

HOUSE No. 533

The Commonwealth of Massachusetts

PRESENTED BY:

Kate Lipper-Garabedian

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relating to seizure disorders in schools.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>1/20/2023</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>7/7/2023</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>7/14/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>7/20/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>7/20/2023</i>

HOUSE No. 533

By Representative Lipper-Garabedian of Melrose, a petition (accompanied by bill, House, No. 533) of Kate Lipper-Garabedian relative to seizure disorders in schools. Education.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relating to seizure disorders in schools.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 71 of General Laws is hereby amended by inserting after section 98
2 the following section:-

3 Section 99. Seizure-Safe Schools

4 (a) The school committee of each public school district and the governing body of each
5 private and parochial school or school district shall have at least one school employee at each
6 school who has met the training requirements necessary to administer or assist with the self-
7 administration of:

8 (1) A seizure rescue medication or medication prescribed to treat seizure disorder
9 symptoms as approved by the United States Food and Drug Administration and any successor
10 agency; and (2) A manual dose of prescribed electrical stimulation using a Vagus Nerve
11 Stimulator (VNS) magnet as approved by the United States Food and Drug Administration and
12 any successor agency.

13 (b) For those assigned the duties under subsection (a), training shall include instructions
14 in administering seizure medications and manual vagus nerve stimulation, as well as the
15 recognition of the signs and symptoms of seizures and the appropriate steps to be taken to
16 respond to these symptoms.

17 (c) The presence of a registered nurse employed full-time by a school who assumes
18 responsibility for the administration of seizure medications and the administration oversight of
19 vagus nerve stimulation shall satisfy the requirements of subsections (a) and (b).

20 (d) Every public school shall provide training to principals, guidance counselors, teachers
21 and other relevant school personnel with direct contact and supervision of children, including bus
22 drivers and classroom aides, on the recognition of the signs and symptoms of seizures and the
23 appropriate steps for seizure first aid.

24 (e) Any training programs or guidelines adopted by any state agency for the training of
25 school personnel in the health care needs of students diagnosed with a seizure disorder shall be
26 fully consistent with training programs and guidelines developed by the Epilepsy Foundation of
27 America and any successor organization. Notwithstanding any state agency requirement or other
28 law to the contrary, for the purposes of this training, a school district shall be permitted to use
29 any adequate and appropriate training program or guidelines for training of school personnel in
30 the seizure disorder care tasks covered under this section.

31 (f) Prior to the administration of a seizure rescue medication or medication prescribed to
32 treat seizure disorder symptoms, the school shall receive from the student's parent or guardian a
33 written authorization to administer the medication at school; a written statement from the

34 student's health care practitioner, which shall contain the following information: (i) student's
35 name; (ii) name and purpose of the medication; (iii) prescribed dosage; (iv) route of
36 administration; (v) frequency that the medication may be administered; and (vi)
37 circumstances under which the medication may be administered; and the prescribed medication
38 in its unopened, sealed package with the label affixed by the dispensing pharmacy intact.

39 (g) The parent or guardian of each student diagnosed with a seizure disorder shall
40 collaborate with school personnel to create a seizure action plan, which shall mean a written,
41 individualized health plan designed to acknowledge and prepare for the health care needs of a
42 student diagnosed with a seizure disorder; provided that the department of public health may
43 issue guidelines for the development and content of seizure action plans.

44 (h) The seizure action plan required in subsection (g) shall be kept on file in the office of
45 the school nurse or school administrator and shall be distributed to any school personnel or
46 volunteers responsible for the supervision or care of the student.

47 (i) The written authorization required under subsection (f) for the administration of any of
48 the medications listed in subsection (a) shall be effective for the school year in which it is given
49 and shall be renewed each following school year upon fulfilling the requirements of subsection
50 (f) through (h) of this section.

51 (j) The requirements of subsections (a) through (i) shall apply only to schools that have a
52 student enrolled who has a seizure disorder or has a seizure rescue medication or medication
53 prescribed to treat seizure disorder symptoms approved by the United States Food and Drug
54 Administration and any successor agency prescribed by the student's health care provider.

55 (k) Every public school shall provide an age-appropriate seizure education program to all
56 students on seizures and seizure disorders. The seizure education program shall be consistent
57 with guidelines published by the Epilepsy Foundation of America and any successor
58 organization as well as any guidance developed by the department of public health.

59 (l) A school district, school district employee, or agent, acting in good faith and in
60 substantial compliance with the student's individual health plan and the instructions of the
61 student's licensed health care professional, who provides assistance or services under this section
62 shall not be liable in any criminal action for civil damages in his or her individual, marital,
63 governmental, corporate or other capacity as a result of the services provided under this section
64 to students with epilepsy or seizure disorders.

65 SECTION 2. This Act may be cited as the Seizure-Safe Schools Act.

66 SECTION 3. This Act shall take effect one year from enactment of the legislation.