

SUBSTITUTE FOR  
HOUSE BILL NO. 4970

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
(MCL 380.1 to 380.1852) by adding section 1179c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 1179c. (1) Beginning with the 2022-2023 school year, the  
2 board of a school district or intermediate school district or board  
3 of directors of a public school academy shall require that all  
4 school personnel employed by, or assigned to work at, a school  
5 operated by the school district, intermediate school district, or  
6 public school academy successfully complete seizure recognition and  
7 seizure first aid response training on a biennial basis. The  
8 seizure recognition and seizure first aid response training  
9 described in this subsection must include, but is not limited to,

1 all of the following:

2 (a) Instruction on common seizure types.

3 (b) Seizure first aid steps to assist a pupil who is having a  
4 seizure.

5 (c) Information on key factors that make a seizure a medical  
6 emergency.

7 (d) Guidance for ways to support pupils living with epilepsy.

8 (2) The board of a school district or intermediate school  
9 district or board of directors of a public school academy shall  
10 require that all school nurses or school personnel designated to  
11 administer medications who are employed by, or assigned to work at,  
12 the school district, intermediate school district, or public school  
13 academy complete seizure recognition and seizure first aid response  
14 training that includes training on medication administration. The  
15 seizure recognition and seizure first aid response training  
16 described in this subsection must include, but is not limited to,  
17 all of the following:

18 (a) Information on common seizure types and potential triggers  
19 and risk factors for seizures and emergencies.

20 (b) Guidance on ways in which treatment of epilepsy may affect  
21 a pupil's health, safety, or learning.

22 (c) Instruction on seizure first aid to assist a pupil during  
23 and after a seizure.

24 (d) Education on seizure action plans for pupils with epilepsy  
25 and using safe practices for medication administration and  
26 delegation.

27 (3) The department shall develop guidelines regarding the  
28 trainings described in subsections (1) and (2). The guidelines  
29 described in this subsection and the trainings described in

1 subsections (1) and (2) must be consistent with guidelines  
2 developed by a national nonprofit organization dedicated to  
3 epilepsy and seizures.

4 (4) For each pupil who is being treated for a seizure  
5 disorder, the board of the school district or intermediate school  
6 district or board of directors of the public school academy in  
7 which the pupil is enrolled shall ensure that a seizure action plan  
8 submitted by the pupil's parent or legal guardian is made a part of  
9 the pupil's school record. A seizure action plan described in this  
10 subsection must include at least all of the following:

11 (a) The pupil's full name.

12 (b) The name and purpose of any medication that the pupil is  
13 prescribed.

14 (c) The dosage of the prescription described in subdivision  
15 (b).

16 (d) The route of administration of the prescription described  
17 in subdivision (b).

18 (e) The frequency with which the medication described in  
19 subdivision (b) may be administered.

20 (f) The circumstances under which the medication described in  
21 subdivision (b) may be administered.

22 (5) The board of a school district or intermediate school  
23 district or board of directors of a public school academy shall  
24 ensure that a seizure action plan described in subsection (4) is  
25 made accessible to all school personnel who are responsible for the  
26 pupil to whom the plan applies.

27 (6) Notwithstanding any school, school district, or  
28 intermediate school district policy to the contrary, upon written  
29 permission by a pupil's parent or legal guardian, the board of the

1 school district or intermediate school district or board of  
2 directors of the public school academy in which the pupil is  
3 enrolled shall ensure that at least 1 employee of the pupil's  
4 school is designated by the school administrator to administer  
5 seizure medication to the pupil in compliance with the instructions  
6 of a physician if the pupil has a prescription for the medication  
7 on file at the school. The board or board of directors shall ensure  
8 that its local policy concerning the administration of medications  
9 to pupils at school is modified, as needed, to comply with this  
10 subsection. The department shall identify, develop, and adopt  
11 appropriate revisions to any medication administration guidelines  
12 issued by the department including, but not limited to, those  
13 relating to the training needs and requirements for the  
14 administration and maintenance of seizure medication, as needed, to  
15 comply with this subsection. Any medication administered under this  
16 subsection must be approved by the United States Food and Drug  
17 Administration.

18 (7) Subject to section 1178, a school district, intermediate  
19 school district, public school academy, school district board  
20 member, intermediate school board member, board of directors member  
21 of a public school academy, or employee of a school district,  
22 intermediate school district, or public school academy who in good  
23 faith carries out an act to comply with this section in accordance  
24 with this section is not liable for civil damages or subject to  
25 criminal prosecution as a result of that act, except for an act or  
26 omission amounting to gross negligence. As used in this subsection,  
27 "gross negligence" means that term as defined in section 7 of 1964  
28 PA 170, MCL 691.1407. This subsection does not eliminate, limit, or  
29 reduce any other immunity or defense that a school district,

1 intermediate school district, public school academy, member of a  
2 school district board, member of an intermediate school board,  
3 board of directors member of a public school academy, or employee  
4 of a school district, intermediate school district, or public  
5 school academy may have under other state law.

6 (8) As used in this section, "school personnel" means a school  
7 administrator, guidance counselor, teacher, or other relevant  
8 school employee with direct contact and supervision of pupils,  
9 including, but not limited to, bus drivers and classroom aides.