

HOUSE BILL NO. 4970

June 08, 2021, Introduced by Reps. O'Malley, Scott, Roth, Sneller, Sabo, Yaroach and Markkanen and referred to the Committee on Education.

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 2021-2022 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

1 public school academy successfully complete seizure recognition and
2 seizure first-aid response training on a biennial basis. The
3 seizure recognition and seizure first-aid response training
4 described in this subsection must include, but is not limited to,
5 all of the following:

6 (a) Instruction on common seizure types.

7 (b) Seizure first-aid steps to assist a pupil who is having a
8 seizure.

9 (c) Information on key factors that make a seizure a medical
10 emergency.

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

12 (2) The board of a school district or intermediate school
13 district or board of directors of a public school academy shall
14 require that all full-time school nurses or school personnel
15 designated to administer medications who are employed by, or
16 assigned to work at, the school district, intermediate school
17 district, or public school academy complete seizure recognition and
18 seizure first-aid response training designed for school nurses. The
19 seizure recognition and seizure first-aid response training
20 described in this subsection must include, but is not limited to,
21 all of the following:

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

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

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

28 (d) Education on seizure action plans for pupils with epilepsy
29 and using safe practices for medication administration and

1 delegation.

2 (3) The department shall develop guidelines regarding the
3 trainings described in subsections (1) and (2). The guidelines
4 described in this subsection and the trainings described in
5 subsections (1) and (2) must be consistent with guidelines
6 developed by a national nonprofit organization dedicated to
7 epilepsy and seizures.

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

15 (a) The pupil's full name.

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

18 (c) The dosage of the prescription described in subdivision
19 (b).

20 (d) The route of administration of the prescription described
21 in subdivision (b).

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

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

26 (5) The board of a school district or intermediate school
27 district or board of directors of a public school academy shall
28 ensure that a seizure action plan described in subsection (4) is
29 made accessible to all school personnel who are responsible for the

1 pupil to whom the plan applies.

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

22 (7) Subject to section 1178, a school district, intermediate
23 school district, public school academy, school district board
24 member, intermediate school board member, board of directors member
25 of a public school academy, or employee of a school district,
26 intermediate school district, or public school academy who in good
27 faith carries out an act to comply with this section in accordance
28 with this section is not liable for civil damages or subject to
29 criminal prosecution as a result of that act, except for an act or

1 omission amounting to gross negligence. As used in this subsection,
2 "gross negligence" means that term as defined in section 7 of 1964
3 PA 170, MCL 691.1407. This subsection does not eliminate, limit, or
4 reduce any other immunity or defense that a school district,
5 intermediate school district, public school academy, member of a
6 school district board, member of an intermediate school board,
7 board of directors member of a public school academy, or employee
8 of a school district, intermediate school district, or public
9 school academy may have under other state law.

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