

LEGISLATIVE BILL 639

Approved by the Governor May 24, 2021

Introduced by Day, 49; Blood, 3; Linehan, 39; Sanders, 45; McCollister, 20;
Cavanaugh, M., 6; Hansen, M., 26.

A BILL FOR AN ACT relating to schools; to adopt the Seizure Safe Schools Act.
Be it enacted by the people of the State of Nebraska,

Section 1. Sections 1 to 7 of this act shall be known and may be cited as the Seizure Safe Schools Act.

Sec. 2. For purposes of the Seizure Safe Schools Act, seizure action plan means a written, individualized health plan designed to acknowledge and prepare for the health care needs of a student diagnosed with a seizure disorder.

Sec. 3. (1)(a) For school year 2022-23 and each school year thereafter, each approved or accredited public, private, denominational, or parochial school shall have at least one school employee at each school who has met the training requirements necessary to administer or assist with the self-administration of a seizure rescue medication or medication prescribed to treat seizure disorder symptoms as approved by the United States Food and Drug Administration.

(b) For a school employee assigned the duties under subdivision (a) of this subsection, the training shall include instruction in administering seizure medications, recognizing the signs and symptoms of seizures, and responding to such signs and symptoms with the appropriate steps.

(c) Any training programs or guidelines adopted by any state agency for the training of school employees under this subsection shall be consistent with training programs and guidelines developed by a nationally recognized organization focused on epilepsy.

(2) Prior to the administration of a seizure rescue medication or medication prescribed to treat seizure disorder symptoms by a school employee, a student's parent or guardian shall:

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

(b) Provide a written statement from the student's health care practitioner containing the following information:

(i) The student's name;

(ii) The name and purpose of the medication;

(iii) The prescribed dosage;

(iv) The route of administration;

(v) The frequency that the medication may be administered; and

(vi) The circumstances under which the medication may be administered;

(c) Provide the medication to the school in its unopened, sealed package with the intact label affixed by the dispensing pharmacy; and

(d) Collaborate with school employees to create a seizure action plan.

(3)(a) The authorization, statement, and seizure action plan required in subsection (2) of this section shall be kept on file in the office of the school nurse or school administrator.

(b) Each seizure action plan shall be distributed to any school personnel or volunteers responsible for the supervision or care of the student for whom such seizure action plan was created.

(4) Any authorization provided by a parent or guardian under this section shall be effective for the school year in which it is provided and shall be renewed each following school year upon fulfilling the requirements of subsection (2) of this section.

(5) The requirements of this section shall apply only to schools that have a student enrolled who has a seizure disorder and has a seizure rescue medication or medication prescribed to treat seizure disorder symptoms.

Sec. 4. Beginning with school year 2022-23, in addition to any other professional development and collegial planning activities for certificated school employees, each certificated school employee shall participate in a minimum of one hour of self-study review of seizure disorder materials at least once in every two school years.

Sec. 5. If specified in a student's seizure action plan, such student shall be permitted to possess the supplies, equipment, and medication necessary to treat a seizure disorder in accordance with such seizure action plan.

Sec. 6. (1) A school or school employee who acts in compliance with the Seizure Safe Schools Act shall not be liable for damages related to the care of a student's seizure disorder unless such damages resulted from an act of willful or wanton misconduct by the school or school employee.

(2) A school employee shall not be subject to any disciplinary proceeding related to an act taken in compliance with the Seizure Safe Schools Act unless such action constitutes willful or wanton misconduct.

Sec. 7. The State Board of Education shall adopt and promulgate rules and regulations to carry out the Seizure Safe Schools Act, including, but not limited to:

(1) Requirements for training programs for school employees;

(2) Procedures for the development of seizure action plans; and

(3) The content of seizure action plans.