

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
  
15  
16  
  
17  
18

H.567

Introduced by Representatives Rachelson of Burlington, Anthony of Barre  
City, Killackey of South Burlington, Masland of Thetford,  
Mulvaney-Stanak of Burlington, Troiano of Stannard,  
Vyhovsky of Essex, Walz of Barre City, and Yantachka of  
Charlotte

Referred to Committee on

Date:

Subject: Health; public health; seizure disorder; public and approved  
independent schools

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

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

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

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

1     § 1389. SEIZURE ACTION PLAN

2           (a) If a school has an enrolled student with a seizure disorder or who has a  
3     seizure rescue medication or medication prescribed to treat seizure disorder  
4     symptoms, the school shall designate at least one school employee or  
5     contractor who has met the training requirements in subsection (b) of this  
6     section to administer or assist with the self-administration of:

7           (1) a seizure rescue medication or medication prescribed to treat seizure  
8     disorder symptoms; and

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

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

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

19          (c)(1) If a school has an enrolled student with a seizure disorder or who has  
20    a seizure rescue medication or medication prescribed to treat seizure disorder  
21    symptoms, all school employees and contractors with direct contact or

1 supervision of children, including bus drivers, shall receive training to  
2 recognize the signs and symptoms of seizures and the appropriate steps for  
3 seizure first aid, and all students at the school shall receive a similar age-  
4 appropriate training.

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

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

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

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

19 (i) the student's name;

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

21 (iii) the prescribed dosage;

1                   (iv) the route of administration;

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

3                   (vi) the circumstances under which the medication may be  
4 administered; and

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

7                   (2) Permission for the administration of medication pursuant to this  
8 subsection shall be effective for the academic year in which it is granted and  
9 shall be renewed each subsequent academic year upon completing the  
10 requirements of this subsection.

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

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

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

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

1       (f) A school employee or agent shall be immune from criminal or civil  
2       liability for assistance or services provided to students with epilepsy or seizure  
3       disorders pursuant to this section if the employee or agent acts in good faith  
4       and in substantial compliance with the student’s seizure action plan and with  
5       the instructions of the student’s health care practitioner.

6       (g) As used in this section:

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

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

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

15       Sec. 2. EFFECTIVE DATE

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