

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

AS PASSED

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 a short title; to provide for related matters; to repeal
10 conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 This Act shall be known and may be cited as "A.J.'s Law."

14 **SECTION 2.**

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

18 "20-2-779.3.

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

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

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

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

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

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

40 (2) A parent or guardian of a student who elects to seek support and services as
41 provided in paragraph (1) of this subsection shall submit a seizure action plan upon

42 such student's enrollment, by the beginning of each school year the student is enrolled,
43 and as soon as practicable following the student being diagnosed with epilepsy or a
44 seizure disorder or following a change to such diagnosis or such plan. Such seizure
45 action plan shall be submitted in writing and shall:

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

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

52 (C) List and describe the student's daily and emergency medications related to such
53 student's treatment for epilepsy or a seizure disorder and any other medications
54 deemed relevant by the parent or guardian and the physician responsible for such
55 student's epilepsy or seizure disorder treatment, including, but not limited to, any
56 rescue medication prescribed by such physician and guidance on how to identify
57 how and when to administer such medication;

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

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

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

67 (G) Include a statement of acknowledgment and release from the student's parent or
68 guardian authorizing the sharing of medical information between such student's

69 physician and other healthcare providers, and authorizing the designated school
70 nurse to share medical information with other school employees as necessary; and
71 (H) Be signed by the student's parent or guardian and the physician responsible for
72 such student's epilepsy or seizure disorder treatment.

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

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

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

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

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

98 (ii) A copy of the seizure action plan for each student with a seizure action plan
99 attending a field trip or other school related function away from the school shall be
100 readily available to school personnel with designated responsibility for the
101 supervision of such students.

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

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

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

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

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

120 (ii) Medical and treatment issues associated with epilepsy and seizure disorders
121 that can affect the educational process for students being treated for epilepsy or a
122 seizure disorder;
123 (iii) Assessing a student's level of understanding of and ability to manage his or
124 her epilepsy or seizure disorder;
125 (iv) Recognizing common symptoms associated with epilepsy and seizure
126 disorders; (v) Recognizing complications that require emergency assistance;
127 (vi) Providing support and services, including, but not limited to, first aid, to
128 students under a seizure action plan; and
129 (vii) Maintaining communication with the student, the student's parent or
130 guardian, the school nurse, and the student's teachers.

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

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

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

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

145 (2) Each local school system and charter school governing body shall provide to all
146 bus drivers responsible for the transportation of a student being treated for epilepsy or

147 a seizure disorder with notice of the student's condition; the student's emergency
148 contact information; the student's parent or guardian contact information; and with
149 epilepsy and seizure disorder first aid training.

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

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

160

SECTION 3.

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