



Rep. Terri Bryant

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1 AMENDMENT TO HOUSE BILL 1475

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

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

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

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

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

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

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

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

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

11 Section 10. Definitions. In this Act:

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

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

19 "School employee" means a person who is employed by a
20 school district or school as a nurse, principal, administrator,
21 guidance counselor, or teacher, a person who is employed by a
22 local health department and assigned to a school, or a person
23 who contracts with a school or school district to perform
24 services in connection with a student's seizure action plan.
25 This definition may not be interpreted to require a school

1 district, charter school, or nonpublic school to hire
2 additional personnel for the sole purpose of the personnel to
3 serve as a delegated care aide.

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

8 Section 15. Seizure action plan.

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

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

1 equipment and medication.

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

10 Section 20. Delegated care aides.

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

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

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

19 (a) During an inservice training workshop under Section
20 3-11 of the School Code, all school employees shall receive
21 training in the basics of seizure recognition and first aid and
22 appropriate emergency protocols. The training must be fully
23 consistent with the best practice guidelines issued by the
24 Centers for Disease Control and Prevention.

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

5 (c) The training of a delegated care aide must be provided
6 by a licensed health care provider with an expertise in
7 epilepsy or an epilepsy educator who has successfully completed
8 the relevant curricula offered by the Centers for Disease
9 Control and Prevention.

10 (d) Training for school employees must be provided annually
11 through approximately one hour of self-study review approved by
12 the Epilepsy Foundation of America or by an epilepsy educator
13 approved by the Epilepsy Foundation of America.

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

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

21 Section 35. Restricting access to school prohibited. A
22 school district may not restrict the assignment of a student
23 with epilepsy to a particular school on the basis that the
24 school does not have a full-time school nurse, and a school may

1 not deny a student access to the school or any school-related
2 activity on the basis that the student has epilepsy.

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

8 Section 45. Immunity.

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

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

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

19 Section 90. The School Code is amended by changing Section
20 27A-5 as follows:

21 (105 ILCS 5/27A-5)

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

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

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

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

22 From April 1, 2013 through December 31, 2016, there is a
23 moratorium on the establishment of charter schools with
24 virtual-schooling components in school districts other than a
25 school district organized under Article 34 of this Code. This
26 moratorium does not apply to a charter school with

1 virtual-schooling components existing or approved prior to
2 April 1, 2013 or to the renewal of the charter of a charter
3 school with virtual-schooling components already approved
4 prior to April 1, 2013.

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

11 (c) A charter school shall be administered and governed by
12 its board of directors or other governing body in the manner
13 provided in its charter. The governing body of a charter school
14 shall be subject to the Freedom of Information Act and the Open
15 Meetings Act.

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

1 outcome of their education.

2 A charter school shall comply with all non-curricular
3 health and safety requirements applicable to public schools
4 under the laws of the State of Illinois. On or before September
5 1, 2015, the State Board shall promulgate and post on its
6 Internet website a list of non-curricular health and safety
7 requirements that a charter school must meet. The list shall be
8 updated annually no later than September 1. Any charter
9 contract between a charter school and its authorizer must
10 contain a provision that requires the charter school to follow
11 the list of all non-curricular health and safety requirements
12 promulgated by the State Board and any non-curricular health
13 and safety requirements added by the State Board to such list
14 during the term of the charter. Nothing in this subsection (d)
15 precludes an authorizer from including non-curricular health
16 and safety requirements in a charter school contract that are
17 not contained in the list promulgated by the State Board,
18 including non-curricular health and safety requirements of the
19 authorizing local school board.

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

24 (f) A charter school shall be responsible for the
25 management and operation of its fiscal affairs including, but
26 not limited to, the preparation of its budget. An audit of each

1 charter school's finances shall be conducted annually by an
2 outside, independent contractor retained by the charter
3 school. To ensure financial accountability for the use of
4 public funds, on or before December 1 of every year of
5 operation, each charter school shall submit to its authorizer
6 and the State Board a copy of its audit and a copy of the Form
7 990 the charter school filed that year with the federal
8 Internal Revenue Service. In addition, if deemed necessary for
9 proper financial oversight of the charter school, an authorizer
10 may require quarterly financial statements from each charter
11 school.

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

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

25 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
26 34-84a of this Code regarding discipline of students;

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

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

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

7 (5.5) subsection (b) of Section 10-23.12 and
8 subsection (b) of Section 34-18.6 of this Code;

9 (6) the Illinois School Student Records Act;

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

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

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

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

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

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

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

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

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

22 (16) The Seizure Smart School Act.

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

25 (h) A charter school may negotiate and contract with a
26 school district, the governing body of a State college or

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

24 (i) In no event shall a charter school that is established
25 by converting an existing school or attendance center to
26 charter school status be required to pay rent for space that is

1 deemed available, as negotiated and provided in the charter
2 agreement, in school district facilities. However, all other
3 costs for the operation and maintenance of school district
4 facilities that are used by the charter school shall be subject
5 to negotiation between the charter school and the local school
6 board and shall be set forth in the charter.

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

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

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

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

20 (30 ILCS 805/8.43 new)

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

1 Section 999. Effective date. This Act takes effect July 1,
2 2020.".