

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 21-0290.02 Jane Ritter x4342

HOUSE BILL 21-1133

HOUSE SPONSORSHIP

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SENATE SPONSORSHIP

Pettersen and Priola,

House Committees
Education

Senate Committees
Education

A BILL FOR AN ACT

101 **CONCERNING STRATEGIC RESOURCES FOR KINDERGARTEN THROUGH**
102 **TWELFTH GRADE SCHOOLS TO PROVIDE A SAFER ENVIRONMENT**
103 **FOR KINDERGARTEN THROUGH TWELFTH GRADE STUDENTS WHO**
104 **HAVE 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 kindergarten through twelfth grade public schools (school), and strongly encourages nonpublic schools, to provide annual seizure-related training to school personnel who have direct contact with

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.

SENATE
Amended 2nd Reading
May 4, 2021

HOUSE
3rd Reading Unamended
April 8, 2021

HOUSE
2nd Reading Unamended
April 7, 2021

or supervise students who have a seizure disorder.

The parent or legal guardian (parent) of a student who has been diagnosed with a seizure disorder, including epilepsy, (student) is encourage to submit a signed, individualized seizure action plan (plan) to the school if the student may need assistance with seizure-related care in a school setting. The plan must be developed in coordination with recognized sources on epilepsy and seizure disorders and in consultation with a state organization that represents school nurses. The seizure action plan must be in accordance with the guidelines developed by the department of education. The parent is encouraged to provide updated information to the plan when necessary.

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 - action plan - training - rules**
5 **- short title - definitions.** (1) THE SHORT TITLE OF THIS SECTION IS
6 "JOEY'S LAW".

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

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

19 (b) "DESIGNATED EMPLOYEE" MEANS AN EMPLOYEE OF THE

1 SCHOOL WHO IS DESIGNATED AND TRAINED BY THE SCHOOL NURSE OR
2 HEALTH-CARE PRACTITIONER ON HOW TO ADMINISTER OR ASSIST WITH THE
3 ADMINISTRATION OF SEIZURE TREATMENT AND MEDICATIONS, SEIZURE
4 RESCUE MEDICATIONS, AND MANUAL VAGUS NERVE STIMULATION.

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

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

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

23 (3) (a) IF A STUDENT HAS A DIAGNOSED SEIZURE DISORDER AND
24 THE STUDENT MIGHT NEED MEDICAL INTERVENTION WITH
25 SEIZURE-RELATED CARE IN A SCHOOL SETTING OR SCHOOL ACTIVITY, THE
26 STUDENT'S PARENT OR LEGAL GUARDIAN IS ENCOURAGED TO CREATE, IN
27 CONJUNCTION WITH SCHOOL PERSONNEL, SIGN, AND SUBMIT TO THE

1 STUDENT'S SCHOOL AN INDIVIDUALIZED SEIZURE ACTION PLAN FOR THE
2 STUDENT. THE SCHOOL NURSE OR HEALTH-CARE PRACTITIONER SHARES
3 RESPONSIBILITY WITH THE SCHOOL ADMINISTRATORS FOR THE
4 MANAGEMENT OF THE STUDENT'S SEIZURE DISORDER WHILE THE STUDENT
5 IS AT SCHOOL, DURING ANY SCHOOL-SPONSORED ACTIVITIES, AND WHILE
6 IN TRANSIT TO OR FROM SCHOOL OR SCHOOL-SPONSORED ACTIVITIES IF THE
7 STUDENT IS BEING TRANSPORTED BY SCHOOL DISTRICT PERSONNEL.

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

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

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

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

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

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

1 EMERGENCY CONTACT INFORMATION.

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

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

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

25 (d) ON OR BEFORE DECEMBER 31, 2021, THE STATE BOARD OF
26 EDUCATION, WITH ASSISTANCE FROM RECOGNIZED SOURCES ON EPILEPSY
27 AND SEIZURE DISORDERS, AND IN CONSULTATION WITH A STATE

1 ORGANIZATION THAT REPRESENTS SCHOOL NURSES SHALL PROMULGATE
2 RULES FOR INDIVIDUALIZED SEIZURE ACTION PLANS, INCLUDING TRAINING
3 AND SEIZURE CARE GUIDELINES.

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