

GOVERNOR'S DISASTER DECLARATION FOR COVID-19 ENDS

As of May 11, 2023, the COVID-19 public health emergency disaster proclamation declared by Governor Pritzker has ended. The expiration of this declaration also ends many of the rights afforded to individuals and school districts that were contingent upon it. Below are some of the key areas immediately affected by this expiration that schools should be aware of.

- **OPEN MEETINGS ACT:** School boards may no longer hold fully virtual meetings pursuant to Section 7(e). A quorum of the board of education or governing board must be physically present for meetings (Section 2.01). Section 7(a) continues to permit individual members' to participate in the meeting electronically but only for one of the reasons listed in the statute where there is a quorum of members physically present.

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- **COVID ADMINISTRATIVE LEAVE:** Schools are no longer required to grant paid administrative leave to vaccinated employees for COVID-19 related absences, instead of requiring employees to use available leave as per 105 ILCS 5/10-20.83. Employees should still be provided reimbursement for any leave taken for COVID-related reasons through May 11, 2023.

- **SCHOOL CODE CHANGES:**
 - Remote Learning Days: Remote learning and blended remote learning days that are allowable under Section 10-30 of the Illinois School Code are no longer applicable.
 - Minimum Clock Hours: Subsections (a) – (j) of section 10-19.05 of the Illinois School Code are back in effect as the disaster declaration and is no longer in effect (Section 10-19.05 (j-5)).
 - Report Cards: The deadline to submit report cards to ISBE will no longer be extended; they are due by October 31st.

- Substitute Teachers: Individuals who have obtained a short-term substitute teaching license are no longer permitted to be hired for teacher absences lasting six or more days.
- Dismissal Hearings for Tenured Teachers: Certain provisions of Section 24-12(d)(3) of the School Code which permitted remote hearings no longer applies.
- Evaluation Ratings: The provisions under Sections 24A-5, 24A-15, 34-85c, and 24-11, are no longer applicable to teachers and principal evaluation ratings. This includes the default to excellent ratings in some situations and allowing for written agreements as an alternative to performance ratings for non-tenure teachers.
- Withholding Report Cards: The school authority to withhold report cards of those students who have failed to comply with dental and eye examination requirements is now restored.

Districts or cooperatives that may have adopted temporary policies or procedures as a result of COVID-19 since it was first declared a public disaster in March 2020, over three years ago should review them at this time. These policies may cover such topics as vaccinations, testing, COVID-19 notifications,

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and absences. Any policies or procedures that are contingent upon the continuance of an emergency disaster declaration may no longer be in effect or applicable.

If you have any questions, please do not hesitate to contact us. We will provide updates with additional guidance as it becomes available. Attorneys in our Flossmoor (708-799-6766), Downers Grove (630-796-2086) and/or Oak Brook (630-928-1200) offices can assist with any questions you may have about these and related matters during these ever-changing times.