

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 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
17 uncontrollable seizures.

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

20 (6) Federal law affords people with epilepsy specific
21 rights and protections. These laws include Section 504 of
22 the Rehabilitation Act of 1973, the Individuals with
23 Disabilities Education Improvement Act of 2004, the

1 Americans with Disabilities Act of 1990, and the ADA
2 Amendments Act of 2008.

3 Section 10. Definitions. In this Act:

4 "Delegated care aide" means a school employee or
5 paraprofessional who has agreed to receive training in epilepsy
6 and assist a student in implementing his or her seizure action
7 plan and who has entered into an agreement with a parent or
8 guardian of that student.

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

11 "School employee" means a person who is employed by a
12 school district or school as a nurse, principal, administrator,
13 guidance counselor, or teacher, a person who is employed by a
14 local health department and assigned to a school, or a person
15 who contracts with a school or school district to perform
16 services in connection with a student's seizure action plan.
17 This definition may not be interpreted to require a school
18 district, charter school, or nonpublic school to hire
19 additional personnel for the sole purpose of the personnel to
20 serve as a delegated care aide.

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

1 Section 15. Seizure action plan.

2 (a) For a student with epilepsy, a seizure action plan
3 shall serve as the basis of the student's federal Section 504
4 plan and must be signed by the student's parent or guardian if
5 the student seeks assistance with epilepsy-related care in a
6 school setting. If the student has been managing his or her
7 epilepsy care in a school setting before the effective date of
8 this Act, the student's parent or guardian may sign and submit
9 a seizure action plan with the student's school. It is the
10 responsibility of the student's parent or guardian to share the
11 health care provider's instructions on the student's epilepsy
12 management during the school day, including a copy of any
13 prescriptions and the methods of administering those
14 prescriptions.

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

20 (c) A seizure action plan must be submitted to the
21 student's school (i) at the beginning of the school year, (ii)
22 upon enrollment, as soon practicable following the student's
23 diagnosis, or (iii) when a student's care needs change during
24 the school year. A student's parent or guardian is responsible
25 for informing the school, in a timely manner, of any changes to
26 the student's seizure action plan and emergency contact

1 information.

2 Section 20. Delegated care aides.

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

6 (b) The principal of a school shall facilitate the school's
7 compliance with the provisions of a student's seizure action
8 plan.

9 Section 25. Training for school employees and delegated
10 care aides.

11 (a) During an inservice training workshop under Section
12 3-11 of the School Code, all school employees shall receive
13 training in the basics of seizure recognition and first aid and
14 appropriate emergency protocols. The training must be fully
15 consistent with the best practice guidelines issued by the
16 Centers for Disease Control and Prevention.

17 (b) In a school in which at least one student with epilepsy
18 is enrolled, a delegated care aide must be trained to perform
19 the tasks necessary to assist the student in accordance with
20 his or her seizure action plan.

21 (c) The training of a delegated care aide must be provided
22 by a licensed health care provider with an expertise in
23 epilepsy or an epilepsy educator who has successfully completed
24 the relevant curricula offered by the Centers for Disease

1 Control and Prevention.

2 (d) If applicable, a seizure action plan must be provided
3 to any school employee who transports a student with epilepsy
4 to a school-sponsored activity.

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

9 Section 35. Restricting access to school prohibited. A
10 school district may not restrict the assignment of a student
11 with epilepsy to a particular school on the basis that the
12 school does not have a full-time school nurse, and a school may
13 not deny a student access to the school or any school-related
14 activity on the basis that the student has epilepsy.

15 Section 40. Protection against retaliation. A school
16 employee may not be subject to any penalty, sanction,
17 reprimand, discharge, demotion, denial of a promotion,
18 withdrawal of benefits, or other disciplinary action for
19 choosing not to volunteer to serve as a delegated care aide.

20 Section 45. Immunity.

21 (a) A school or a school employee who is in compliance with
22 Section 25 of this Act is not liable for civil or other damages

1 as a result of conduct, other than willful or wanton
2 misconduct, related to the care of a student with epilepsy.

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

7 Section 50. Federal law. Nothing in this Act limits any
8 rights available under federal law.

9 Section 90. The School Code is amended by changing Section
10 27A-5 as follows:

11 (105 ILCS 5/27A-5)

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

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

18 (b) A charter school may be established under this Article
19 by creating a new school or by converting an existing public
20 school or attendance center to charter school status. Beginning
21 on April 16, 2003 (the effective date of Public Act 93-3), in
22 all new applications to establish a charter school in a city
23 having a population exceeding 500,000, operation of the charter

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

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

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

19 On or before March 1, 2014, the Commission shall submit to
20 the General Assembly a report on the effect of
21 virtual-schooling, including without limitation the effect on
22 student performance, the costs associated with
23 virtual-schooling, and issues with oversight. The report shall
24 include policy recommendations for virtual-schooling.

25 (c) A charter school shall be administered and governed by
26 its board of directors or other governing body in the manner

1 provided in its charter. The governing body of a charter school
2 shall be subject to the Freedom of Information Act and the Open
3 Meetings Act.

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

16 A charter school shall comply with all non-curricular
17 health and safety requirements applicable to public schools
18 under the laws of the State of Illinois. On or before September
19 1, 2015, the State Board shall promulgate and post on its
20 Internet website a list of non-curricular health and safety
21 requirements that a charter school must meet. The list shall be
22 updated annually no later than September 1. Any charter
23 contract between a charter school and its authorizer must
24 contain a provision that requires the charter school to follow
25 the list of all non-curricular health and safety requirements
26 promulgated by the State Board and any non-curricular health

1 and safety requirements added by the State Board to such list
2 during the term of the charter. Nothing in this subsection (d)
3 precludes an authorizer from including non-curricular health
4 and safety requirements in a charter school contract that are
5 not contained in the list promulgated by the State Board,
6 including non-curricular health and safety requirements of the
7 authorizing local school board.

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

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

26 (g) A charter school shall comply with all provisions of

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

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

13 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
14 34-84a of this Code regarding discipline of students;

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

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

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

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

23 (6) the Illinois School Student Records Act;

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

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

1 (9) Section 27-23.7 of this Code regarding bullying
2 prevention;

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

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

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

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

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

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

10 (16) The Seizure Smart School Act.

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

13 (h) A charter school may negotiate and contract with a
14 school district, the governing body of a State college or
15 university or public community college, or any other public or
16 for-profit or nonprofit private entity for: (i) the use of a
17 school building and grounds or any other real property or
18 facilities that the charter school desires to use or convert
19 for use as a charter school site, (ii) the operation and
20 maintenance thereof, and (iii) the provision of any service,
21 activity, or undertaking that the charter school is required to
22 perform in order to carry out the terms of its charter.
23 However, a charter school that is established on or after April
24 16, 2003 (the effective date of Public Act 93-3) and that
25 operates in a city having a population exceeding 500,000 may
26 not contract with a for-profit entity to manage or operate the

1 school during the period that commences on April 16, 2003 (the
2 effective date of Public Act 93-3) and concludes at the end of
3 the 2004-2005 school year. Except as provided in subsection (i)
4 of this Section, a school district may charge a charter school
5 reasonable rent for the use of the district's buildings,
6 grounds, and facilities. Any services for which a charter
7 school contracts with a school district shall be provided by
8 the district at cost. Any services for which a charter school
9 contracts with a local school board or with the governing body
10 of a State college or university or public community college
11 shall be provided by the public entity at cost.

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

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

23 (k) If the charter school is approved by the Commission,
24 then the Commission charter school is its own local education
25 agency.

26 (Source: P.A. 99-30, eff. 7-10-15; 99-78, eff. 7-20-15; 99-245,

1 eff. 8-3-15; 99-325, eff. 8-10-15; 99-456, eff. 9-15-16;
2 99-642, eff. 7-28-16; 99-927, eff. 6-1-17; 100-29, eff. 1-1-18;
3 100-156, eff. 1-1-18; 100-163, eff. 1-1-18; 100-413, eff.
4 1-1-18; 100-468, eff. 6-1-18; 100-726, eff. 1-1-19; 100-863,
5 eff. 8-14-18; revised 10-5-18.)

6 Section 95. The State Mandates Act is amended by adding
7 Section 8.43 as follows:

8 (30 ILCS 805/8.43 new)

9 Sec. 8.43. Exempt mandate. Notwithstanding Sections 6 and 8
10 of this Act, no reimbursement by the State is required for the
11 implementation of any mandate created by the Seizure Smart
12 School Act.

13 Section 999. Effective date. This Act takes effect July 1,
14 2020.