

AN ACT concerning education.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

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

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

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

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

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

(4) One-third of people with epilepsy live with uncontrollable seizures.

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

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

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

Section 10. Definitions. In this Act:

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

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

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

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

Section 15. Seizure action plan.

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

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

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

information.

Section 20. Delegated care aides.

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

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

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

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

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

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

Control and Prevention.

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

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

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

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

Section 45. Immunity.

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

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

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

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

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

(105 ILCS 5/27A-5)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) the Abused and Neglected Child Reporting Act;

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

(6) the Illinois School Student Records Act;

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

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

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

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

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

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

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

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

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

(16) The Seizure Smart School Act.

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

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

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

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

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

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

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

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

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

(30 ILCS 805/8.43 new)

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

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