

2022 -- S 2040

LC003918

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO EDUCATION -- SEIZURE SAFE SCHOOLS ACT

Introduced By: Senators DiPalma, DiMario, Seveney, Picard, and Euer

Date Introduced: January 25, 2022

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 16-21 of the General Laws entitled "Health and Safety of Pupils" is
2 hereby amended by adding thereto the following sections:

3 **16-21-40. Seizure safe schools.**

4 (a) "Seizure action plan" means a written, individualized health plan designed to
5 acknowledge and prepare for the health care needs of a student diagnosed with a seizure disorder.
6 The parent or guardian of each student diagnosed with a seizure disorder shall collaborate with
7 school personnel to create a seizure action plan. The seizure action plan shall include:

8 (1) Assurance of access and administration of any medication prescribed to treat seizure
9 disorder symptoms as approved by the United States Food and Drug Administration or any
10 successor agency; and

11 (2) Physician instructions in administering seizure medications, and manual vagus nerve
12 stimulation, as well as the recognition of the signs and symptoms of seizures and the appropriate
13 steps to be taken to respond to these symptoms

14 (b) Prior to administering medication prescribed to treat seizure disorder symptoms, the
15 student's parent or guardian shall:

16 (1) Provide the school with a written authorization to administer the medication at school;

17 (2) Provide a written statement from the student's health care practitioner, which shall
18 contain the following information:

19 (i) Student's name;

- 1 (ii) The name and purpose of the medication;
2 (iii) The prescribed dosage;
3 (iv) The route of administration;
4 (v) The frequency that the medication may be administered; and
5 (vi) The circumstances under which the medication may be administered; and
6 (3) Provide the prescribed medication to the school in its unopened, sealed package with
7 the label affixed by the dispensing pharmacy intact. The department of elementary and secondary
8 education shall promulgate administrative regulations establishing procedures for the development
9 and content of seizure action plans.

10 **16-21-41. Requirements for administration of seizure rescue medications in a school**
11 **setting.**

12 (a) The department of elementary and secondary education and the department of health
13 shall incorporate into their policies, rules and regulations for administration of seizure rescue
14 medications to provide for the health and safety of children who have been medically identified as
15 having epilepsy/seizure disorder. The policies, rules and regulations shall include procedures
16 whereby:

17 (1) A parent or legal guardian of any child may expressly authorize school employees or
18 those employed on behalf of the school, for when there is no school nurse immediately available,
19 to administer a United States Food and Drug Administration (FDA) approved seizure rescue
20 medication on such child in case of an emergency, while at school or school sponsored activities;

21 (2) The seizure rescue medication shall be kept in a secure, designated area, readily
22 available; and

23 (3) Seizure rescue medication administration training may be provided by a licensed
24 physician, physician assistant, advanced practiced registered nurse, or registered nurse; however,
25 in no case shall school nurse teachers be required to provide training; and the school administration
26 shall allow staff to voluntarily assist with the emergency administration of a seizure rescue
27 medication when authorized by a parent or legal guardian.

28 (b) A school employee, including administrative staff, shall not be subject to penalty or
29 disciplinary action for refusing to be trained in administration of a seizure rescue medication.

30 (c) A parent or legal guardian shall provide a seizure action plan or physician's order,
31 signed by the student's health care provider, that prescribes the care and assistance needed by the
32 student including administration of seizure rescue medications.

33 (d) The statements and seizure action plan required by this section shall be kept on file in
34 the office of the school nurse and/or school administrator.

1 (e) The seizure action plan required by this section shall be distributed to any school
2 personnel or volunteers, identified in the seizure action plan, who is responsible for the supervision
3 or care of the student with a seizure disorder. A student's parent/guardian shall distribute the
4 authorized seizure action plan required by this section to any non-school personnel identified in the
5 seizure action plan, who is responsible for the supervision or care of the student with a seizure
6 disorder.

7 (4) The presence of a registered nurse employed full-time by a school who assumes
8 responsibility for the administration of seizure medications, and the administration oversight of
9 vagus nerve stimulation, shall fulfill the requirements of this section.

10 (5) Every public, private and parochial school or school district shall provide training to
11 principals, guidance counselors, teachers, and other relevant school personnel with direct contact
12 and supervision of children, including bus drivers and classroom aides, on the recognition of the
13 signs and symptoms of seizures and the appropriate steps for seizure first aid.

14 (6) Any training program or guideline adopted by any state agency for the training of school
15 personnel in the health care needs of students diagnosed with a seizure disorder shall be fully
16 consistent with training programs and guidelines developed by the Epilepsy Foundation of America
17 or any successor organization. Notwithstanding any state agency requirement or other law to the
18 contrary, for the purposes of this training a local school district shall be permitted to use any
19 adequate and appropriate training program or guidelines for training of school personnel in the
20 seizure disorder care tasks covered under this section.

21 (f) The permission for the administration of any of the medications listed under this section
22 shall be effective for the school year in which it is granted and shall be renewed each following
23 school year upon fulfilling the requirements of this section.

24 (g) The requirements of this section shall apply only to schools that have a student enrolled
25 who has a seizure disorder or has a seizure medication prescribed to treat seizure disorder symptoms
26 approved by the FDA or any successor agency prescribed by the student's health care provider.

27 (h) Every public, private and parochial school or school district shall provide an age-
28 appropriate seizure education program to all students on seizures and seizure disorders. The seizure
29 education program shall be consistent with guidelines published by the Epilepsy Foundation of
30 America or any successor organization. The department of elementary and secondary education
31 shall promulgate administrative regulations for the development and implementation of the seizure
32 education program.

33 (i) A school district, school district employee, or agent acting in good faith and in
34 substantial compliance with the student's individual health plan, including a seizure action plan,

1 and the instructions of the student's licensed health care professional, that provides assistance or
2 services under this section shall not be liable for civil damages in his or her individual, marital,
3 governmental, corporate, or other capacities as a result of the services provided under this section
4 to students with epilepsy or seizure disorders.

5 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION -- SEIZURE SAFE SCHOOLS ACT

1 This act would require the department of elementary and secondary education and the
2 department of health to adopt policies, rules and regulations for the administration of seizure rescue
3 medications for children who have been medically identified as having epilepsy/seizure disorder.

4 This act would take effect upon passage.

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