

CHAPTER 2022-19

Committee Substitute for House Bill No. 173

An act relating to care of students with epilepsy or seizure disorders; creating s. 1006.0626, F.S.; providing definitions; requiring a school to provide epilepsy or seizure disorder care to a student under certain circumstances; providing requirements for the implementation of an individualized seizure action plan for a student with epilepsy or a seizure disorder; providing that an individualized seizure action plan remains in effect until certain criteria are met; providing that implementation of such plan does not absolve or limit other specified duties of the school; authorizing a school to provide training and supports to a student in the absence of such a plan; providing requirements for such plans; requiring a school nurse or appropriate school employee to coordinate the care of such students and verify the training of certain school employees relating to the care of the students; providing requirements for such training; requiring the Department of Education to identify certain training courses on its website; requiring schools to provide specified information to certain school employees; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 1006.0626, Florida Statutes, is created to read:

1006.0626 Care of students with epilepsy or seizure disorders.—

(1) As used in this section, the term:

(a) “Individualized seizure action plan,” or “ISAP,” means a document that outlines a set of procedural guidelines and specific directions for the provision of health care and emergency services by a school for a student who has epilepsy or seizure disorders.

(b) “Medical professional” means a physician licensed under chapter 458 or 459, a physician assistant licensed under chapter 458 or chapter 459, or an advanced practiced registered nurse licensed under s. 464.012 who provides epilepsy or seizure disorder care to the student.

(c) “School” has the same meaning as in s. 1003.01(2).

(2)(a) A school must provide epilepsy or seizure disorder care to a student based upon the student’s ISAP, individualized education plan, or 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973, as applicable. To initiate the implementation of an ISAP, a student’s parent must submit an ISAP that meets the requirements of paragraph (b) to the school principal and school nurse or other appropriate school employee. The ISAP should be submitted before or at the beginning of the school year, upon enrollment, or as soon as practicable following a diagnosis of a seizure disorder for a student. The provisions of a student’s ISAP remain

in effect until the student's parent submits a revised ISAP, signed by a medical professional, identifying any changes based on the student's condition. Implementation of an ISAP does not absolve or limit the school of its obligation to provide a student special instruction, services, or accommodations pursuant to part V of chapter 1003, the Individuals with Disabilities Education Act, and s. 504 of the Rehabilitation Act of 1973. A school may implement training and student supports outlined in this section regardless of whether a parent submits an ISAP.

(b) An ISAP must be developed and signed by a medical professional, in consultation with the student's parent, and include the following:

1. Written orders from the student's medical professional outlining the student's epilepsy or seizure disorder recommended care.

2. The parent's signature.

3. The student's epilepsy or seizure disorder symptoms.

4. Any accommodations the student requires for school trips, after-school programs and activities, class parties, and any other school-related activities.

5. When and whom to call for medical assistance.

6. The student's ability to manage, and the student's level of understanding of, his or her epilepsy or seizure disorder.

7. How to maintain communication with the student, the student's parent, and the student's health care team, school nurse, and educational staff.

8. Any rescue medication prescribed by the student's medical professional and how and when to administer the medication.

(3) The school nurse or an appropriate school employee of a school that receives an ISAP pursuant to subsection (2) shall:

(a) In accordance with s. 1006.062, coordinate the provision of epilepsy and seizure disorder care at the school for the student, including administering anti-seizure and rescue medications as outlined in the ISAP.

(b) Verify that each school employee whose duties include regular contact with the student has completed training in the care of students with epilepsy and seizure disorders. The training must include how to recognize the symptoms of and provide care for epilepsy and seizure disorders. To assist schools in meeting this requirement, the Department of Education shall identify on its website one or more online training courses that are provided by a nonprofit national organization that supports the welfare of individuals with epilepsy and seizure disorders and are available free of charge to schools.

(4) The school shall provide each school employee whose duties include regular contact with the student with all of the following:

(a) Notice of the student's condition.

(b) Information from the ISAP on how to provide the recommended care for the student if he or she shows symptoms of the epilepsy or seizure disorder.

(c) The contact information for the student's parent and emergency contacts.

Section 2. This act shall take effect July 1, 2022.

Approved by the Governor March 25, 2022.

Filed in Office Secretary of State March 25, 2022.