

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-1089.01 Jane Ritter x4342

HOUSE BILL 20-1358

HOUSE SPONSORSHIP

Mullica and McKean

SENATE SPONSORSHIP

(None),

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 CONCERNING SEIZURE ACTION PLANS FOR K-12 STUDENTS WHO HAVE
102 BEEN DIAGNOSED WITH A SEIZURE DISORDER.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires the parent or legal guardian (parent) of a student who has been diagnosed with a seizure disorder, including epilepsy, (student) to submit a signed seizure action plan (plan) to the school if the student may need assistance with seizure-related care in a school setting. The parent is required to provide updated information to the plan when necessary.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

K-12 public schools are required to, and private schools are encouraged to, provide annual seizure-related training to school personnel who have direct contact with or supervise students who have a seizure disorder.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add 22-1-131** as
3 follows:

4 **22-1-131. Seizure safe schools act - action plan - training -**
5 **immunity - short title - definitions.** (1) THE SHORT TITLE OF THIS
6 SECTION IS "JOEY'S LAW".

7 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
8 REQUIRES:

9 (a) "SCHOOL" MEANS A K-12 PUBLIC SCHOOL IN THE STATE,
10 INCLUDING A TRADITIONAL PUBLIC SCHOOL OF A SCHOOL DISTRICT, A
11 CHARTER SCHOOL, AN INSTITUTE CHARTER SCHOOL, OR AN APPROVED
12 FACILITY SCHOOL, AS DEFINED IN SECTION 22-2-402 (1); OR A K-12
13 PRIVATE SCHOOL.

14 (b) "SEIZURE ACTION PLAN" MEANS A WRITTEN, INDIVIDUALIZED
15 HEALTH PLAN DESIGNED TO ACKNOWLEDGE AND PREPARE FOR THE
16 HEALTH CARE NEEDS OF A STUDENT DIAGNOSED WITH A SEIZURE
17 DISORDER.

18 (c) "SEIZURE DISORDER" MEANS A MEDICAL CONDITION,
19 INCLUDING EPILEPSY, IN WHICH EPISODES OF UNCONTROLLED ACTIVITY IN
20 THE BRAIN PRODUCE SYMPTOMS THAT PRODUCE ONE OR MORE SEIZURES.

21 (3) (a) IF A STUDENT HAS A DIAGNOSED SEIZURE DISORDER AND
22 THE STUDENT MIGHT NEED ASSISTANCE WITH SEIZURE-RELATED CARE IN
23 A SCHOOL SETTING OR ACTIVITY, THE STUDENT'S PARENT OR LEGAL

1 GUARDIAN SHALL SIGN AND SUBMIT TO THE STUDENT'S SCHOOL A SEIZURE
2 ACTION PLAN FOR THE STUDENT. IT IS THE RESPONSIBILITY OF THE
3 STUDENT'S PARENT OR LEGAL GUARDIAN TO SHARE THE STUDENT'S
4 SEIZURE ACTION PLAN FOR THE MANAGEMENT OF THE STUDENT'S SEIZURE
5 DISORDER WHILE THE STUDENT IS AT SCHOOL, DURING ANY
6 SCHOOL-SPONSORED ACTIVITIES, AND WHILE IN TRANSIT TO OR FROM
7 SCHOOL OR SCHOOL-SPONSORED ACTIVITIES.

8 (b) A PUBLIC SCHOOL SHALL, AND A NONPUBLIC SCHOOL IS
9 ENCOURAGED TO, FOLLOW THE SCHOOL DISTRICT'S MEDICATION POLICY IN
10 APPROVING ANY SEIZURE ACTION PLAN SUBMITTED PURSUANT TO
11 SUBSECTION (3)(a) OF THIS SECTION AND ENSURING THAT SUCH SEIZURE
12 ACTION PLAN IS IN ACCORDANCE WITH THE "NURSE PRACTICE ACT",
13 ARTICLE 255 OF TITLE 12.

14 (c) A STUDENT'S PARENT OR LEGAL GUARDIAN SHALL SUBMIT THE
15 STUDENT'S SEIZURE ACTION PLAN OR AN AMENDED SEIZURE ACTION PLAN
16 TO THE STUDENT'S SCHOOL:

17 (I) AT THE BEGINNING OF THE SCHOOL YEAR OR UPON THE
18 STUDENT'S ENROLLMENT;

19 (II) AS SOON AS PRACTICABLE FOLLOWING THE STUDENT'S
20 DIAGNOSIS OF A SEIZURE DISORDER; OR

21 (III) IF A STUDENT'S HEALTH STATUS CHANGES SIGNIFICANTLY
22 DURING THE SCHOOL YEAR.

23 (d) A STUDENT'S PARENT OR LEGAL GUARDIAN SHALL INFORM THE
24 STUDENT'S SCHOOL, IN A TIMELY MANNER, OF ANY CHANGES TO THE
25 STUDENT'S SEIZURE ACTION PLAN OR EMERGENCY CONTACT INFORMATION.

26 (4) (a) ON OR BEFORE SEPTEMBER 1, 2020, AND EACH SEPTEMBER
27 1 THEREAFTER, EACH PUBLIC SCHOOL SHALL, AND EACH NONPUBLIC

1 SCHOOL IS ENCOURAGED TO, PROVIDE TRAINING ON THE RECOGNITION OF
2 THE SIGNS AND SYMPTOMS OF SEIZURES AND THE APPROPRIATE STEPS FOR
3 SEIZURE FIRST AID. THE TRAINING MUST BE GIVEN TO RELEVANT SCHOOL
4 PERSONNEL WHO HAVE DIRECT CONTACT WITH AND SUPERVISION OF
5 STUDENTS WHO HAVE A SEIZURE DISORDER.

6 (b) NO LATER THAN EIGHT WEEKS AFTER THE ENROLLMENT OF A
7 STUDENT WHO HAS BEEN DIAGNOSED WITH A SEIZURE DISORDER OR THE
8 RECEIPT OF A SIGNED SEIZURE ACTION PLAN, WHICHEVER IS LATER, EACH
9 PUBLIC SCHOOL SHALL, AND EACH NONPUBLIC SCHOOL IS ENCOURAGED TO,
10 HAVE AT LEAST ONE SCHOOL EMPLOYEE WHO HAS MET THE TRAINING
11 REQUIREMENTS NECESSARY TO ADMINISTER OR ASSIST WITH THE
12 ADMINISTRATION OF SEIZURE TREATMENT MEDICATIONS, SEIZURE RESCUE
13 MEDICATIONS, AND MANUAL VAGUS NERVE STIMULATION.

14 (c) ANY PROGRAMS OR GUIDELINES ADOPTED PURSUANT TO THIS
15 SUBSECTION (4) TO TRAIN SCHOOL PERSONNEL IN THE HEALTH CARE NEEDS
16 OF STUDENTS WHO HAVE BEEN DIAGNOSED WITH A SEIZURE DISORDER
17 MUST BE CONSISTENT WITH PROGRAMS AND GUIDELINES DEVELOPED BY A
18 NATIONALLY OR LOCALLY RECOGNIZED RESEARCH AND ADVOCACY GROUP
19 FOR PERSONS WITH SEIZURE DISORDERS, THE CENTERS FOR DISEASE
20 CONTROL AND PREVENTION, OR A NATIONAL ASSOCIATION OF SCHOOL
21 NURSES.

22 **SECTION 2. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, or safety.