



Rep. Terri Bryant

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1 AMENDMENT TO HOUSE BILL 1475

2 AMENDMENT NO. _____. Amend House Bill 1475 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Seizure Smart School Act.

6 Section 5. Findings. The General Assembly finds all of the
7 following:

8 (1) Over 200,000 people in the State of Illinois have
9 epilepsy.

10 (2) Epilepsy is the fourth most common neurological
11 disorder in the United States, after migraines, strokes,
12 and Alzheimer's disease.

13 (3) The prevalence of epilepsy is greater than autism
14 spectrum disorder, cerebral palsy, multiple sclerosis, and
15 Parkinson's disease combined.

16 (4) One-third of people with epilepsy live with

1 uncontrollable seizures.

2 (5) Fifty thousand people die from epilepsy-related
3 causes in the United States every year.

4 (6) Federal law affords people with epilepsy specific
5 rights and protections. These laws include Section 504 of
6 the Rehabilitation Act of 1973, the Individuals with
7 Disabilities Education Improvement Act of 2004, the
8 Americans with Disabilities Act of 1990, and the ADA
9 Amendments Act of 2008.

10 Section 10. Definitions. In this Act:

11 "Delegated care aide" means a school employee who has
12 volunteered to receive training in epilepsy and to assist a
13 student in implementing his or her seizure action plan and who
14 has entered into an agreement with a parent or guardian of that
15 student.

16 "Licensed health care provider" means a physician licensed
17 to practice medicine in all of its branches, an advanced
18 practice registered nurse who has a written collaborative
19 agreement with a collaborating physician who authorizes the
20 provision of epilepsy care, or a physician assistant who has a
21 written collaborative agreement with a collaborating physician
22 who authorizes the provision of epilepsy care.

23 "School" means any primary or secondary public, charter, or
24 nonpublic school located in this State.

25 "School employee" means a person who is employed by a

1 school district or school, a person who is employed by a local
2 health department and assigned to a school, or a person who
3 contracts with a school or school district to perform services
4 in connection with a student's seizure action plan.

5 "Seizure action plan" means a document that specifies the
6 services needed by a student with epilepsy at school and at
7 school-sponsored activities and delegates to a delegated care
8 aide the authority to provide and supervise these services.

9 Section 15. Seizure action plan.

10 (a) The parent or guardian of a student with epilepsy who
11 seeks assistance with epilepsy-related care in a school setting
12 must sign and submit a seizure action plan with the student's
13 school. The seizure action plan must include the treating
14 physician's, advanced practice registered nurse's, or
15 physician assistant's instructions on the student's epilepsy
16 management during the school day, including a copy of any
17 prescriptions and the methods of administering those
18 prescriptions.

19 (b) The services and accommodations specified in a seizure
20 action plan must be reasonable, reflect the current best
21 practice guidelines of seizure-management care, and include
22 appropriate safeguards to ensure the proper disposal of used
23 equipment and medication.

24 (c) A seizure action plan must be submitted to the
25 student's school (i) at the beginning of the school year, (ii)

1 upon enrollment, as soon practicable following the student's
2 diagnosis, or (iii) when a student's care needs change during
3 the school year.

4 Section 20. Delegated care aides.

5 (a) A delegated care aide shall perform the activities and
6 tasks necessary to assist a student with epilepsy in accordance
7 with the student's seizure action plan.

8 (b) The principal of a school shall ensure that the school
9 has at least one delegated care aide present and available at
10 the school during all school hours and, as needed, during
11 school-sponsored activities.

12 Section 25. Training for school employees and delegated
13 care aides.

14 (a) All school employees shall receive training in the
15 basics of seizure recognition and first aid and appropriate
16 emergency protocols and training on who will administer rescue
17 medication.

18 (b) A delegated care aide must be trained to perform the
19 tasks necessary to assist a student with epilepsy in accordance
20 with the student's seizure action plan.

21 (c) The principal of a school shall coordinate the training
22 of all delegated care aides.

23 (d) The initial training of a delegated care aide shall be
24 provided by a licensed health care provider with an expertise

1 in epilepsy or an epilepsy educator approved by the Epilepsy
2 Foundation of America. Training for school employees must be
3 provided annually by a licensed health care provider or an
4 epilepsy educator approved by the Epilepsy Foundation of
5 America or through at least one hour of self-study review
6 approved by the Epilepsy Foundation of America.

7 (e) An information sheet must be provided to any school
8 employee who transports a student with epilepsy to a
9 school-sponsored activity. The sheet must identify the student
10 with epilepsy, potential emergencies that may occur as a result
11 of the student's epilepsy, and the appropriate responses to
12 those emergencies and provide the student's emergency contact
13 information.

14 Section 30. Self-management. In accordance with his or her
15 seizure action plan, a student must be permitted to possess on
16 his or her person, at all times, the supplies, equipment, and
17 medication necessary to treat epilepsy.

18 Section 35. Restricting access to school prohibited. A
19 school district may not restrict the assignment of a student
20 with epilepsy to a particular school on the basis that the
21 school does not have a full-time school nurse, and a school may
22 not deny a student access to the school or any school-related
23 activity on the basis that the student has epilepsy.

1 Section 40. Protection against retaliation. A school
2 employee may not be subject to any penalty, sanction,
3 reprimand, discharge, demotion, denial of a promotion,
4 withdrawal of benefits, or other disciplinary action for
5 choosing not to volunteer to serve as a delegated care aide.

6 Section 45. Immunity.

7 (a) A school or a school employee who is in compliance with
8 Section 25 of this Act is not liable for civil or other damages
9 as a result of conduct, other than willful or wanton
10 misconduct, related to the care of a student with epilepsy.

11 (b) A school employee may not be subject to any
12 disciplinary proceeding resulting from an action taken in
13 compliance with this Act, unless the action constitutes willful
14 or wanton misconduct.

15 (c) A physician, advanced practice registered nurse,
16 physician assistant, or approved epilepsy educator who
17 participates in the formulation of a seizure action plan or
18 training of a school employee or delegated care aide and who is
19 in compliance with Section 25 of this Act shall incur no
20 liability or professional discipline, except for willful and
21 wanton misconduct, as a result of any injury arising from the
22 seizure action plan or training of a school employee or
23 delegated care aide.

24 Section 50. Federal law. Nothing in this Act limits any

1 rights available under federal law.

2 Section 90. The School Code is amended by changing Section
3 27A-5 as follows:

4 (105 ILCS 5/27A-5)

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

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

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

21 (b-5) In this subsection (b-5), "virtual-schooling" means
22 a cyber school where students engage in online curriculum and
23 instruction via the Internet and electronic communication with
24 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 On or before March 1, 2014, the Commission shall submit to
12 the General Assembly a report on the effect of
13 virtual-schooling, including without limitation the effect on
14 student performance, the costs associated with
15 virtual-schooling, and issues with oversight. The report shall
16 include policy recommendations for virtual-schooling.

17 (c) A charter school shall be administered and governed by
18 its board of directors or other governing body in the manner
19 provided in its charter. The governing body of a charter school
20 shall be subject to the Freedom of Information Act and the Open
21 Meetings Act.

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 school
2 personnel. "Non-curricular health and safety requirement" does
3 not include any course of study or specialized instructional
4 requirement for which the State Board has established goals and
5 learning standards or which is designed primarily to impart
6 knowledge and skills for students to master and apply as an
7 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 be
14 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. To ensure financial accountability for the use of
10 public funds, on or before December 1 of every year of
11 operation, each charter school shall submit to its authorizer
12 and the State Board a copy of its audit and a copy of the Form
13 990 the charter school filed that year with the federal
14 Internal Revenue Service. In addition, if deemed necessary for
15 proper financial oversight of the charter school, an authorizer
16 may require quarterly financial statements from each charter
17 school.

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

26 (1) Sections 10-21.9 and 34-18.5 of this Code regarding

1 criminal history records checks and checks of the Statewide
2 Sex Offender Database and Statewide Murderer and Violent
3 Offender Against Youth Database of applicants for
4 employment;

5 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
6 34-84a of this Code regarding discipline of students;

7 (3) the Local Governmental and Governmental Employees
8 Tort Immunity Act;

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

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

13 (5.5) subsection (b) of Section 10-23.12 and
14 subsection (b) of Section 34-18.6 of this Code;

15 (6) the Illinois School Student Records Act;

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

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

19 (9) Section 27-23.7 of this Code regarding bullying
20 prevention;

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

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

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

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

26 (14) Section 26-18 of this Code; ~~and~~

1 (15) Section 22-30 of this Code; ~~and~~

2 (16) The Seizure Smart School Act.

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

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

1 contracts with a local school board or with the governing body
2 of a State college or university or public community college
3 shall be provided by the public entity at cost.

4 (i) In no event shall a charter school that is established
5 by converting an existing school or attendance center to
6 charter school status be required to pay rent for space that is
7 deemed available, as negotiated and provided in the charter
8 agreement, in school district facilities. However, all other
9 costs for the operation and maintenance of school district
10 facilities that are used by the charter school shall be subject
11 to negotiation between the charter school and the local school
12 board and shall be set forth in the charter.

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

15 (k) If the charter school is approved by the Commission,
16 then the Commission charter school is its own local education
17 agency.

18 (Source: P.A. 99-30, eff. 7-10-15; 99-78, eff. 7-20-15; 99-245,
19 eff. 8-3-15; 99-325, eff. 8-10-15; 99-456, eff. 9-15-16;
20 99-642, eff. 7-28-16; 99-927, eff. 6-1-17; 100-29, eff. 1-1-18;
21 100-156, eff. 1-1-18; 100-163, eff. 1-1-18; 100-413, eff.
22 1-1-18; 100-468, eff. 6-1-18; 100-726, eff. 1-1-19; 100-863,
23 eff. 8-14-18; revised 10-5-18.)

24 Section 95. The State Mandates Act is amended by adding
25 Section 8.43 as follows:

1 (30 ILCS 805/8.43 new)

2 Sec. 8.43. Exempt mandate. Notwithstanding Sections 6 and 8
3 of this Act, no reimbursement by the State is required for the
4 implementation of any mandate created by the Seizure Smart
5 School Act."