

1 H.333

2 Introduced by Representatives Rachelson of Burlington, Stone of Burlington,  
3 and Mulvaney-Stanak of Burlington

4 Referred to Committee on

5 Date:

6 Subject: Education; public health; seizure disorder; public and approved  
7 independent schools

8 Statement of purpose of bill as introduced: This bill proposes to require public  
9 schools and approved independent schools to implement a seizure action plan  
10 if it has an enrolled student with a seizure disorder or who has a seizure  
11 medication or medication prescribed to treat seizure disorder symptoms.

12 An act relating to seizure action plans in public schools and approved  
13 independent schools

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 16 V.S.A. § 1389 is added to read:

16 § 1389. SEIZURE ACTION PLAN

17 (a) If a school has an enrolled student with a seizure disorder or who has a  
18 seizure rescue medication or medication prescribed to treat seizure disorder  
19 symptoms, the school shall designate at least one school employee or

1 contractor who has met the training requirements in subsection (b) of this  
2 section to administer or assist with the self-administration of:

3 (1) a seizure rescue medication or medication prescribed to treat seizure  
4 disorder symptoms; and

5 (2) a manual dose of prescribed electrical stimulation using a vagus  
6 nerve stimulator magnet.

7 (b)(1) A school employee designated pursuant to subsection (a) of this  
8 section shall receive training on the administration of seizure medications, the  
9 manual vagus nerve stimulation, the recognition of signs and symptoms of  
10 seizures, and the appropriate steps to be taken in response to symptoms.

11 (2) If the individual designated by the school pursuant to subsection (a)  
12 of this section is a nurse who is licensed in accordance with 26 V.S.A.  
13 chapter 28 and present in the school on a full-time basis, the training  
14 requirement in subdivision (1) of this subsection shall be deemed met.

15 (c)(1) If a school has an enrolled student with a seizure disorder or who has  
16 a seizure rescue medication or medication prescribed to treat seizure disorder  
17 symptoms, all school employees and contractors with direct contact or  
18 supervision of children, including bus drivers, shall receive training to  
19 recognize the signs and symptoms of seizures and the appropriate steps for  
20 seizure first aid, and all students at the school shall receive a similar age-  
21 appropriate training.

1           (2) If the Agency requires a particular training program for school  
2           employees and contractors to achieve compliance with subdivision (1) of this  
3           subsection, the training program shall be consistent with programs and  
4           guidelines developed by the Epilepsy Foundation of America or its successor.  
5           In the absence of such a requirement by the Agency, a school shall use any  
6           adequate and appropriate training program or guidelines for training school  
7           employees and contractors pursuant to this subsection.

8           (d)(1) Prior to the administration of a seizure rescue medication or  
9           medication prescribed to treat seizure disorder symptoms, a student's parent or  
10          guardian shall:

11           (A) provide the student's school with a written authorization to  
12          administer the medication at school;

13           (B) provide a written statement to the school from the student's  
14          health care practitioner containing the following information:

15                   (i) the student's name;

16                   (ii) the name and purpose of the medication;

17                   (iii) the prescribed dosage;

18                   (iv) the route of administration;

19                   (v) the frequency that the medication may be administered; and

20                   (vi) the circumstances under which the medication may be  
21          administered; and

1           (C) provide the prescribed medication to the school in its unopened,  
2           sealed package with the label affixed by the dispensing pharmacy.

3           (2) Permission for the administration of medication pursuant to this  
4           subsection shall be effective for the academic year in which it is granted and  
5           shall be renewed each subsequent academic year upon completing the  
6           requirements of this subsection.

7           (e)(1) The parent or guardian of a student diagnosed with a seizure disorder  
8           shall collaborate with the school and individual designated pursuant to  
9           subsection (a) of this section to create a seizure action plan for the student.

10           (2) The State Board of Education shall adopt rules pursuant to 3 V.S.A.  
11           chapter 25 to establish guidelines for the development and content of seizure  
12           action plans, including the requirements that:

13           (A) a seizure action plan be stored in the office of a school nurse or  
14           school administrator; and

15           (B) a seizure action plan be distributed to any school employee,  
16           contractor, or volunteer responsible for the supervision or care of students.

17           (f) A school employee or agent shall be immune from criminal or civil  
18           liability for assistance or services provided to students with epilepsy or seizure  
19           disorders pursuant to this section if the employee or agent acts in good faith  
20           and in substantial compliance with the student's seizure action plan and with  
21           the instructions of the student's health care practitioner.

1           (g) As used in this section:

2           (1) “Health care practitioner” means a person licensed by law to provide  
3           professional health care services to an individual during the course of that  
4           individual’s medical care or treatment.

5           (2) “School” means a public school or approved independent school,  
6           each as defined under section 11 of this title.

7           (3) “Seizure action plan” means a written individualized health plan  
8           designed to acknowledge and prepare for the health care needs of a student  
9           diagnosed with a seizure disorder.

10          Sec. 2. EFFECTIVE DATE

11          This act shall take effect on July 1, 2023.