 employee (i) has a confirmed positive COVID-19 diagnosis via a
4 molecular amplification diagnostic test, such as a polymerase
5 chain reaction (PCR) test for COVID-19, (ii) has a probable
6 COVID-19 diagnosis via an antigen diagnostic test, (iii) has
7 been in close contact with a person who had a confirmed case of
8 COVID-19 and is required to be excluded from the University,
9 or (iv) is required by University policy to be excluded from
10 University property due to COVID-19 symptoms, the employee of
11 the University shall receive as many days of administrative
12 leave as required to abide by the public health guidance,
13 mandates, and requirements issued by the Department of Public
14 Health, unless a longer period of paid administrative leave
15 has been negotiated with the exclusive bargaining
16 representative if any. Such leave shall be provided to an
17 employee for any days for which the employee was required to be
18 excluded from University property prior to the effective date
19 of this amendatory Act of the 102nd General Assembly, provided
20 that the employee receives all doses required to meet the
21 definition of "fully vaccinated against COVID-19" under this
22 Section no later than 5 weeks after the effective date of this
23 amendatory Act of the 102nd General Assembly.

24 (c) An employee of the University shall receive paid
25 administrative leave pursuant to subsection (b) of this
26 Section, unless a longer period of paid administrative leave

1 has been negotiated with the exclusive bargaining
2 representative if any, to care for a child of the employee if
3 the child is unable to attend elementary or secondary school
4 because the child:

5 (1) has a confirmed positive COVID-19 diagnosis via a
6 molecular amplification diagnostic test, such as a
7 polymerase chain reaction (PCR) test for COVID-19;

8 (2) has probable COVID-19 diagnosis via an antigen
9 diagnostic test;

10 (3) was in close contact with a person who has a
11 confirmed case of COVID-19 and is required to be excluded
12 from school; or

13 (4) was required by school or school district policy
14 to be excluded from school district property due to
15 COVID-19 symptoms.

16 Such leave shall be provided to an employee for any days
17 needed to care for a child of the employee prior to the
18 effective date of this amendatory Act of the 102nd General
19 Assembly, provided that the employee receives the doses
20 required to meet the definition of "fully vaccinated against
21 COVID-19" under this Section no later than 5 weeks after the
22 effective date of this amendatory Act of the 102nd General
23 Assembly.

24 (d) An employee of the University who is on paid
25 administrative leave pursuant to this Section must provide all
26 documentation requested by the University.

1 (e) An employee of the University who is on paid
2 administrative leave pursuant to this Section shall receive
3 the employee's regular rate of pay. The use of a paid
4 administrative leave day or days by an employee pursuant to
5 this Section may not diminish any other leave or benefits of
6 the employee.

7 (f) An employee of the University may not accrue paid
8 administrative leave pursuant to this Section.

9 (g) For an employee of the University to be eligible to
10 receive paid administrative leave pursuant to this Section,
11 the employee must:

12 (1) have received all doses required to be fully
13 vaccinated against COVID-19; and

14 (2) participate in the COVID-19 testing program
15 adopted by the University to the extent such a testing
16 program requires participation by individuals who are
17 fully vaccinated against COVID-19.

18 (h) Nothing in this Section is intended to affect any
19 right or remedy under federal law.

20 (i) No paid administrative leave awarded to or used by a
21 fully vaccinated employee prior to the Department of Public
22 Health's adoption of a revised definition of the term "fully
23 vaccinated against COVID-19" may be rescinded on the basis
24 that the employee no longer meets the definition of "fully
25 vaccinated against COVID-19" based on the revised definition.

1 Section 55. The Public Community College Act is amended by
2 adding Sections 3-29.20 and 3-29.25 as follows:

3 (110 ILCS 805/3-29.20 new)

4 Sec. 3-29.20. COVID-19 sick leave. For purposes of this
5 Section, "employee" means a person employed by a community
6 college or community college district on or after the
7 effective date of this amendatory Act of the 102nd General
8 Assembly.

9 Any sick leave used by an employee of a community college
10 or community college district during the 2021-2022 academic
11 year shall be returned to an employee of the community college
12 or community college district who receives all doses required
13 to be fully vaccinated against COVID-19, as defined in Section
14 3-29.25 of this Act, if:

15 (1) the sick leave was taken because the employee was
16 restricted from being on community college district
17 property because the employee:

18 (A) had a confirmed positive COVID-19 diagnosis
19 via a molecular amplification diagnostic test, such as
20 a polymerase chain reaction (PCR) test for COVID-19;

21 (B) had a probable COVID-19 diagnosis via an
22 antigen diagnostic test;

23 (C) was in close contact with a person who had a
24 confirmed case of COVID-19 and was required to be
25 excluded from community college district property; or

1 (D) was required by the community college or
2 community college district policy to be excluded from
3 community college district property due to COVID-19
4 symptoms; or

5 (2) the sick leave was taken to care for a child of the
6 employee who was unable to attend elementary or secondary
7 school because the child:

8 (A) had a confirmed positive COVID-19 diagnosis
9 via a molecular amplification diagnostic test, such as
10 a polymerase chain reaction (PCR) test for COVID-19;

11 (B) had a probable COVID-19 diagnosis via an
12 antigen diagnostic test;

13 (C) was in close contact with a person who had a
14 confirmed case of COVID-19 and was required to be
15 excluded from school; or

16 (D) was required by the school or school district
17 policy to be excluded from school district property
18 due to COVID-19 symptoms.

19 Leave shall be returned to an employee pursuant to this
20 Section provided that the employee has received all required
21 doses to meet the definition of "fully vaccinated against
22 COVID-19" under Section 3-29.25 of this Act no later than 5
23 weeks after the effective date of this amendatory Act of the
24 102nd General Assembly.

25 The community college district may not rescind any sick
26 leave returned to an employee of the community college or

1 community college district on the basis of a revision to the
2 definition of "fully vaccinated against COVID-19" by the
3 Centers for Disease Control and Prevention of the United
4 States Department of Health and Human Services or the
5 Department of Public Health, provided that the employee
6 received all doses required to be fully vaccinated against
7 COVID-19, as defined in Section 3-29.25 of this Act, at the
8 time the sick leave was returned to the employee.

9 (110 ILCS 805/3-29.25 new)

10 Sec. 3-29.25. COVID-19 paid administrative leave.

11 (a) In this Section:

12 "Employee" means a person employed by a community college
13 or community college district on or after the effective date
14 of this amendatory Act of the 102nd General Assembly.

15 "Fully vaccinated against COVID-19" means:

16 (1) 2 weeks after receiving the second dose in a
17 2-dose series of a COVID-19 vaccine authorized for
18 emergency use, licensed, or otherwise approved by the
19 United States Food and Drug Administration; or

20 (2) 2 weeks after receiving a single dose of a
21 COVID-19 vaccine authorized for emergency use, licensed,
22 or otherwise approved by the United States Food and Drug
23 Administration.

24 "Fully vaccinated against COVID-19" also includes any
25 recommended booster doses for which the individual is eligible

1 upon the adoption by the Department of Public Health of any
2 changes made by the Centers for Disease Control and Prevention
3 of the United States Department of Health and Human Services
4 to the definition of "fully vaccinated against COVID-19" to
5 include any such booster doses. For purposes of this Section,
6 individuals who are eligible for a booster dose but have not
7 received a booster dose by 5 weeks after the Department of
8 Public Health adopts a revised definition of "fully vaccinated
9 against COVID-19" are not considered fully vaccinated for
10 determining eligibility for future paid administrative leave
11 pursuant to this Section.

12 (b) During any time when the Governor has declared a
13 disaster due to a public health emergency pursuant to Section
14 7 of the Illinois Emergency Management Agency Act and a
15 community college district, the State or any of its agencies,
16 or a local public health department has issued guidance,
17 mandates, or rules related to COVID-19 that restrict an
18 employee of a community college or community college district
19 from being on community college district property because the
20 employee (i) has a confirmed positive COVID-19 diagnosis via a
21 molecular amplification diagnostic test, such as a polymerase
22 chain reaction (PCR) test for COVID-19, (ii) has a probable
23 COVID-19 diagnosis via an antigen diagnostic test, (iii) has
24 been in close contact with a person who had a confirmed case of
25 COVID-19 and is required to be excluded from a community
26 college district, or (iv) is required by a community college

1 or community college district policy to be excluded from
2 community college district property due to COVID-19 symptoms,
3 the employee of a community college or community college
4 district shall receive as many days of administrative leave as
5 required to abide by the public health guidance, mandates, and
6 requirements issued by the Department of Public Health, unless
7 a longer period of paid administrative leave has been
8 negotiated with the exclusive bargaining representative if
9 any. Such leave shall be provided to an employee for any days
10 for which the employee was required to be excluded from
11 community college district property prior to the effective
12 date of this amendatory Act of the 102nd General Assembly,
13 provided that the employee receives all doses required to meet
14 the definition of "fully vaccinated against COVID-19" under
15 this Section no later than 5 weeks after the effective date of
16 this amendatory Act of the 102nd General Assembly.

17 (c) An employee of a community college or community
18 college district shall receive paid administrative leave
19 pursuant to subsection (b) of this Section, unless a longer
20 period of paid administrative leave has been negotiated with
21 the exclusive bargaining representative if any, to care for a
22 child of the employee if the child is unable to attend
23 elementary or secondary school because the child:

24 (1) has a confirmed positive COVID-19 diagnosis via a
25 molecular amplification diagnostic test, such as a
26 polymerase chain reaction (PCR) test for COVID-19;

1 (2) has probable COVID-19 diagnosis via an antigen
2 diagnostic test;

3 (3) was in close contact with a person who has a
4 confirmed case of COVID-19 and is required to be excluded
5 from school; or

6 (4) was required by school or school district policy
7 to be excluded from school district property due to
8 COVID-19 symptoms.

9 Such leave shall be provided to an employee for any days
10 needed to care for a child of the employee prior to the
11 effective date of this amendatory Act of the 102nd General
12 Assembly, provided that the employee receives the doses
13 required to meet the definition of "fully vaccinated against
14 COVID-19" under this Section no later than 5 weeks after the
15 effective date of this amendatory Act of the 102nd General
16 Assembly.

17 (d) An employee of a community college or community
18 college district who is on paid administrative leave pursuant
19 to this Section must provide all documentation requested by
20 the community college or community college district.

21 (e) An employee of a community college or community
22 college district who is on paid administrative leave pursuant
23 to this Section shall receive the employee's regular rate of
24 pay. The use of a paid administrative leave day or days by an
25 employee pursuant to this Section may not diminish any other
26 leave or benefits of the employee.

1 (f) An employee of a community college or community
2 college district may not accrue paid administrative leave
3 pursuant to this Section.

4 (g) For an employee of a community college or community
5 college district to be eligible to receive paid administrative
6 leave pursuant to this Section, the employee must:

7 (1) have received all doses required to be fully
8 vaccinated against COVID-19; and

9 (2) participate in the COVID-19 testing program
10 adopted by a community college or community college
11 district to the extent such a testing program requires
12 participation by individuals who are fully vaccinated
13 against COVID-19.

14 (h) Nothing in this Section is intended to affect any
15 right or remedy under federal law.

16 (i) No paid administrative leave awarded to or used by a
17 fully vaccinated employee prior to the Department of Public
18 Health's adoption of a revised definition of the term "fully
19 vaccinated against COVID-19" may be rescinded on the basis
20 that the employee no longer meets the definition of "fully
21 vaccinated against COVID-19" based on the revised definition.

22 Section 95. No acceleration or delay. Where this Act makes
23 changes in a statute that is represented in this Act by text
24 that is not yet or no longer in effect (for example, a Section
25 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes
2 made by this Act or (ii) provisions derived from any other
3 Public Act.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.