



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 (7) These federal laws are not enforced consistently in  
11 schools and school districts throughout this State, which  
12 may leave students with epilepsy at risk.

13 Section 10. Definitions. In this Act:

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

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

21 "School employee" means a person who is employed by a  
22 school district or school, a person who is employed by a local  
23 health department and assigned to a school, or a person who  
24 contracts with a school or school district to perform services  
25 in connection with a student's seizure action plan.

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

5 Section 15. Seizure action plan.

6 (a) The parent or guardian of a student with epilepsy who  
7 seeks assistance with epilepsy-related care in a school setting  
8 must sign and submit a seizure action plan with the student's  
9 school. The seizure action plan must include the treating  
10 physician's, advanced practice registered nurse's, or  
11 physician assistant'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.

1 Section 20. Delegated care aides.

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

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

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

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

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

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

20 (d) Training for school employees and delegated care aides  
21 must be provided annually by a trained health care educator  
22 with an expertise in epilepsy or through at least one hour of  
23 self-study review.

24 (e) The appropriate student's seizure action plan must be  
25 provided to any school employee who transports a student with

1 epilepsy to a school-sponsored activity. Information must also  
2 be provided identifying the student with epilepsy, potential  
3 emergencies that may occur as a result of the student's  
4 epilepsy, and the appropriate responses to those emergencies  
5 and provide the student's emergency contact information.

6 Section 30. Self-management. In accordance with his or her  
7 seizure action plan, a student must be permitted to possess on  
8 his or her person, at all times, the supplies, equipment, and  
9 medication necessary to treat epilepsy. A student must also be  
10 permitted to store those supplies, equipment, and medication  
11 with a school nurse or classroom teacher or in the office of a  
12 senior administrative school employee.

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

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

1 Section 45. Immunity.

2 (a) A school or a school employee is not liable for civil  
3 or other damages as a result of conduct, other than willful or  
4 wanton misconduct, related to the care of a student with  
5 epilepsy.

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

10 Section 50. Federal law. Nothing in this Act limits any  
11 rights available under federal law.

12 Section 90. The School Code is amended by changing Section  
13 27A-5 as follows:

14 (105 ILCS 5/27A-5)

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

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

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

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

23 On or before March 1, 2014, the Commission shall submit to  
24 the General Assembly a report on the effect of  
25 virtual-schooling, including without limitation the effect on  
26 student performance, the costs associated with

1 virtual-schooling, and issues with oversight. The report shall  
2 include policy recommendations for virtual-schooling.

3 (c) A charter school shall be administered and governed by  
4 its board of directors or other governing body in the manner  
5 provided in its charter. The governing body of a charter school  
6 shall be subject to the Freedom of Information Act and the Open  
7 Meetings Act.

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

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



1 contract between a charter school and its authorizer must  
2 contain a provision that requires the charter school to follow  
3 the list of all non-curricular health and safety requirements  
4 promulgated by the State Board and any non-curricular health  
5 and safety requirements added by the State Board to such list  
6 during the term of the charter. Nothing in this subsection (d)  
7 precludes an authorizer from including non-curricular health  
8 and safety requirements in a charter school contract that are  
9 not contained in the list promulgated by the State Board,  
10 including non-curricular health and safety requirements of the  
11 authorizing local school board.

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

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

1 proper financial oversight of the charter school, an authorizer  
2 may require quarterly financial statements from each charter  
3 school.

4 (g) A charter school shall comply with all provisions of  
5 this Article, the Illinois Educational Labor Relations Act, all  
6 federal and State laws and rules applicable to public schools  
7 that pertain to special education and the instruction of  
8 English learners, and its charter. A charter school is exempt  
9 from all other State laws and regulations in this Code  
10 governing public schools and local school board policies;  
11 however, a charter school is not exempt from the following:

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

17 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and  
18 34-84a of this Code regarding discipline of students;

19 (3) the Local Governmental and Governmental Employees  
20 Tort Immunity Act;

21 (4) Section 108.75 of the General Not For Profit  
22 Corporation Act of 1986 regarding indemnification of  
23 officers, directors, employees, and agents;

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

25 (5.5) subsection (b) of Section 10-23.12 and  
26 subsection (b) of Section 34-18.6 of this Code;

- 1 (6) the Illinois School Student Records Act;
- 2 (7) Section 10-17a of this Code regarding school report  
3 cards;
- 4 (8) the P-20 Longitudinal Education Data System Act;
- 5 (9) Section 27-23.7 of this Code regarding bullying  
6 prevention;
- 7 (10) Section 2-3.162 of this Code regarding student  
8 discipline reporting;
- 9 (11) Sections 22-80 and 27-8.1 of this Code;
- 10 (12) Sections 10-20.60 and 34-18.53 of this Code;
- 11 (13) Sections 10-20.63 and 34-18.56 of this Code; ~~and~~
- 12 (14) Section 26-18 of this Code; ~~and~~
- 13 (15) Section 22-30 of this Code; ~~and~~
- 14 (16) The Seizure Smart School Act.

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

17 (h) A charter school may negotiate and contract with a  
18 school district, the governing body of a State college or  
19 university or public community college, or any other public or  
20 for-profit or nonprofit private entity for: (i) the use of a  
21 school building and grounds or any other real property or  
22 facilities that the charter school desires to use or convert  
23 for use as a charter school site, (ii) the operation and  
24 maintenance thereof, and (iii) the provision of any service,  
25 activity, or undertaking that the charter school is required to  
26 perform in order to carry out the terms of its charter.

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

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

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

1 (k) If the charter school is approved by the Commission,  
2 then the Commission charter school is its own local education  
3 agency.

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

10 Section 95. The State Mandates Act is amended by adding  
11 Section 8.43 as follows:

12 (30 ILCS 805/8.43 new)

13 Sec. 8.43. Exempt mandate. Notwithstanding Sections 6 and 8  
14 of this Act, no reimbursement by the State is required for the  
15 implementation of any mandate created by the Seizure Smart  
16 School Act."