

Senate Bill 541

By: Senators Anavitarte of the 31st, Payne of the 54th, Summers of the 13th, Halpern of the 39th, Harbin of the 16th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia
2 Annotated, relating to health of students in elementary and secondary education, so as to
3 provide for the care of students being treated for epilepsy or a seizure disorder; to provide
4 for definitions; to provide for the completion, submission, and review of seizure action plans
5 for students being treated for epilepsy or a seizure disorder; to provide for the
6 implementation of seizure action plans; to require the Department of Education to develop
7 training guidelines and model seizure action plans for use by local school systems and
8 schools; to provide for the training of designated school personnel; to provide for immunity
9 from civil liability; to provide for related matters; to repeal conflicting laws; and for other
10 purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
14 relating to student health in elementary and secondary education, is amended by adding a
15 new Code section to read as follows:

S. B. 541

- 1 -

"20-2-779.2.

(a) As used in this Code section, the term:

(1) 'School' means any elementary or secondary public school located within this state.

(2) 'School employee' means any person employed by a local board of education, a state charter school, or a state chartered special school or any person employed by a local health department who is assigned to a public school.

(3) 'Seizure action plan' or 'plan' means a document developed by the parent or guardian of a student being treated for epilepsy or a seizure disorder and the physician responsible for the student's seizure treatment, which sets out the support and services the student may need and be provided while the student is at school or participating in school related functions, and which outlines a set of procedural guidelines that provide specific directions about what to do in a particular emergency situation.

(4) 'Trained seizure action plan personnel' means a school employee who is trained in accordance with this Code section. Such employee shall not be required to be a health care professional.

(b)(1) The parent or guardian of a student being treated for epilepsy or a seizure disorder may seek support and services for the student's seizures while the student is at school or participating in a school related function by submitting to the local school system or school at which the student is enrolled a copy of a seizure action plan.

(2) A seizure action plan must be in writing and:

(A) Identify the student's particular diagnosis of epilepsy or seizure disorder and describe the student's particular symptoms, including typical frequency, length, characteristics, and, if applicable, any precursors or triggers;

(B) Identify the support and services the student may need and be provided while the student is at school or participating in a school related function, including support and services in response to emergency conditions;

(C) List and describe the student's daily and emergency medications related to the student's treatment for epilepsy or a seizure disorder and any other medications deemed relevant by the parent or guardian and the physician responsible for the student's seizure treatment;

(D) Identify any special considerations and safety precautions to be considered by the local school system, school, or school employees to facilitate the student's access to and participation in the education program and school related functions;

(E) Evaluate the student's level of understanding of and ability to manage the student's seizures;

(F) Include complete and updated contact information for the student's parents or guardians and the physician responsible for the student's seizure treatment;

(G) Include a statement of acknowledgment and release from the student's parent or guardian authorizing the sharing of medical information between the student's physician and other health care providers, and authorizing the designated school nurse to share medical information with other school employees as necessary; and

(H) Be signed by the student's parent or guardian and the physician responsible for the student's seizure treatment.

(3) A seizure action plan must be submitted to and reviewed by the local school system or school:

(A) Before or at the beginning of the school year;

(B) Upon enrollment of the student, if the student enrolls after the beginning of the school year; or

(C) As soon as practicable following the student being diagnosed with epilepsy or a seizure disorder or following a change to the diagnosis.

(c) A student's school choice shall in no way be restricted because the student has a seizure action plan.

(d)(1)(A) In accordance with the request of a parent or guardian of a student being treated for epilepsy or a seizure disorder and the student's seizure action plan, a school nurse or, in the absence of a school nurse, trained seizure action plan personnel shall be on site at each school where a student with a seizure action plan is enrolled and available during regular school hours to provide support and services to the student in accordance with the student's seizure action plan.

(B) For purposes of field trips or school related functions which parents or guardians are permitted to attend, the parent or guardian, or designee of such parent or guardian, of a student with a seizure action plan may accompany such student in lieu of a school nurse or trained seizure action plan personnel.

(2) The activities set forth in subparagraph (A) of paragraph (1) of this subsection shall not constitute the practice of nursing and shall be exempted from all applicable statutory and regulatory provisions that restrict what activities can be delegated to or performed by a person who is not a licensed health care professional.

(3) The activities set forth in subparagraph (A) of paragraph (1) of this subsection are incident to or within the scope of the duties of the school employee's position of employment and involve the exercise of judgment or discretion on the part of the school employee.

(e)(1) No later than August 1, 2022, the Department of Education shall develop a model seizure action plan form, which may be revised from time to time, and shall post such model form on its website in order to assist local school systems and schools. The model form shall comport with the requirements provided in paragraph (2) of subsection (b) of this Code section.

(2)(A) No later than August 1, 2022, the Department of Education shall develop guidelines for the training of school nurses and school employees in implementing seizure action plans and providing support and services for students being treated for epilepsy or a seizure disorder. The training guidelines shall include instruction in:

95 (i) Basic understanding of epilepsy and seizure disorders;

96 (ii) Medical and treatment issues associated with epilepsy and seizure disorders that
97 can affect the educational process for students being treated for epilepsy or a seizure
98 disorder;

99 (iii) Assessing a student's level of understanding of and ability to manage the
100 student's epilepsy or seizure disorder;

101 (iv) Recognizing common symptoms associated with epilepsy and seizure disorders;

102 (v) Recognizing complications that require emergency assistance;

103 (vi) Providing support and services, including, but not limited to, first aid, to students
104 under a seizure action plan; and

105 (vii) Maintaining communication with the student, the student's parent or guardian,
106 the school nurse, and the student's teachers.

107 (B) The Department of Education may approve an online course provided by a
108 qualified nonprofit organization that supports the welfare of individuals with epilepsy
109 and seizure disorders to satisfy the training requirements provided for in paragraphs (1)
110 and (2) of subsection (f) of this Code section.

111 (f)(1)(A) Each local board of education, state charter school, and state chartered special
112 school shall ensure that the training outlined in paragraph (2) of subsection (e) of this
113 Code section is provided to all school personnel at each school attended by a student
114 being treated for epilepsy or a seizure disorder.

115 (B) The training required by subparagraph (A) of this paragraph shall be coordinated
116 and provided by a school nurse or may be contracted out to be provided by another
117 health care professional with expertise in epilepsy and seizure disorders; provided,
118 however, that if the local board of education, state charter school, or state chartered
119 special school elects to use the online course provided for in subparagraph (e)(2)(B) of
120 this Code section to satisfy such training requirement, in whole or in part, a school
121 nurse shall coordinate and facilitate the administration of such online course and be

available to answer questions from and provide additional information to course participants. Such training shall take place prior to the commencement of each school year, or as needed when a student being treated for epilepsy or a seizure disorder is newly enrolled at a school or a student is newly diagnosed with epilepsy or a seizure disorder. The school nurse or other contracted health care professional shall provide follow-up training and supervision.

(C) A school employee shall not be subject to any penalty or disciplinary action for refusing to serve as trained seizure action plan personnel.

(2) Each local school system and state chartered special school shall provide to all bus drivers responsible for the transportation of a student being treated for epilepsy or a seizure disorder with a notice of the student's condition; emergency contact information; parent contact information; and epilepsy and seizure disorder first aid training.

(g) No physician, nurse, school employee, local school system, or state chartered special school shall be liable for civil damages or subject to disciplinary action under professional licensing regulations or school disciplinary policies as a result of the activities authorized or required by this Code section when such acts are committed as an ordinarily reasonably prudent physician, nurse, school employee, local school system, or state chartered special school would have acted under the same or similar circumstances.

(h) A private school which complies with the requirements of this Code section shall have the same limited liability for such school and its employees in the same manner as for public schools as provided for in subsection (g) of this Code section."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.