

House File 2090 - Introduced

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BY A. MEYER

A BILL FOR

1 An Act relating to seizure disorders and establishing certain
2 requirements for school districts, accredited nonpublic
3 schools, and the department of education, and providing
4 immunity from criminal and civil liability for certain
5 persons who provide related assistance or services.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 280.13D Seizure action plan and
2 training requirements.

3 1. For purposes of this section, unless the context
4 otherwise requires:

5 a. "Individual health plan" means the confidential, written,
6 preplanned, and ongoing special health service developed for a
7 student who requires such service to be incorporated with the
8 student's educational program.

9 b. "Seizure action plan" means a written set of instructions
10 designed to direct caregivers and staff to intervene in the
11 event of a seizure occurrence and is considered a plan for
12 emergencies as a part of an individual health plan.

13 2. a. Commencing with the school year beginning July 1,
14 2020, the board of directors of each school district and the
15 authorities in charge of each nonpublic school shall have at
16 least one school employee at each school who is trained to
17 recognize the signs and symptoms of seizures and to take the
18 appropriate steps to respond to such symptoms, and who has met
19 the training requirements necessary to administer or assist
20 with the self-administration of all of the following:

21 (1) A seizure rescue medication or medication prescribed
22 to treat seizure disorder symptoms as approved by the United
23 States food and drug administration.

24 (2) A manual dose of prescribed electrical stimulation
25 using a vagus nerve stimulator magnet as approved by the United
26 States food and drug administration.

27 b. The presence of a registered nurse employed full-time
28 by a school district or nonpublic school who assumes
29 responsibility for the administration of seizure medications,
30 and the administration oversight of vagus nerve stimulation,
31 fulfills the requirements of paragraph "a".

32 3. Every school attendance center shall provide training
33 to principals, guidance counselors, teachers, and other
34 relevant school personnel with direct contact and supervision
35 of children, including bus drivers and paraeducators, on the

1 recognition of the signs and symptoms of seizures and the
2 appropriate steps for seizure first aid.

3 4. Any training programs or guidelines adopted by any state
4 agency for the training of school personnel in the health care
5 needs of students diagnosed with a seizure disorder shall
6 be fully consistent with training programs and guidelines
7 developed by the epilepsy foundation of America and any
8 successor organization.

9 5. Each school district shall require all school personnel
10 to undergo approved seizure recognition and first aid training
11 on a biennial basis.

12 6. Nothing in this section shall be construed to limit the
13 authority of a school district or the department of education
14 to require additional seizure disorder training.

15 7. *a.* Prior to school personnel administering a seizure
16 rescue medication or medication prescribed to treat a student's
17 seizure disorder symptoms, the student's parent or guardian
18 shall do all of the following:

19 (1) Provide the school with a written authorization to
20 administer the medication at school.

21 (2) Provide a written statement from the student's health
22 care practitioner, which shall become the basis for the seizure
23 action plan, containing at a minimum all of the following
24 information:

25 (a) Student's name.

26 (b) The name and purpose of the medication and the
27 prescribed dosage, and the frequency that the medication may be
28 administered.

29 (c) The route of administration and the circumstances under
30 which the medication, including seizure rescue medication, may
31 be administered.

32 (3) Provide the prescribed medication to the school in
33 its unopened, sealed package with the label affixed by the
34 dispensing pharmacy intact.

35 *b.* In addition to the statement required under paragraph

1 "a", the parent or guardian of each student diagnosed with
2 a seizure disorder shall collaborate with licensed health
3 personnel to create an individual health plan, and a seizure
4 action plan if appropriate, consistent with rules adopted by
5 the state board of education. The individual health plan shall
6 include assessment, nursing diagnosis, outcomes, planning,
7 interventions, student goals, if applicable, and a plan for
8 emergencies to provide direction in managing the student's
9 health needs. The plan shall be updated as needed and at least
10 annually.

11 c. Each school district and nonpublic school attendance
12 center shall keep the written statement, individual health
13 plan, and seizure action plan on file in the office of the
14 school nurse or school administrator.

15 8. Each school district and nonpublic school attendance
16 center shall distribute information regarding the seizure
17 action plan to any school personnel or volunteers responsible
18 for the supervision or care of the student.

19 9. The authorization for the administration to administer
20 medication provided in accordance with subsection 7, paragraph
21 "a", subparagraph (1), shall be effective for the school year
22 in which the authorization is granted and must be renewed each
23 following school year.

24 10. The requirements of subsections 7, 8, and 9 shall apply
25 only to school district and nonpublic school attendance centers
26 that have a student enrolled who has a known epilepsy diagnosis
27 or seizure disorder or has a seizure rescue medication or
28 medication prescribed to treat seizure disorder symptoms
29 approved by the United States food and drug administration
30 prescribed by the student's health care provider.

31 11. Every school district attendance center may provide an
32 age-appropriate seizure education program to all students on
33 seizures and seizure disorders. The seizure education program
34 shall be consistent with guidelines published by the epilepsy
35 foundation of America and any successor organization. The

1 state board of education shall adopt rules pursuant to chapter
2 17A for implementation of this section.

3 12. A school district or nonpublic school, school district
4 or nonpublic school employee, or school district or nonpublic
5 school agent acting in good faith and in substantial compliance
6 with the student's individual health plan and the instructions
7 of the student's licensed health care professional, and who
8 provides assistance or services under this section, is immune
9 from criminal or civil liability as a result of the services
10 provided under this section to students with epilepsy or
11 seizure disorders.

12 13. The department of education shall develop and implement
13 a seizure education program statewide.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill requires school districts and accredited
18 nonpublic schools that have a student enrolled who has a
19 known epilepsy diagnosis or seizure disorder or has a seizure
20 rescue medication or medication prescribed to treat seizure
21 disorder symptoms to have an individual health plan, including
22 a seizure action plan if appropriate, requires school districts
23 and accredited nonpublic schools to provide certain training
24 relating to seizures to relevant school employees, requires
25 the state board of education to adopt rules for implementation
26 of new Code section 280.13D, and requires the department of
27 education to develop and implement a seizure education program
28 statewide.

29 The bill requires school districts and accredited nonpublic
30 schools to have at least one school employee at each school
31 who is trained to recognize the signs and symptoms of
32 seizures and to take the appropriate steps to respond to such
33 symptoms, including administering medications and vagus nerve
34 stimulation. The presence of a full-time registered nurse
35 who assumes responsibility for the administration of seizure

1 medications and vagus nerve stimulation meets this requirement.

2 The bill includes definitions and requirements relating to
3 the development of individual health plans and seizure action
4 plans.

5 Every school attendance center shall provide training to
6 relevant school personnel with direct contact and supervision
7 of children. The training must be fully consistent with
8 programs and guidelines developed by the epilepsy foundation
9 of America.

10 Further, each school district must require all school
11 personnel to undergo approved seizure recognition and first aid
12 training on a biennial basis. The new Code section shall not
13 be construed to limit the authority of a school district or the
14 department to require additional seizure disorder training.

15 Prior to administering medication prescribed to treat a
16 student's seizure disorder symptoms, the student's parent or
17 guardian must provide the school with a written authorization
18 to administer the medication at school and provide a written
19 statement from the student's health care practitioner, which
20 shall become the basis for the seizure action plan. The bill
21 lists the information the written statement must contain.

22 The parent or guardian of a student diagnosed with a seizure
23 disorder must collaborate with licensed health personnel to
24 create an individual health plan, and a seizure action plan
25 if appropriate, consistent with the state board's rules. The
26 individual health plan shall include assessment, nursing
27 diagnosis, outcomes, planning, interventions, student goals, if
28 applicable, and a plan for emergencies to provide direction in
29 managing the student's health needs. The plan must be updated
30 as needed and at least annually.

31 Each school shall keep the written statement, individual
32 health plan, and seizure action plan on file in the office
33 of the school nurse or school administrator, and distribute
34 information regarding the seizure action to any school
35 personnel or volunteers responsible for the student.

1 Provisions relating to the administration of medication
2 prescribed to treat a specific student's seizure disorder
3 symptoms, and to distribution of information about a specific
4 student's seizure action plan to persons responsible for the
5 supervision or care of the student apply only to schools that
6 have a student enrolled who has a known epilepsy diagnosis
7 or seizure disorder or has a seizure rescue medication or
8 medication prescribed to treat seizure disorder symptoms.

9 Every school district may provide an age-appropriate seizure
10 education program to all students on seizures and seizure
11 disorders.

12 A school district, school district employee, or agent
13 who acts in good faith to provide assistance or services in
14 substantial compliance with the student's individual health
15 plan and the instructions of the student's licensed health care
16 professional is immune from criminal or civil liability as a
17 result of the services provided to students with epilepsy or
18 seizure disorders.