

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 639

Introduced by Day, 49; Blood, 3.

Read first time January 20, 2021

Committee: Education

1 A BILL FOR AN ACT relating to schools; to adopt the Seizure Safe Schools

2 Act.

3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 8 of this act shall be known and may be
2 cited as the Seizure Safe Schools Act.

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

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

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

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

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

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

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

30 (i) The student's name;

31 (ii) The name and purpose of the medication;

1 (iii) The prescribed dosage;
2 (iv) The route of administration;
3 (v) The frequency that the medication may be administered; and
4 (vi) The circumstances under which the medication may be
5 administered; and

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

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

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

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

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

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

24 Sec. 4. In addition to any other professional development and
25 collegial planning activities for certificated school employees, each
26 certificated school employee shall participate in a minimum of one hour
27 of self-study review of seizure disorder materials.

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

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

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

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

12 (1) Requirements for training programs for school employees;

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

14 (3) The content of seizure action plans.