

Senate Bill 45

By: Senators Anavitarte of the 31st, Dixon of the 45th, Albers of the 56th, Still of the 48th, Hickman of the 4th 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 public 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 health of students in elementary and secondary education, is amended by adding
15 a new Code section to read as follows:

16 "20-2-779.3.

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

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

19 (2) 'School employee' means any person employed by a local board of education, the
20 governing body of a charter school, or any person employed by a local health department
21 who is assigned to a public school.

22 (3) 'Seizure action plan' or 'plan' means a document developed by the parent or guardian
23 of a student being treated for epilepsy or a seizure disorder and the physician responsible
24 for the student's epilepsy or seizure disorder treatment. Such document shall set out the
25 support and services the student may need to be provided while such student is at school
26 or participating in a school related function and outline a set of procedural guidelines that
27 provide specific directions about what to do in particular emergency situations.

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

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

35 (2) A seizure action plan shall be submitted in writing and shall:

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

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

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

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

49 (E) Describe such student's level of understanding of and ability to manage his or her
50 epilepsy or seizure disorder;

51 (F) Include complete and updated contact information for the student's parents or
52 guardians and the physician responsible for such student's epilepsy or seizure disorder
53 treatment;

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

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

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

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

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

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

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

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

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

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

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

87 (e)(1) No later than August 1, 2023, the Department of Education shall develop a model
88 seizure action plan form, which may be revised from time to time, and shall post such
89 model form on its website in order to assist local school systems and schools. The model
90 form shall comport with the requirements provided in paragraph (2) of subsection (b) of
91 this Code section.

92 (2)(A) No later than August 1, 2023, the Department of Education shall develop
93 guidelines for the training of school nurses and school employees in implementing
94 seizure action plans and providing support and services for students being treated for
95 epilepsy or a seizure disorder. Such training guidelines shall include instruction in:

- 96 (i) Basic understanding of epilepsy and seizure disorders;
97 (ii) Medical and treatment issues associated with epilepsy and seizure disorders that
98 can affect the educational process for students being treated for epilepsy or a seizure
99 disorder;
100 (iii) Assessing a student's level of understanding of and ability to manage his or her
101 epilepsy or seizure disorder;
102 (iv) Recognizing common symptoms associated with epilepsy and seizure disorders;
103 (v) Recognizing complications that require emergency assistance;
104 (vi) Providing support and services, including, but not limited to, first aid, to students
105 under a seizure action plan; and
106 (vii) Maintaining communication with the student, the student's parent or guardian,
107 the school nurse, and the student's teachers.
- 108 (B) The Department of Education may approve an online course provided by a
109 qualified nonprofit organization that supports the welfare of individuals with epilepsy
110 and seizure disorders to satisfy the training requirements provided for in paragraphs (1)
111 and (2) of subsection (f) of this Code section.
- 112 (f)(1)(A) Each local board of education and charter school governing body shall ensure
113 that the training outlined in paragraph (2) of subsection (e) of this Code section is
114 provided to all school personnel at each school attended by a student being treated for
115 epilepsy or a seizure disorder.
- 116 (B) The training required by subparagraph (A) of this paragraph shall be coordinated
117 and provided by a school nurse or may be contracted out to be provided by another
118 healthcare professional with expertise in epilepsy and seizure disorders; provided,
119 however, that if the local board of education or charter school governing body elects
120 to use the online course provided for in subparagraph (e)(2)(B) of this Code section to
121 satisfy such training requirement, in whole or in part, a school nurse shall coordinate
122 and facilitate the administration of such online course and be available to answer

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

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

131 (2) Each local school system and charter school governing body shall provide to all bus
132 drivers responsible for the transportation of a student being treated for epilepsy or a
133 seizure disorder with notice of the student's condition; the student's emergency contact
134 information; the student's parent or guardian contact information; and with epilepsy and
135 seizure disorder first aid training.

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

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

145 **SECTION 2.**

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