

The Senate Committee on Children and Families offered the following substitute to SB 45:

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 public schools and school
8 systems; 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 annually submitting to the local school
34 system or school at which the student is enrolled a copy of a seizure action plan.

35 (2) A parent or guardian of a student who elects to seek support and services as provided
36 in paragraph (1) of this subsection shall submit a seizure action plan upon such student's
37 enrollment, by the beginning of each school year the student is enrolled, and as soon as
38 practicable following the student being diagnosed with epilepsy or a seizure disorder or
39 following a change to such diagnosis or such plan. Such seizure action plan shall be
40 submitted in writing and shall:

- 41 (A) Identify the student's particular diagnosis of epilepsy or seizure disorder and
42 describe such student's particular symptoms, including typical frequency, length,
43 characteristics, and, if applicable, any precursors or triggers;
- 44 (B) Identify the support and services the student may need to be provided while such
45 student is at school or participating in school related functions, including support and
46 services in response to emergency conditions;
- 47 (C) List and describe the student's daily and emergency medications related to such
48 student's treatment for epilepsy or a seizure disorder and any other medications deemed
49 relevant by the parent or guardian and the physician responsible for such student's
50 epilepsy or seizure disorder treatment, including, but not limited to, any rescue
51 medication prescribed by such physician and guidance on how to identify how and
52 when to administer such medication;
- 53 (D) Identify any special considerations and safety precautions and emergency
54 procedures to be considered by the local school system, school, or school employees
55 to facilitate the student's access to and participation in the education program and
56 school related functions;
- 57 (E) Describe such student's level of understanding of and ability to manage his or her
58 epilepsy or seizure disorder;
- 59 (F) Include complete and updated contact information for the student's parents or
60 guardians and the physician responsible for such student's epilepsy or seizure disorder
61 treatment;
- 62 (G) Include a statement of acknowledgment and release from the student's parent or
63 guardian authorizing the sharing of medical information between such student's
64 physician and other healthcare providers, and authorizing the designated school nurse
65 to share medical information with other school employees as necessary; and
- 66 (H) Be signed by the student's parent or guardian and the physician responsible for
67 such student's epilepsy or seizure disorder treatment.

68 (3) A seizure action plan submitted on behalf of a student by a parent or guardian
69 seeking support and services provided for paragraph (1) of this subsection shall be
70 reviewed by the local school system or school upon such student's enrollment, by the
71 beginning of each school year the student is enrolled, and as soon as practicable
72 following the student being diagnosed with epilepsy or a seizure disorder or following
73 a change to such diagnosis or such plan.

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

76 (d)(1)(A) In accordance with the request of a parent or guardian of a student being
77 treated for epilepsy or a seizure disorder and the reviewed submission of such student's
78 seizure action plan, a school nurse or, in the absence of a school nurse, trained seizure
79 action plan personnel shall be onsite at each school where a student with a seizure
80 action plan is enrolled and shall be available during regular school hours to provide
81 support and services to the student in accordance with the student's seizure action plan.
82 In the event that a school nurse or trained seizure action plan personnel are unavailable
83 to provide such support and services, other school personnel shall be authorized to
84 commence emergency procedures, including, but not limited to, contacting 911
85 emergency services.

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

90 (C)(i) A copy of the seizure action plan for each student with a seizure action plan
91 enrolled in a school shall be readily available at all times to school personnel working
92 in the main office and school clinic; and

93 (ii) A copy of the seizure action plan for each student with a seizure action plan
94 attending a field trip or other school related function away from the school shall be

95 readily available to school personnel with designated responsibility for the
96 supervision of such students.

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

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

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

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

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

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

118 (iii) Assessing a student's level of understanding of and ability to manage his or her
119 epilepsy or seizure disorder;

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

121 (v) Recognizing complications that require emergency assistance;

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

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

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

130 (f)(1)(A) Each local board of education and charter school governing body shall ensure
131 that the training outlined in paragraph (2) of subsection (e) of this Code section is
132 provided to at least one member of school personnel per grade at each school attended
133 by a student being treated for epilepsy or a seizure disorder.

134 (B) The training required by subparagraph (A) of this paragraph shall be coordinated
135 and provided by a healthcare professional and shall be based on guidelines developed
136 by the Department of Education as provided for in subparagraph (e)(2)(A) of this Code
137 section.

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

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

145 (g) No physician, nurse, school employee, local school system, or charter school governing
146 body shall be liable for civil damages or subject to disciplinary action under professional
147 licensing regulations or school disciplinary policies as a result of the activities authorized
148 or required by this Code section when such acts are committed as an ordinarily reasonably

149 prudent physician, nurse, school employee, local school system, or charter school
150 governing body would have acted under the same or similar circumstances.
151 (h) A private school which complies with the requirements of this Code section shall have
152 the same limited liability for such school and its employees in the same manner as for
153 public schools as provided for in subsection (g) of this Code section."

154

SECTION 2.

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