



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 or
12 paraprofessional who has agreed to receive training in epilepsy
13 and assist a student in implementing his or her seizure action
14 plan and who has entered into an agreement with a parent or
15 guardian of that student.

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

18 "School employee" means a person who is employed by a
19 school district or school as a principal, administrator,
20 guidance counselor, or teacher, a person who is employed by a
21 local health department and assigned to a school, or a person
22 who contracts with a school or school district to perform
23 services in connection with a student's seizure action plan.

24 "Seizure action plan" means a document that specifies the
25 services needed by a student with epilepsy at school and at

1 school-sponsored activities and delegates to a delegated care
2 aide the authority to provide and supervise these services.

3 Section 15. Seizure action plan.

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

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

18 (c) A seizure action plan must be submitted to the
19 student's school (i) at the beginning of the school year, (ii)
20 upon enrollment, as soon practicable following the student's
21 diagnosis, or (iii) when a student's care needs change during
22 the school year.

23 Section 20. Delegated care aides.

24 (a) A delegated care aide shall perform the activities and

1 tasks necessary to assist a student with epilepsy in accordance
2 with the student's seizure action plan.

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

7 Section 25. Training for school employees and delegated
8 care aides.

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

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

16 (c) The training of a delegated care aide shall include
17 consultation with the student's parent or guardian and may
18 include consultation with an epilepsy educator approved by the
19 Epilepsy Foundation of America.

20 (d) Training for school employees must be provided annually
21 through approximately one hour of self-study review approved by
22 the Epilepsy Foundation of America or by an epilepsy educator
23 approved by the Epilepsy Foundation of America.

24 (e) If applicable, a seizure action plan must be provided
25 to any school employee who transports a student with epilepsy

1 to a school-sponsored activity.

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

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

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

17 Section 45. Immunity.

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

22 (b) A school employee may not be subject to any

1 disciplinary proceeding resulting from an action taken in
2 compliance with this Act, unless the action constitutes willful
3 or wanton misconduct.

4 Section 50. Federal law. Nothing in this Act limits any
5 rights available under federal law.

6 Section 90. The School Code is amended by changing Section
7 27A-5 as follows:

8 (105 ILCS 5/27A-5)

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

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

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

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

22 (c) A charter school shall be administered and governed by
23 its board of directors or other governing body in the manner
24 provided in its charter. The governing body of a charter school
25 shall be subject to the Freedom of Information Act and the Open
26 Meetings Act.

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

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

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

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

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

23 (g) A charter school shall comply with all provisions of
24 this Article, the Illinois Educational Labor Relations Act, all
25 federal and State laws and rules applicable to public schools
26 that pertain to special education and the instruction of

1 English learners, and its charter. A charter school is exempt
2 from all other State laws and regulations in this Code
3 governing public schools and local school board policies;
4 however, a charter school is not exempt from the following:

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

10 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
11 34-84a of this Code regarding discipline of students;

12 (3) the Local Governmental and Governmental Employees
13 Tort Immunity Act;

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

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

18 (5.5) subsection (b) of Section 10-23.12 and
19 subsection (b) of Section 34-18.6 of this Code;

20 (6) the Illinois School Student Records Act;

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

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

24 (9) Section 27-23.7 of this Code regarding bullying
25 prevention;

26 (10) Section 2-3.162 of this Code regarding student

1 discipline reporting;

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

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

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

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

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

7 (16) The Seizure Smart School Act.

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

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

1 of this Section, a school district may charge a charter school
2 reasonable rent for the use of the district's buildings,
3 grounds, and facilities. Any services for which a charter
4 school contracts with a school district shall be provided by
5 the district at cost. Any services for which a charter school
6 contracts with a local school board or with the governing body
7 of a State college or university or public community college
8 shall be provided by the public entity at cost.

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

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

20 (k) If the charter school is approved by the Commission,
21 then the Commission charter school is its own local education
22 agency.

23 (Source: P.A. 99-30, eff. 7-10-15; 99-78, eff. 7-20-15; 99-245,
24 eff. 8-3-15; 99-325, eff. 8-10-15; 99-456, eff. 9-15-16;
25 99-642, eff. 7-28-16; 99-927, eff. 6-1-17; 100-29, eff. 1-1-18;
26 100-156, eff. 1-1-18; 100-163, eff. 1-1-18; 100-413, eff.

1 1-1-18; 100-468, eff. 6-1-18; 100-726, eff. 1-1-19; 100-863,
2 eff. 8-14-18; revised 10-5-18.)

3 Section 95. The State Mandates Act is amended by adding
4 Section 8.43 as follows:

5 (30 ILCS 805/8.43 new)

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

10 Section 999. Effective date. This Act takes effect July 1,
11 2020."