

## CHAPTER 201

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**EDUCATION - PUBLIC SCHOOLS**


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**HOUSE BILL 21-1133**

BY REPRESENTATIVE(S) Mullica and Jodeh, Garnett, McKean, Bacon, Bradfield, Caraveo, Duran, Froelich, Ortiz, Roberts, Van Beber, Van Winkle, Amabile, Arndt, Benavidez, Bennett, Bird, Esgar, Exum, Gonzales-Gutierrez, Herod, Hooton, Kipp, Lontine, McCluskie, McCormick, McLachlan, Michaelson Jenet, Ransom, Ricks, Sandridge, Sirota, Snyder, Titone, Valdez A., Valdez D., Weissman, Woodrow, Young, Boesenecker, Cutter, Gray, Kennedy, Pico;  
also SENATOR(S) Pettersen and Priola, Buckner, Coram, Danielson, Ginal, Gonzales, Holbert, Kirkmeyer, Moreno, Rodriguez, Story, Winter, Zenzinger.

**AN ACT**

**CONCERNING STRATEGIC RESOURCES FOR KINDERGARTEN THROUGH TWELFTH GRADE SCHOOLS TO PROVIDE A SAFER ENVIRONMENT FOR KINDERGARTEN THROUGH TWELFTH GRADE STUDENTS WHO HAVE BEEN DIAGNOSED WITH A SEIZURE DISORDER.**

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

**SECTION 1.** In Colorado Revised Statutes, **add 22-1-132** as follows:

**22-1-132. Seizure safe schools - action plan - training - rules - short title - definitions.** (1) THE SHORT TITLE OF THIS SECTION IS "JOEY'S LAW".

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

(a) "APPROPRIATE STAFF" MEANS ONE OR MORE EMPLOYEES OF THE SCHOOL WHOM THE PRINCIPAL OR EQUIVALENT EXECUTIVE, IN CONSULTATION WITH THE SCHOOL NURSE OR HEALTH-CARE PRACTITIONER, DETERMINES TO BE THE APPROPRIATE RECIPIENT OR RECIPIENTS OF FREE SEIZURE RECOGNITION AND FIRST AID TRAINING DEVELOPED BY RECOGNIZED SOURCES ON EPILEPSY AND SEIZURE DISORDERS, AS IDENTIFIED BY THE DEPARTMENT OF EDUCATION. "APPROPRIATE STAFF" MAY INCLUDE BUT NEED NOT BE LIMITED TO EMPLOYEES WHO HAVE DIRECT CONTACT WITH AND SUPERVISION OF STUDENTS WHO HAVE A SEIZURE DISORDER.

(b) "DESIGNATED EMPLOYEE" MEANS AN EMPLOYEE OF THE SCHOOL WHO IS DESIGNATED AND TRAINED BY THE SCHOOL NURSE OR HEALTH-CARE PRACTITIONER ON HOW TO ADMINISTER OR ASSIST WITH THE ADMINISTRATION OF SEIZURE

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

TREATMENT AND MEDICATIONS, SEIZURE RESCUE MEDICATIONS, AND MANUAL VAGUS NERVE STIMULATION.

(c) "SCHOOL" MEANS A PUBLIC SCHOOL IN THE STATE THAT ENROLLS STUDENTS IN ANY OF GRADES KINDERGARTEN THROUGH TWELFTH GRADE, INCLUDING A TRADITIONAL PUBLIC SCHOOL OF A SCHOOL DISTRICT; A CHARTER SCHOOL OF A SCHOOL DISTRICT; AN INSTITUTE CHARTER SCHOOL; OR AN APPROVED FACILITY SCHOOL, AS DEFINED IN SECTION 22-2-402 (1); OR A NONPUBLIC SCHOOL THAT ENROLLS STUDENTS IN ANY OF GRADES KINDERGARTEN THROUGH TWELFTH GRADE.

(d) "SEIZURE ACTION PLAN" MEANS A WRITTEN, INDIVIDUALIZED SEIZURE ACTION PLAN FOR A SPECIFIC STUDENT, CREATED BY THE SCHOOL NURSE OR HEALTH-CARE PRACTITIONER, IN CONJUNCTION WITH STUDENT'S PARENT OR LEGAL GUARDIAN AND THE STUDENT'S PHYSICIAN, AS APPROPRIATE, THAT IS DESIGNED TO ACKNOWLEDGE AND PREPARE FOR THE HEALTH-CARE NEEDS OF A STUDENT DIAGNOSED WITH A SEIZURE DISORDER. THE SEIZURE ACTION PLAN MUST BE IN ACCORDANCE WITH THE GUIDELINES DEVELOPED BY THE DEPARTMENT OF EDUCATION.

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

(3) (a) IF A STUDENT HAS A DIAGNOSED SEIZURE DISORDER AND THE STUDENT MIGHT NEED MEDICAL INTERVENTION WITH SEIZURE-RELATED CARE IN A SCHOOL SETTING OR SCHOOL ACTIVITY, THE STUDENT'S PARENT OR LEGAL GUARDIAN IS ENCOURAGED TO CREATE, IN CONJUNCTION WITH SCHOOL PERSONNEL, SIGN, AND SUBMIT TO THE STUDENT'S SCHOOL AN INDIVIDUALIZED SEIZURE ACTION PLAN FOR THE STUDENT. THE SCHOOL NURSE OR HEALTH-CARE PRACTITIONER SHARES RESPONSIBILITY WITH THE SCHOOL ADMINISTRATORS FOR THE MANAGEMENT OF THE STUDENT'S SEIZURE DISORDER WHILE THE STUDENT IS AT SCHOOL, DURING ANY SCHOOL-SPONSORED ACTIVITIES, AND WHILE IN TRANSIT TO OR FROM SCHOOL OR SCHOOL-SPONSORED ACTIVITIES IF THE STUDENT IS BEING TRANSPORTED BY SCHOOL DISTRICT PERSONNEL.

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

(c) A STUDENT'S PARENT OR LEGAL GUARDIAN IS ENCOURAGED TO SUBMIT THE REQUIRED INFORMATION FOR THE STUDENT'S INDIVIDUALIZED SEIZURE ACTION PLAN OR AN AMENDED SEIZURE ACTION PLAN TO THE STUDENT'S SCHOOL:

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

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

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

(d) A STUDENT'S PARENT OR LEGAL GUARDIAN IS ENCOURAGED TO INFORM THE STUDENT'S SCHOOL, IN A TIMELY MANNER, OF ANY CHANGES NEEDED TO THE STUDENT'S INDIVIDUALIZED SEIZURE ACTION PLAN OR EMERGENCY CONTACT INFORMATION.

(4) (a) WITHIN SIXTY DAYS AFTER THE BEGINNING OF THE 2021-22 ACADEMIC YEAR AND EACH YEAR THEREAFTER, EACH PUBLIC SCHOOL SHALL, AND EACH NONPUBLIC SCHOOL IS ENCOURAGED TO, PROVIDE TRAINING TO ONE OR MORE APPROPRIATE STAFF ON THE RECOGNITION OF THE SIGNS AND SYMPTOMS OF SEIZURES AND THE APPROPRIATE STEPS FOR SEIZURE FIRST AID.

(b) NO LATER THAN EIGHT WEEKS AFTER THE SCHOOL IS NOTIFIED OF A STUDENT WHO HAS BEEN DIAGNOSED WITH A SEIZURE DISORDER OR THE RECEIPT OF AN INDIVIDUALIZED SEIZURE ACTION PLAN SIGNED BY THE STUDENT'S PARENT OR LEGAL GUARDIAN, WHICHEVER IS LATER, EACH PUBLIC SCHOOL SHALL, AND EACH NONPUBLIC SCHOOL IS ENCOURAGED TO, HAVE AT LEAST ONE DESIGNATED EMPLOYEE WHO HAS MET THE TRAINING REQUIREMENTS NECESSARY TO ADMINISTER OR ASSIST WITH THE ADMINISTRATION OF SEIZURE TREATMENT MEDICATIONS, SEIZURE RESCUE MEDICATIONS, AND MANUAL VAGUS NERVE STIMULATION.

(c) ANY PROGRAMS OR GUIDELINES ADOPTED PURSUANT TO THIS SUBSECTION (4) TO TRAIN SCHOOL PERSONNEL IN THE HEALTH-CARE NEEDS OF STUDENTS WHO HAVE BEEN DIAGNOSED WITH A SEIZURE DISORDER MUST BE CONSISTENT WITH PROGRAMS AND GUIDELINES DEVELOPED BY RECOGNIZED SOURCES ON EPILEPSY AND SEIZURE DISORDERS AND DEVELOPED IN CONSULTATION WITH A STATE ORGANIZATION THAT REPRESENTS SCHOOL NURSES, AS IDENTIFIED BY THE DEPARTMENT OF EDUCATION.

(d) ON OR BEFORE DECEMBER 31, 2021, THE STATE BOARD OF EDUCATION, WITH ASSISTANCE FROM RECOGNIZED SOURCES ON EPILEPSY AND SEIZURE DISORDERS, AND IN CONSULTATION WITH A STATE ORGANIZATION THAT REPRESENTS SCHOOL NURSES SHALL PROMULGATE RULES FOR INDIVIDUALIZED SEIZURE ACTION PLANS, INCLUDING TRAINING AND SEIZURE CARE GUIDELINES.

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

Approved: May 28, 2021