

House File 835 - Introduced

HOUSE FILE 835
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 102)

A BILL FOR

1 An Act relating to school personnel training, emergency care
2 planning, authorizations for assisting, and limitations of
3 liability concerning students with epilepsy or a seizure
4 disorder.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

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

3 1. For the 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 nurse*" means a registered nurse holding current
10 licensure recognized by the board of nursing who practices in
11 the school setting to promote and protect the health of the
12 school population by using knowledge from the nursing, social,
13 and public health sciences.

14 c. "*School personnel*" means principals, guidance counselors,
15 teachers, and other relevant employees who have direct contact
16 with and supervise children, including school bus drivers and
17 para-educators.

18 d. "*Seizure action plan*" means a written set of instructions
19 designed to direct caregivers and staff to intervene in the event
20 of a seizure occurrence and is considered a plan for emergencies
21 as a part of an individual health plan.

22 2. a. Starting with the school year beginning July 1,
23 2025, the board of directors of each school district and the
24 authorities in charge of each accredited nonpublic school shall
25 have at least one school employee at each school who has met the
26 training requirements necessary to administer or assist with the
27 self-administration of all of the following:

28 (1) A medication approved by the United States food and drug
29 administration to treat seizure disorder symptoms or a medication
30 approved by the United States food and drug administration as a
31 seizure rescue medication.

32 (2) A manual dose of prescribed electrical stimulation using
33 a vagus nerve stimulator magnet approved by the United States
34 food and drug administration.

35 b. The presence of a school nurse employed full-time by

1 a school district or accredited nonpublic school who assumes
2 responsibility for the administration of seizure medications and
3 the administration oversight of vagus nerve stimulation shall
4 fulfill the requirements of paragraph "a". This section shall
5 not be construed to require school personnel, other than a school
6 nurse, to administer a suppository to a student.

7 3. a. On or before December 31, 2026, each public school and
8 each accredited nonpublic school shall provide training to all
9 school personnel on how to recognize the signs and symptoms of
10 seizures and the appropriate steps for seizure first aid.

11 b. Each public school and each accredited nonpublic school
12 shall require school personnel responsible for the supervision
13 or care of students to undergo seizure recognition and first aid
14 training on a biennial basis.

15 4. Any training programs or guidelines adopted by a state
16 agency for the training of school personnel in the health care
17 needs of students diagnosed with a seizure disorder shall be
18 consistent with training programs and guidelines developed by the
19 epilepsy foundation of America or any successor organization.

20 5. This section shall not be construed to limit the authority
21 of a school district, an accredited nonpublic school, or the
22 department of education to require additional seizure disorder
23 training.

24 6. a. Prior to school personnel administering medication
25 prescribed to treat a student's seizure disorder symptoms, a
26 school or accredited nonpublic school shall obtain a signed and
27 dated authorization from the student's parent or guardian that
28 authorizes a person who meets the requirements of subsection 2 to
29 administer medication in accordance with the school's policy and
30 procedures.

31 b. Authorizations required pursuant to paragraph "a" shall
32 be effective for the school year in which the authorization is
33 granted and must be renewed each school year.

34 7. Upon the request of a student's parent or guardian, a
35 school district or accredited nonpublic school shall collaborate

1 with the parent or guardian and relevant licensed health care
2 professionals, including the school nurse or education team, in
3 the development of 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 or
6 seizure action plan shall be based on the student's needs and
7 may include but is not limited to assessment, nursing diagnosis,
8 outcomes, planning, interventions, student goals, and a plan for
9 emergencies to provide direction in managing the student's health
10 needs. The plan shall be updated consistent with timelines for
11 individual health plans and with rules adopted by the state board
12 of education.

13 8. a. Each school district and each accredited nonpublic
14 school shall maintain all authorizations pursuant to subsection
15 6, individual health plans, and seizure action plans for enrolled
16 students on file in the office of the school nurse or school
17 administrator.

18 b. Each school district and each accredited nonpublic school
19 shall distribute information regarding a student's seizure action
20 plan to any school personnel responsible for the supervision or
21 care of the student.

22 9. The requirements of subsections 6, 7, and 8 shall only
23 apply to a school district or accredited nonpublic school that
24 has either of the following:

25 a. An enrolled student with a known diagnosis of epilepsy or
26 seizure disorder.

27 b. An enrolled student who is known to currently be taking
28 medication prescribed by a health care provider as that term is
29 defined in section 10A.711, and approved by the United States
30 food and drug administration to treat seizure disorder symptoms.

31 10. The state board of education shall adopt rules to
32 establish a seizure education program for the purpose of
33 providing school districts and accredited nonpublic schools an
34 age-appropriate program on seizures and seizure disorders. The
35 seizure education program shall be consistent with guidelines

1 published by the epilepsy foundation of America or any successor
2 organization, and participation in the program shall be optional.

3 11. A school district or accredited nonpublic school, an
4 employee of a school district or accredited nonpublic school,
5 or an agent of a school district or accredited nonpublic
6 school acting in good faith and in compliance with a student's
7 individual health plan and seizure action plan shall not be
8 liable for any claim for injuries or damages arising from actions
9 taken to assist a student with the student's needs related to
10 epilepsy or a seizure disorder.

11 EXPLANATION

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

14 This bill relates to school personnel training, emergency
15 care planning, authorizations for assisting, and limitations
16 of liability concerning students with epilepsy or a seizure
17 disorder.

18 The bill creates definitions for "individual health plan",
19 "school nurse", "school personnel", and "seizure action plan".

20 The bill requires by the start of the school year beginning
21 July 1, 2025, for the board of directors of each school district
22 and the authorities in charge of each accredited nonpublic school
23 to have at least one school employee at each school who has
24 met the training requirements necessary to administer or assist
25 with the self-administration of a seizure rescue medication or
26 medication prescribed to treat seizure disorder symptoms and
27 approved by the United States food and drug administration
28 and a manual dose of prescribed electrical stimulation using
29 a vagus nerve stimulator magnet approved by the United States
30 food and drug administration. The presence of a school nurse
31 employed full-time by a school who assumes responsibility for
32 the administration of seizure medications and the administration
33 oversight of vagus nerve stimulation fulfills such requirements.
34 These requirements do not require school personnel, other than a
35 school nurse, to administer a suppository to a student.

1 The bill requires by December 31, 2026, each public school
2 and each accredited nonpublic school to provide training to all
3 school personnel on how to recognize the signs and symptoms of
4 seizures and the appropriate steps for seizure first aid.

5 The bill requires each public school and each accredited
6 nonpublic school to have school personnel responsible for the
7 supervision or care of students to undergo seizure recognition
8 and first aid training on a biennial basis.

9 The bill requires any training programs or guidelines adopted
10 by a state agency for the training of school personnel in
11 the health care needs of students diagnosed with a seizure
12 disorder to be consistent with training programs and guidelines
13 developed by the epilepsy foundation of America or any successor
14 organization.

15 The bill authorizes schools and the department of education to
16 require additional seizure disorder training.

17 The bill requires, prior to school personnel administering
18 medication prescribed to treat a student's seizure disorder
19 symptoms, a school, or accredited nonpublic school to obtain
20 signed and dated authorization from the student's parent or
21 guardian that authorizes a person trained to administer or assist
22 with the self-administration of a medication approved by the
23 United States food and drug administration to treat seizure
24 disorder symptoms and a manual dose of prescribed electrical
25 stimulation using a vagus nerve stimulator magnet approved by
26 the United States food and drug administration in accordance
27 with the school's policy and procedures. Such authorizations
28 are effective for the school year in which the authorization is
29 granted and must be renewed each school year.

30 The bill requires, upon the request of a student's parent or
31 guardian, a school to collaborate with the parent or guardian and
32 relevant licensed health care professionals, including the school
33 nurse or education team, in the development of an individual
34 health plan, and a seizure action plan if appropriate, consistent
35 with rules adopted by the state board of education. The

1 individual health plan or seizure action plan must be based
2 on the student's needs and may include but is not limited to
3 assessment, nursing diagnosis, outcomes, planning, interventions,
4 student goals, and a plan for emergencies to provide direction in
5 managing the student's health needs. The plan must be updated
6 consistent with timelines for individual health plans and with
7 rules adopted by the state board of education.

8 The bill requires each school to maintain all authorizations
9 to allow seizure assistance, individual health plans, and seizure
10 action plans for enrolled students on file in the office of the
11 school nurse or school administrator.

12 The bill requires each school to distribute information
13 regarding a student's seizure action plan to any school personnel
14 responsible for the supervision or care of the student.

15 The bill limits the requirements relating to authorizations,
16 individual health plans, and seizure action plans for students
17 to schools that either have an enrolled student with a known
18 diagnosis of epilepsy or seizure disorder or an enrolled student
19 who is known to currently be taking medication prescribed by a
20 health care provider and approved by the United States food and
21 drug administration to treat seizure disorder symptoms.

22 The bill directs the state board of education to adopt rules
23 to establish a seizure education program for the purpose of
24 providing school districts and accredited nonpublic schools an
25 age-appropriate program on seizures and seizure disorders. The
26 seizure education program shall be consistent with guidelines
27 published by the epilepsy foundation of America or any successor
28 organization, and participation in the program shall be optional.

29 The bill makes a school, a school employee, or an agent
30 of a school acting in good faith and in compliance with a
31 student's individual health plan and seizure action plan immune
32 from liability for any claim for injuries or damages arising
33 from actions taken to assist a student with the student's needs
34 related to epilepsy or a seizure disorder.