

Senate File 103 - Introduced

SENATE FILE 103

BY COURNOYER

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.

4 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. "School personnel" means principals, guidance counselors,
10 teachers, and other relevant employees who have direct contact
11 with and supervise children, including school bus drivers and
12 paraeducators.

13 c. "Seizure action plan" means a written set of instructions
14 designed to direct caregivers and staff to intervene in the
15 event of a seizure occurrence and is considered a plan for
16 emergencies as a part of an individual health plan.

17 2. a. Commencing with the school year beginning July 1,
18 2022, the board of directors of each school district and the
19 authorities in charge of each nonpublic school shall have
20 at least one school employee at each school who has met the
21 training requirements necessary to administer or assist with
22 the self-administration of all of the following:

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

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

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

34 3. Every school attendance center shall provide training
35 to all school personnel on the recognition of the signs and

1 symptoms of seizures and the appropriate steps for seizure
2 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 provide the school with a signed and dated written
19 authorization requesting medication administration at school
20 that meets the requirements of the school's medication
21 administration policy and procedures established in accordance
22 with 281 IAC 14.1.

23 *b.* The parent or guardian of each student diagnosed with
24 a seizure disorder may collaborate with licensed health
25 personnel, including the school nurse or individualized
26 education program team, to create an individual health plan,
27 and a seizure action plan if appropriate, consistent with rules
28 adopted by the state board of education. The individual health
29 plan shall include assessment, nursing diagnosis, outcomes,
30 planning, interventions, student goals, if applicable, and
31 a plan for emergencies to provide direction in managing the
32 student's health needs. The plan shall be updated as needed
33 and at least annually. Personal information in the plan
34 regarding the student shall be kept confidential as required
35 under the federal Family Educational Rights and Privacy Act,

1 20 U.S.C. §1232g.

2 c. Each school district and nonpublic school attendance
3 center shall keep the written authorization, individual health
4 plan, and seizure action plan on file in the office of the
5 school nurse or school administrator.

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

10 9. The authorization for the administration to administer
11 medication provided in accordance with subsection 7, paragraph
12 "a", subparagraph (1), shall be effective for the school year
13 in which the authorization is granted and must be renewed each
14 following school year.

15 10. The requirements of subsections 7, 8, and 9 shall apply
16 only to school district and nonpublic school attendance centers
17 that have a student enrolled who has a known epilepsy diagnosis
18 or seizure disorder or has a seizure rescue medication or
19 medication prescribed to treat seizure disorder symptoms
20 approved by the United States food and drug administration
21 prescribed by the student's health care provider.

22 11. Every school district attendance center may provide an
23 age-appropriate seizure education program to all students on
24 seizures and seizure disorders. The seizure education program
25 shall be consistent with guidelines published by the epilepsy
26 foundation of America and any successor organization. The
27 state board of education shall adopt rules pursuant to chapter
28 17A for implementation of this section.

29 12. A school district or nonpublic school, school district
30 or nonpublic school employee, or school district or nonpublic
31 school agent acting in good faith and in compliance with the
32 student's individual health plan and the instructions of the
33 student's licensed health care professional, and who provides
34 assistance or services under this section, shall not be
35 liable for any claim for injuries or damages arising from the

1 provision of services provided under this section to students
2 with epilepsy or seizure disorders.

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

5 EXPLANATION

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

8 This bill requires school districts and accredited
9 nonpublic schools that have a student enrolled who has a
10 known epilepsy diagnosis or seizure disorder or has a seizure
11 rescue medication or medication prescribed to treat seizure
12 disorder symptoms to have an individual health plan, including
13 a seizure action plan if appropriate, requires school districts
14 and accredited nonpublic schools to provide certain training
15 relating to seizures to relevant school employees, requires
16 the state board of education to adopt rules for implementation
17 of new Code section 280.13D, and requires the department of
18 education to develop and implement a seizure education program
19 statewide.

20 The bill requires school districts and accredited nonpublic
21 schools to have at least one school employee at each school
22 who has met the training requirements for administering
23 medications and vagus nerve stimulation. The presence of a
24 full-time registered nurse who assumes responsibility for
25 the administration of seizure medications and vagus nerve
26 stimulation meets this requirement.

27 The bill includes definitions and requirements relating to
28 the development of individual health plans and seizure action
29 plans.

30 Every school attendance center shall provide training to all
31 school personnel who have direct contact with and supervise
32 children. The training must be fully consistent with programs
33 and guidelines developed by the epilepsy foundation of America.

34 Further, each school district must require all school
35 personnel to undergo approved seizure recognition and first aid

1 training on a biennial basis. The new Code section shall not
2 be construed to limit the authority of a school district or the
3 department to require additional seizure disorder training.

4 Prior to administering medication prescribed to treat a
5 student's seizure disorder symptoms, the student's parent or
6 guardian must provide the school with a written authorization
7 to administer the medication at school.

8 The parent or guardian of a student diagnosed with a seizure
9 disorder may collaborate with licensed health personnel to
10 create an individual health plan, and a seizure action plan
11 if appropriate, consistent with the state board's rules. The
12 individual health plan shall include assessment, nursing
13 diagnosis, outcomes, planning, interventions, student goals, if
14 applicable, and a plan for emergencies to provide direction in
15 managing the student's health needs. The plan must be updated
16 as needed and at least annually.

17 Each school shall keep the parent's written authorization
18 requesting medication administration at school, the individual
19 health plan, and the seizure action plan on file in the office
20 of the school nurse or school administrator, and distribute
21 information regarding the seizure action to any school
22 personnel or volunteers responsible for the student. The
23 health plan information is confidential under federal law.

24 Provisions relating to the administration of medication
25 prescribed to treat a specific student's seizure disorder
26 symptoms, and to distribution of information about a specific
27 student's seizure action plan to persons responsible for the
28 supervision or care of the student apply only to schools that
29 have a student enrolled who has a known epilepsy diagnosis
30 or seizure disorder or has a seizure rescue medication or
31 medication prescribed to treat seizure disorder symptoms.

32 Every school district may provide an age-appropriate seizure
33 education program to all students on seizures and seizure
34 disorders.

35 A school district, school district employee, or agent

1 who acts in good faith to provide assistance or services in
2 compliance with the student's individual health plan and the
3 instructions of the student's licensed health care professional
4 shall not be liable for any claim for injuries or damages
5 arising from the provision of such services to students with
6 epilepsy or seizure disorders.