

1 AN ACT relating to seizure disorders in schools.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 158.832 is amended to read as follows:

4 As used in KRS 158.830 to **158.838**~~[158.836]~~:

- 5 (1) "Anaphylaxis" means an allergic reaction resulting from sensitization following
6 prior contact with an antigen which can be a life-threatening emergency.
7 Anaphylaxis may be triggered by, among other agents, foods, drugs, injections,
8 insect stings, and physical activity.
- 9 (2) "Medications" means all medicines individually prescribed by a health care
10 practitioner for the student that pertain to his or her asthma or used to treat
11 anaphylaxis, including but not limited to EpiPen or other auto-injectible
12 epinephrine;
- 13 (3) "Health care practitioner" means a physician or other health care provider who has
14 prescriptive authority;~~and~~
- 15 (4) "Self-administration" means the student's use of his or her prescribed asthma or
16 anaphylaxis medications, pursuant to prescription or written direction from the
17 health care practitioner; **and**
- 18 **(5) "Seizure action plan" means a written, individualized health plan designed to**
19 **acknowledge and prepare for the health care needs of a student diagnosed with a**
20 **seizure disorder that is prepared by the student's treating physician.**

21 ➔Section 2. KRS 158.838 is amended to read as follows:

- 22 (1) (a) Beginning July 15, 2014, the board of each local public school district and the
23 governing body of each private and parochial school or school district shall
24 have at least one (1) school employee at each school who has met the
25 requirements of KRS 156.502 on duty during the entire school day to
26 administer or assist with the self-administration of the following medication:
- 27 1. Glucagon subcutaneously to students with diabetes who are

1 experiencing hypoglycemia or other conditions noted in the health care
2 practitioner's written statement under subsection (2)(b) of this section;

3 2. Insulin subcutaneously, through the insulin delivery method used by the
4 student and at the times and under the conditions noted in the health care
5 practitioner's written statement under subsection (2)(b) of this section;
6 and

7 3. A seizure rescue medication **or medication prescribed to treat seizure**
8 **disorder symptoms** approved by the United States Food and Drug
9 Administration and any successor agency.

10 (b) For those assigned the duties under paragraph (a) of this subsection, the
11 training provided under KRS 156.502 shall include instruction in
12 administering:

13 **1.** Insulin and glucagon, as well as recognition of the signs and symptoms
14 of hypoglycemia and hyperglycemia and the appropriate steps to be
15 taken to respond to these symptoms; **and**

16 **2. Seizure medications, as well as the recognition of the signs and**
17 **symptoms of seizures and the appropriate steps to be taken to respond**
18 **to these symptoms.**

19 (c) Any training program or guidelines adopted by any state agency for training of
20 school personnel in the diabetes care tasks covered by this section shall be
21 fully consistent with training programs and guidelines developed by the
22 American Diabetes Association. Notwithstanding any state agency
23 requirement or other law to the contrary, for purposes of this training a local
24 school district shall be permitted to use any adequate and appropriate training
25 program or guidelines for training of school personnel in the diabetes care
26 tasks covered under this section.

27 **(d) Any training program or guidelines adopted by any state agency for**

1 **training of school personnel in the health care needs of students diagnosed**
 2 **with a seizure disorder shall be fully consistent with best practice guidelines**
 3 **from medical professionals with expertise in seizure treatment.**

4 (2) **(a)** Prior to administering any of the medications listed under subsection (1)(a) of
 5 this section to a student, the student's parent or guardian shall:

6 ~~1.(a)}~~ Provide the school with a written authorization to administer the
 7 medication at school;

8 ~~2.(b)}~~ Provide a written statement from the student's health care
 9 practitioner, which shall contain the following information:

10 ~~a[1]}~~ Student's name;

11 ~~b[2]}~~ The name and purpose of the medication;

12 ~~c[3]}~~ The prescribed dosage;

13 ~~d[4]}~~ The route of administration;

14 ~~e[5]}~~ The frequency that the medication may be administered; and

15 ~~f[6]}~~ The circumstances under which the medication may be
 16 administered; and

17 ~~3.(c)}~~ Provide the prescribed medication to the school in its unopened,
 18 sealed package with the label affixed by the dispensing pharmacy intact.

19 **(b) In addition to the statements required in paragraph (a) of this subsection,**
 20 **the parent or guardian of each student diagnosed with a seizure disorder**
 21 **shall collaborate with school personnel to implement the seizure action**
 22 **plan. The Kentucky Board of Education shall promulgate administrative**
 23 **regulations establishing procedures for the implementation of seizure**
 24 **action plans.**

25 (3) **(a)** The statements **and seizure action plan** required in subsection (2) of this
 26 section shall be kept on file in the office of the school nurse or school
 27 administrator.

1 **(b) Any school personnel or volunteers responsible for the supervision or care**
2 **of a student diagnosed with a seizure disorder shall be given notice of the**
3 **seizure action plan, the identity of the school employee or employees trained**
4 **in accordance with subsection (1)(a) of this section, and the method by**
5 **which the trained school employee or employees may be contacted in the**
6 **event of an emergency.**

7 (4) The school district or the governing body of each private and parochial school or
8 school district shall inform the parent or guardian of the student that the school and
9 its employees and agents shall not incur any liability as a result of any injury
10 sustained by the student from any reaction to any medication listed under subsection
11 (1)(a) of this section that a parent or guardian has authorized the school district to
12 administer to a student to treat a hypoglycemic or hyperglycemic episode or a
13 seizure or its administration, unless the injury is the result of negligence or
14 misconduct on behalf of the school or its employees. The parent or guardian of the
15 student shall sign a written statement acknowledging that the school shall incur no
16 liability except as provided in this subsection, and the parent or guardian shall hold
17 harmless the school and its employees against any claims made for any reaction to
18 any medication listed under subsection (1)(a) of this section that a parent or
19 guardian has authorized the school district to administer to a student to treat a
20 hypoglycemic or hyperglycemic episode or a seizure or its administration if the
21 reaction is not due to negligence or misconduct on behalf of the school or its
22 employees.

23 (5) The permission for the administration of any of the medications listed under
24 subsection (1)(a) of this section shall be effective for the school year in which it is
25 granted and shall be renewed each following school year upon fulfilling the
26 requirements of subsections (2) to (4) of this section.

27 (6) The school nurse or school administrator shall check the expiration date monthly for

1 each medication listed under subsection (1)(a) of this section that is in the
2 possession of the school. At least one (1) month prior to the expiration date of each
3 medication, the school nurse or school administrator shall inform the parent or
4 guardian of the expiration date.

5 (7) Upon the written request of the parent or guardian of the student and written
6 authorization by the student's health care practitioner, a student with diabetes shall
7 be permitted to perform blood glucose checks, administer insulin through the
8 insulin delivery system the student uses, treat hypoglycemia and hyperglycemia, and
9 otherwise attend to the care and management of his or her diabetes in the school
10 setting and at school-related activities. A student shall be permitted to possess on
11 his or her person at all times necessary supplies and equipment to perform these
12 monitoring and treatment functions. Upon request by the parent or student, the
13 student shall have access to a private area for performing diabetes care tasks.

14 (8) (a) Beginning July 15, 2014, a school district shall permit a student who has
15 diabetes or a seizure disorder to attend the same school the student would
16 attend if the student did not have diabetes or a seizure disorder. Such a student
17 may only be transferred to a different school based on health care needs if the
18 individualized education program team, the Section 504 team, or, if
19 appropriate, the student's health services team, makes the determination that
20 the student's health condition requires that the student's care be provided by a
21 licensed health care professional at a different school. For the purpose of this
22 determination, the teams shall include the parent or guardian. The parent or
23 guardian may invite the student's treating physician to the team meeting and
24 the team shall consider the physician's input, whether in person or in written
25 form, when making this determination. This determination shall be based on
26 individualized factors related to the student's health conditions. A school
27 district shall not prohibit a student who has diabetes or a seizure disorder from

1 attending any school on the sole basis that:

- 2 1. The student has diabetes or a seizure disorder;
- 3 2. The school does not have a full-time school nurse; or
- 4 3. The school does not have school employees who are trained in
5 accordance with KRS 156.502 and assigned to provide care under this
6 section.

7 (b) Parents or guardians of students who have diabetes or a seizure disorder shall
8 not be required or pressured by school personnel to provide care for a student
9 with diabetes or a seizure disorder during regular school hours or during
10 school-related activities in which the student is a participant. For the purposes
11 of this paragraph, a participant is not a student who merely observes the
12 activity.

13 (9) The requirements of subsections (1) to (8) of this section shall apply only to schools
14 that have a student enrolled who:

15 (a) Has a seizure disorder and has a seizure rescue medication *or medication*
16 *prescribed to treat seizure disorder symptoms* approved by the United States
17 Food and Drug Administration and any successor agency prescribed by the
18 student's health care provider; or

19 (b) Has diabetes mellitus and has any of the medications listed under subsection
20 (1)(a) of this section prescribed by the student's health care provider.

21 (10) Nothing in this section shall be construed to require a school employee to consent to
22 administer medications listed under subsection (1)(a) of this section to a student if
23 the employee does not otherwise consent to provide the health service under KRS
24 156.502.

25 (11) Notwithstanding any other provision of the law to the contrary:

26 (a) The administration of the medications listed under subsection (1)(a) of this
27 section by school employees shall not constitute the practice of nursing and

1 shall be exempt from all applicable statutory and regulatory provisions that
2 restrict the activities that may be delegated to or performed by a person who is
3 not a licensed health care professional; and

4 (b) A licensed health care professional may provide training to or supervise
5 school employees in the administration of the medications listed under
6 subsection (1)(a) of this section.

7 ➔Section 3. KRS 158.070 is amended to read as follows:

8 (1) As used in this section:

9 (a) "Election" has the same meaning as in KRS 121.015;

10 (b) "Minimum school term" or "school term" means not less than one hundred
11 eighty-five (185) days composed of the student attendance days, teacher
12 professional days, and holidays;

13 (c) "School calendar" means the document adopted by a local board of education
14 that establishes the minimum school term, student instructional year or
15 variable student instructional year, and days that school will not be in session;

16 (d) "School district calendar committee" means a committee consisting of:

17 1. One (1) school district principal;

18 2. One (1) school district office administrator other than the
19 superintendent;

20 3. One (1) member of the local board of education;

21 4. Two (2) parents of students attending a school in the district;

22 5. One (1) school district elementary school teacher;

23 6. One (1) school district middle or high school teacher;

24 7. Two (2) school district classified employees; and

25 8. Two (2) community members from the local chamber of commerce,
26 business community, or tourism commission;

27 (e) "Student attendance day" means any day that students are scheduled to be at

1 school to receive instruction, and encompasses the designated start and
2 dismissal time;

3 (f) "Student instructional year" means at least one thousand sixty-two (1,062)
4 hours of instructional time for students delivered on not less than one hundred
5 seventy (170) student attendance days;

6 (g) "Teacher professional day" means any day teachers are required to report to
7 work as determined by a local board of education, with or without the
8 presence of students; and

9 (h) "Variable student instructional year" means at least one thousand sixty-two
10 (1,062) hours of instructional time delivered on the number of student
11 attendance days adopted by a local board of education which shall be
12 considered proportionally equivalent to one hundred seventy (170) student
13 attendance days and calendar days for the purposes of a student instructional
14 year, employment contracts that are based on the school term, service credit
15 under KRS 161.500, and funding under KRS 157.350.

16 (2) (a) Beginning with the 2018-2019 school year, and each year thereafter, the local
17 board of education, upon recommendation of the local school district
18 superintendent, shall annually appoint a school district calendar committee to
19 review, develop, and recommend school calendar options.

20 (b) The school district calendar committee, after seeking feedback from school
21 district employees, parents, and community members, shall recommend
22 school calendar options to the local school district superintendent for
23 presentation to the local board of education. The committee's
24 recommendations shall comply with state laws and regulations and consider
25 the economic impact of the school calendar on the community and the state.

26 (c) Prior to adopting a school calendar, the local board of education shall hear for
27 discussion the school district calendar committee's recommendations and the

1 recommendation of the superintendent at a meeting of the local board of
2 education.

3 (d) During a subsequent meeting of the local board of education, the local board
4 shall adopt a school calendar for the upcoming school year that establishes the
5 opening and closing dates of the school term, beginning and ending dates of
6 each school month, student attendance days, and days on which schools shall
7 be dismissed. The local board may schedule days for breaks in the school
8 calendar that shall not be counted as a part of the minimum school term.

9 (e) For local board of education meetings described in paragraphs (c) and (d) of
10 this subsection, if the meeting is a regular meeting, notice shall be given to
11 media outlets that have requests on file to be notified of special meetings
12 stating the date of the regular meeting and that one (1) of the items to be
13 considered in the regular meeting will be the school calendar. The notice shall
14 be sent at least twenty-four (24) hours before the regular meeting. This
15 requirement shall not be deemed to make any requirements or limitations
16 relating to special meetings applicable to the regular meeting.

17 (f) Beginning with the 2018-2019 school year, and each year thereafter, a local
18 school board of education that adopts a school calendar with the first student
19 attendance day in the school term starting no earlier than the Monday closest
20 to August 26 may use a variable student instructional year. Districts may set
21 the length of individual student attendance days in a variable student
22 instructional schedule, but no student attendance day shall contain more than
23 seven (7) hours of instructional time unless the district submitted and received
24 approval from the commissioner of education for an innovative alternative
25 calendar.

26 (3) (a) Each local board of education shall use four (4) days of the minimum school
27 term for professional development and collegial planning activities for the

1 professional staff without the presence of students pursuant to the
2 requirements of KRS 156.095. At the discretion of the superintendent, one (1)
3 day of professional development may be used for district-wide activities and
4 for training that is mandated by federal or state law. The use of three (3) days
5 shall be planned by each school council, except that the district is encouraged
6 to provide technical assistance and leadership to school councils to maximize
7 existing resources and to encourage shared planning.

8 (b) In addition to the four (4) days required under paragraph (a) of this
9 subsection:~~[-]~~

10 1. A minimum of two (2) hours of self-study review of suicide prevention
11 materials shall be required for all high school and middle school
12 principals, guidance counselors, and teachers each school year; **and**

13 **2. At least one (1) hour of self-study review of seizure disorder materials**
14 **shall be required for all principals, guidance counselors, and teachers**
15 **hired after July 1, 2019.**

16 (c) A local board may approve a school's flexible professional development plan
17 that permits teachers or other certified personnel within a school to participate
18 in professional development activities outside the days scheduled in the school
19 calendar or the regularly scheduled hours in the school work day and receive
20 credit towards the four (4) day professional development requirement within
21 the minimum one hundred eighty-five (185) days that a teacher shall be
22 employed.

23 1. A flexible schedule option shall be reflected in the school's professional
24 development component within the school improvement plan or
25 consolidated plan and approved by the local board. Credit for approved
26 professional development activities may be accumulated in periods of
27 time other than full day segments.

- 1 2. No teacher or administrator shall be permitted to count participation in a
2 professional development activity under the flexible schedule option
3 unless the activity is related to the teacher's classroom assignment and
4 content area, or the administrator's job requirements, or is required by
5 the school improvement or consolidated plan, or is tied to the teacher's
6 or the administrator's individual growth plan. The supervisor shall give
7 prior approval and shall monitor compliance with the requirements of
8 this paragraph. In the case of teachers, a professional development
9 committee or the school council by council policy may be responsible
10 for reviewing requests for approval.
- 11 (d) The local board of each school district may use up to a maximum of four (4)
12 days of the minimum school term for holidays; provided, however, any
13 holiday which occurs on Saturday may be observed on the preceding Friday.
- 14 (e) Each local board may use two (2) days for planning activities without the
15 presence of students.
- 16 (f) Each local board may close schools for the number of days deemed necessary
17 for:
- 18 1. National or state emergency or mourning when proclaimed by the
19 President of the United States or the Governor of the Commonwealth of
20 Kentucky;
- 21 2. Local emergency which would endanger the health or safety of children;
22 and
- 23 3. Mourning when so designated by the local board of education and
24 approved by the Kentucky Board of Education upon recommendation of
25 the commissioner of education.
- 26 (4) (a) The Kentucky Board of Education, upon recommendation of the
27 commissioner of education, shall adopt administrative regulations governing

1 the use of student attendance days as a result of a local emergency, as
2 described in subsection (3)(f)2. of this section, and regulations setting forth
3 the guidelines and procedures to be observed for the approval of waivers from
4 the requirements of a student instructional year in subsection (1)(f) of this
5 section for districts that wish to adopt innovative instructional calendars, or
6 for circumstances that would create extreme hardship.

7 (b) If a local board of education amends its school calendar after its adoption due
8 to an emergency, it may lengthen or shorten any remaining student attendance
9 days by thirty (30) minutes or more, as it deems necessary, provided the
10 amended calendar complies with the requirements of a student instructional
11 year in subsection (1)(f) of this section or a variable student instructional year
12 in subsection (1)(h) of this section. No student attendance day shall contain
13 more than seven (7) hours of instructional time unless the district submitted
14 and received approval from the commissioner of education for an innovative
15 alternative calendar.

16 (5) (a) 1. In setting the school calendar, school may be closed for two (2)
17 consecutive days for the purpose of permitting professional school
18 employees to attend statewide professional meetings.
19 2. These two (2) days for statewide professional meetings may be
20 scheduled to begin with the first Thursday after Easter, or upon request
21 of the statewide professional education association having the largest
22 paid membership, the commissioner of education may designate
23 alternate dates.
24 3. If schools are scheduled to operate during days designated for the
25 statewide professional meeting, the school district shall permit
26 employees who are delegates to attend as compensated professional
27 leave time and shall employ substitute teachers in their absence.

- 1 4. The commissioner of education shall designate one (1) additional day
2 during the school year when schools may be closed to permit
3 professional school employees to participate in regional or district
4 professional meetings.
- 5 5. These three (3) days so designated for attendance at professional
6 meetings may be counted as a part of the minimum school term.
- 7 (b) 1. If any school in a district is used as a polling place, the school district
8 shall be closed on the day of the election, and those days may be used
9 for professional development activities, professional meetings, or
10 parent-teacher conferences.
- 11 2. A district may be open on the day of an election if no school in the
12 district is used as a polling place.
- 13 (c) All schools shall be closed on the third Monday of January in observance of
14 the birthday of Martin Luther King, Jr. Districts may:
- 15 1. Designate the day as one (1) of the four (4) holidays permitted under
16 subsection (3)(d) of this section; or
- 17 2. Not include the day in the minimum school term specified in subsection
18 (1) of this section.
- 19 (6) (a) The Kentucky Board of Education, or the organization or agency designated
20 by the board to manage interscholastic athletics, shall be encouraged to
21 schedule athletic competitions outside the regularly scheduled student
22 attendance day.
- 23 (b) Beginning with the 2009-2010 school year, any member of a school-
24 sponsored interscholastic athletic team who competes in a regional
25 tournament or state tournament sanctioned by the Kentucky Board of
26 Education, or the organization or agency designated by the board to manage
27 interscholastic athletics, and occurring on a regularly scheduled student

1 attendance day may be counted present at school on the date or dates of the
2 competition, as determined by local board policy, for a maximum of two (2)
3 days per student per year. The student shall be expected to complete any
4 assignments missed on the date or dates of the competition.

5 (c) The school attendance record of any student for whom paragraph (b) of this
6 subsection applies shall indicate that the student was in attendance on the date
7 or dates of competition.

8 (7) Students applying for excused absence for attendance at the Kentucky State Fair
9 shall be granted one (1) day of excused absence.

10 (8) Schools shall provide continuing education for those students who are determined
11 to need additional time to achieve the outcomes defined in KRS 158.6451, and
12 schools shall not be limited to the minimum school term in providing this
13 education. Continuing education time may include extended days, extended weeks,
14 or extended years. A local board of education may adopt a policy requiring its
15 students to participate in continuing education. The local policy shall set out the
16 conditions under which attendance will be required and any exceptions which are
17 provided. The Kentucky Board of Education shall promulgate administrative
18 regulations establishing criteria for the allotment of grants to local school districts
19 and shall include criteria by which the commissioner of education may approve a
20 district's request for a waiver to use an alternative service delivery option, including
21 providing services during the student attendance day on a limited basis. These
22 grants shall be allotted to school districts to provide instructional programs for
23 pupils who are identified as needing additional time to achieve the outcomes
24 defined in KRS 158.6451. A school district that has a school operating a model
25 early reading program under KRS 158.792 may use a portion of its grant money as
26 part of the matching funds to provide individualized or small group reading
27 instruction to qualified students outside of the regular classroom during the student

1 attendance day.

2 (9) Notwithstanding any other statute, each school term shall include no less than the
3 equivalent of the student instructional year in subsection (1)(f) of this section, or a
4 variable student instructional year in subsection (1)(h) of this section, except that
5 the commissioner of education may grant up to the equivalent of ten (10) student
6 attendance days for school districts that have an alternative instruction plan
7 approved by the commissioner of education for the use of alternative methods of
8 instruction, including virtual learning, on days when the school district is closed for
9 health or safety reasons, on nontraditional days, or on nontraditional time. The
10 district's plan shall demonstrate how teaching and learning in the district will not be
11 negatively impacted. Average daily attendance for purposes of Support Education
12 Excellence in Kentucky program funding during the student attendance days
13 granted shall be calculated in compliance with administrative regulations
14 promulgated by the Kentucky Board of Education.

15 (10) Notwithstanding the provisions of KRS 158.060(3) and the provisions of subsection
16 (2) of this section, a school district shall arrange bus schedules so that all buses
17 arrive in sufficient time to provide breakfast prior to the beginning of the student
18 attendance day. In the event of an unforeseen bus delay, the administrator of a
19 school that participates in the Federal School Breakfast Program may authorize up
20 to fifteen (15) minutes of the student attendance day if necessary to provide the
21 opportunity for children to eat breakfast not to exceed eight (8) times during the
22 school year within a school building.

23 (11) Notwithstanding any other statute to the contrary, the following provisions shall
24 apply to a school district that misses student attendance days due to emergencies,
25 including weather-related emergencies:

26 (a) A certified school employee shall be considered to have fulfilled the minimum
27 one hundred eighty-five (185) day contract with a school district under KRS

1 157.350 and shall be given credit for the purpose of calculating service credit
2 for retirement under KRS 161.500 for certified school personnel if:

- 3 1. State and local requirements under this section are met regarding the
4 equivalent of the number and length of student attendance days, teacher
5 professional days, professional development days, holidays, and days for
6 planning activities without the presence of students; and
- 7 2. The provisions of the district's school calendar to make up student
8 attendance days missed due to any emergency, as approved by the
9 Kentucky Department of Education when required, including but not
10 limited to a provision for additional instructional time per day, are met.

11 (b) Additional time worked by a classified school employee shall be considered as
12 equivalent time to be applied toward the employee's contract and calculation
13 of service credit for classified employees under KRS 78.615 if:

- 14 1. The employee works for a school district with a school calendar
15 approved by the Kentucky Department of Education that contains a
16 provision that additional instructional time per day shall be used to make
17 up full days missed due to an emergency;
- 18 2. The employee's contract requires a minimum six (6) hour work day; and
- 19 3. The employee's job responsibilities and work day are extended when the
20 instructional time is extended for the purposes of making up time.

21 (c) Classified employees who are regularly scheduled to work less than six (6)
22 hours per day and who do not have additional work responsibilities as a result
23 of lengthened student attendance days shall be excluded from the provisions
24 of this subsection. These employees may be assigned additional work
25 responsibilities to make up service credit under KRS 78.615 that would be
26 lost due to lengthened student attendance days.

27 ➔Section 4. Each local school district shall require all principals, guidance

1 counselors, and teachers to complete at least one hour of self-study review of seizure
2 disorder materials no later than July 1, 2019. This self-study review shall be in addition to
3 the four days required under KRS 158.070(3)(a), unless otherwise approved by the school
4 district. Nothing in this section shall be construed to limit the authority of a school district
5 or the Kentucky Department of Education to require additional seizure disorder training.

6 ➔Section 5. This Act may be cited as the Lyndsey Crunk Act.