

# STATE OF NEW YORK

3953

2021-2022 Regular Sessions

## IN ASSEMBLY

January 29, 2021

Introduced by M. of A. M. MILLER -- read once and referred to the  
Committee on Education

AN ACT to amend the education law, in relation to requiring schools have  
health care plans in place and teachers trained for if a student has a  
seizure

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. The education law is amended by adding a new section 3001-e  
2 to read as follows:

3 § 3001-e. Seizure preparedness. 1. For the purposes of this section,  
4 the following terms shall have the following meanings:

5 (a) "Individualized emergency health care plan" means a document  
6 developed by the school nurse, in consultation with the parent or guard-  
7 ian of a student with a seizure disorder and other appropriate medical  
8 professionals, which is consistent with the recommendations of the  
9 student's health care providers and which outlines a set of procedural  
10 guidelines that provide specific directions about what to do in a  
11 particular emergency situation and is signed by the parent or guardian  
12 and the school nurse.

13 (b) "Individualized health care plan" means a document developed by  
14 the school nurse, in consultation with the parent or guardian of a  
15 student with a seizure disorder and other appropriate medical profes-  
16 sionals who may be providing seizure disorder care to the student, which  
17 is consistent with the recommendations of the student's health care  
18 providers and which sets out the health services needed by the student  
19 at school and is signed by the parent or guardian and the school nurse.

20 2. (a) The parent or guardian of a student with a seizure disorder who  
21 seeks seizure disorder care while at school shall inform the school  
22 nurse who shall develop an individualized health care plan and an indi-  
23 vidualized emergency health care plan for the student provided that the  
24 parents or guardians of the student annually provide to the board of

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 education written authorization for the provision of seizure disorder  
2 care as shall be outlined in the individualized plans.

3 (b) The individualized health care plan and individualized emergency  
4 health care plan developed in accordance with paragraph (a) of this  
5 subdivision shall be updated by the school nurse prior to the beginning  
6 of each school year and as necessary if there is a change in the health  
7 status of the student.

8 (c) Each individualized health care plan shall include, and each indi-  
9 vidualized emergency health care plan shall include, but not be limited  
10 to, the following information:

11 (i) written orders from the student's physician or advanced practice  
12 nurse outlining the seizure disorder care;

13 (ii) the symptoms of the seizure disorder for that particular student  
14 and recommended care;

15 (iii) full participation in exercise and sports, and any contraindica-  
16 tions to exercise, or accommodations that shall be made for that partic-  
17 ular student;

18 (iv) accommodations for school trips, after-school activities, class  
19 parties, and other school-related activities;

20 (v) education of all school personnel about seizure disorders, how to  
21 recognize and provide care for seizure disorders, and when to call for  
22 assistance;

23 (vi) medical and treatment issues that may affect the educational  
24 process of the student with the seizure disorder;

25 (vii) the student's ability to manage, and the student's level of  
26 understanding of, the student's seizure disorder; and

27 (viii) how to maintain communication with the student, the student's  
28 parent or guardian and health care team, the school nurse, and the  
29 educational staff.

30 (d) (i) The school nurse assigned to a particular school shall coordi-  
31 nate the provision of seizure disorder care at that school and ensure  
32 that all staff are trained in the care of students with seizure disor-  
33 ders, including staff working with school-sponsored programs outside of  
34 the regular school day, as provided in the individualized health care  
35 plan and the individualized emergency health care plan.

36 (ii) The training required pursuant to subparagraph (i) of this para-  
37 graph shall include an online course of instruction approved by the  
38 commissioner and provided by the Epilepsy Foundation of America. A  
39 seizure training program approved by the commissioner that is provided  
40 to a school district on portable media shall be provided by the nonpro-  
41 fit entity free of charge.

42 3. If a school bus driver transports a student with a seizure disor-  
43 der, the school district shall provide the driver with:

44 (a) a notice of the student's condition;

45 (b) information on how to provide care for the seizure disorder;

46 (c) emergency contact information; and

47 (d) parent contact information.

48 4. The school nurse shall obtain consent from the parent or guardian  
49 of a student with a seizure disorder to authorize the sharing of medical  
50 information between the student's physician or advanced practice nurse  
51 and other health care providers. Such nurse shall also be authorized to  
52 share medical information with other staff members of the school  
53 district as necessary.

54 5. No school employee, including a school nurse, a school bus driver,  
55 a school bus aide, or any other officer or agent of a board of educa-  
56 tion, shall be held liable for any good faith act or omission consistent

1 with the provisions of this section. Good faith shall not include will-  
2 ful misconduct, gross negligence, or recklessness.

3 § 2. This act shall take effect immediately.